

**17:11 PUBLIC IMPROVEMENTS ACT 188 OF 1954 MCL 41.721 et seq.****17:11.1 Introduction**

The purpose of Act 188 is to allow Townships to make certain public improvements, and it sets a procedure for the financing and assessments of the costs of the improvements. The types of improvements under Act 188 relevant to Drain Commissioners include, but are not limited to; water systems, dams, lakes, sanitary sewers, and public parks.

Drain Commissioners usually see Act 188 when Townships use it to finance projects by spreading special assessments that are administered through the Department of Public Works or the Board of Public Works. Act 188 can also be used to allow the Township to spread special assessments under Chapter 20 of the Drain Code.

*The following is a brief overview of the procedure for a sanitary sewer project under Act 188. However, please note that the procedure under the Act may be different for different projects.*

**17:11.2 Initiating the project**

A project can be initiated by a Township Board resolution or a landowner petition resolution. The Township Board may, by resolution, determine to proceed with a sanitary sewer project unless there are written objections to the improvement by landowners constituting more than 20% of the total land area in the proposed special assessment district. If such written objections are filed, then the Township Board shall not proceed until a petition is filed with signatures of more than 50% of the total land area in the proposed special assessment district.

**17:11.3 Preparation of plans**

Once the Township Board determines to move forward, the Board shall prepare plans describing the improvement, the location of the improvement, and an estimate of cost.

**17:11.4 Designation of special assessment district**

After the plans are prepared, the Township Board must state its intention to make the improvement and tentatively set the special assessment district by resolution. The Township Board then holds a hearing to hear objections to the petition, if one is required, and to the improvement and the special assessment district. At this time, the Board may revise the plans or special assessment district.

**17:11.5 Approval of project by Township Board**

If, after the hearing, the Township desires to proceed with the project, the Board shall make a resolution approving of the project, the sufficiency of the petition, the plans, the estimate of cost, and the special assessment district.

**17:11.6 Hearing on Special Assessments**

After the Township Board approves the special assessment district, and the assessment roll is reported by the Supervisor, the roll is filed with the Township Clerk. Before confirming the roll, the Township Board must fix a time to hear objections to the roll. After the hearing, the Township Board may confirm the roll.

**17:11.7 Bonding**

After the special assessment roll has been confirmed, the Township Board may borrow money or issue bonds in anticipation of the collection of special assessments. Bonds issued shall be executed by the Supervisor and the Township Clerk.

## QUESTIONS AND ANSWERS

**1. Can Act 188 of 1954 and other Public Acts be used on the same improvement?**

- A. Yes, example, on a Chapter 20 Project, once the Drainage Board has confirmed the special assessment roll assessing 100% of the cost of the project against the municipalities, the Township may then prepare its own assessment roll, assessing all or part of the cost of the project against benefiting property owners and, after at least ten days notice by mail to all property owners in the district and by publication as provided in Act 188 of 1954, the Township is required to hold just one hearing to confirm the assessment roll.

**2. How is the process started?**

- A. Although the Township can start the process, normally the process is started through a petition by the property owners.

**3. Once a petition is filed, can the process be stopped?**

- A. The Township Board retains discretion to proceed or not proceed with improvements.

**4. Once the assessment roll has been confirmed can an assessment be protested?**

- A. The assessment must be appealed to the State Tax Tribunal within 30 days after confirmation of the special assessment roll.

**5. What costs are included in an assessment?**

- A. Special assessments include construction, right of way acquisition, engineering, legal, financing and administrative cost.