

CHARTER TOWNSHIP OF WATERFORD

**RESOLUTION ESTABLISHING A PROCEDURE TO
CONSIDER POTENTIAL PARTICIPATION IN A
ROAD COMMISSION
SPECIAL ASSESSMENT DISTRICT**

WHEREAS, under Public Act 51 of 1951, townships do not have ownership or responsibility for roads. The majority of roads in Waterford Township are under the control of the Road Commission for Oakland County ("RCOC"), which receives a percentage of fuel tax and registration fees collected by the State of Michigan to maintain and improve roads, however, the allocation is insufficient to maintain and improve roads, especially subdivision roads.

WHEREAS, Public Act No 246 of 1931, MCL 41.271 et. seq. ("Act 246") as amended provides a procedure for improving county roads that may be initiated by property owner petitions representing more than 51% of lineal frontage on each road proposed for improvement. If all of the statutory requirements are met, and the RCOC deems the proposed improvements are necessary, they will make specifications and costs estimates and may ultimately create a special improvement district ("SAD") to fund the project.

WHEREAS, Act 246 provides a method for assessing a percentage of the total cost of a road improvement project on a township that agrees to participate in an SAD. Under this act, a township may voluntarily agree to receive an assessment at large for a maximum of 25% of the total cost of the improvement where a road commission has determined that the proposed improvement is necessary for the benefit of the public and for public welfare and convenience.

WHEREAS, in recognition of the benefit received by the public when subdivision roads are improved such as safer traveling conditions for the public, and for police, fire, and EMS, the Township Board has dedicated limited funding for, and wishes to establish a process for considering requests from property owners to participate in an SAD to help lower the cost to the property owners in an SAD. The steps required by Waterford Township to consider contributing to a road improvement project by the RCOC are provided for in Exhibit A, SAD Participation Process.

NOW, THEREFORE, BE IT RESOLVED, that the Waterford Township Board of Trustees adopts the attached SAD Participation Process for consideration of requests to participate in an SAD for road improvements.

IT IS FURTHER RESOLVED, that if the Waterford Township Board of Trustees agrees to allow the RCOC to place an assessment at large on Waterford Township for a specific improvement project, the amount may not exceed 10% of the final cost of the project as determined by the RCOC.

IT IS FURTHER RESOLVED that the Township Clerk is directed to provide a copy of this Resolution to the RCOC.

CERTIFICATION

I hereby certify that this Resolution was adopted by the Charter Township of Waterford Board of Trustees at a regular meeting on 4-25, 2022

Charter Township of Waterford

4-25-2022
Date

Kim Markee
Kim Markee, Township Clerk

Exhibit A
Consideration of Participation by Waterford Township in a
Road Commission for Oakland County improvement project under Public Act 246 of 1931.

1. Waterford Township property owners with linear footage along a road proposed for improvement submit signatures of interest to the RCOC to initiate RCOC consideration of a road improvement project.
2. The RCOC provides preliminary construction plans and costs estimates.
3. Representative of the property owners submits a written request, with the RCOC cost estimates, to the Township Supervisor requesting that the Board of Trustees consider allowing an assessment at large against the Township to contribute to the cost of the SAD.
4. Supervisor provides the request to the Budget Director or designee to determine whether there are sufficient funds in the budget to contribute up to 10% of the estimated project costs.
5. If the Budget Director or designee provides confirmation to the Supervisor that sufficient funds are budgeted to allow a Township contribution of up to 10% of the estimated project costs, the Supervisor places the request on an upcoming Board meeting Agenda. If sufficient funds are not available, Supervisor shall provide written notice of this to the person (s) who submitted a written request for Township participation.
6. The Board of Trustees will consider the request for contribution to the proposed project when it appears on a Board Agenda. If the Board of Trustees adopts a Resolution of Funding Support for the proposed RCOC project, the Clerk will send a copy of the Resolution to the RCOC and to the representative of the property owners, and direct the Budget Director or designee to encumber the funds.

7. If sufficient petition signatures are received by the RCOC, and the RCOC Board votes to proceed with the project, a Resolution will be adopted by the Board of Trustees indicating the exact amount the Township will contribute to the project. If the RCOC does not proceed with the project, there is no obligation for the Township to provide funding.