

**Resolution #2016-27**

**A RESOLUTION TO ESTABLISH EXEMPTIONS FOR ANNUAL SIDEWALK ASSESSMENTS**

**Purpose and Finding:** In 2008, the City of Albion held a public hearing regarding the disrepair of sidewalks and the potential liability that these present. According to Chapter 74 of the City Code, individual property owners have the liability to repair the sidewalks that abut their property. In 2008, a ten (10) year special assessment was enacted to address sidewalk repairs and maintenance. The program is funded by a fixed per parcel assessment of \$50.00 annually that generates approximately \$150,000 per year.. In 2008, residents were provided the opportunity to be exempted. The 2016 Sidewalk Program has identified the areas for repair, maintenance and improvements. It has been determined that there still remains parcels where sidewalks do not presently exist and the City does not have the resources to allocate towards installation of new sidewalks in these areas at this time. It is in the public interest to allow properties (residential, commercial, industrial) that are without a sidewalk the opportunity to request to be added to the listing of properties with an exemption from the 2016 sidewalk assessment.

Council Member Brown moved, supported by Council Member French, to approve the following resolution.

**RESOLVED**, that the City of Albion proceed with a public notice and public hearing to be held on Monday, June 2, 2016, at the regular City Council meeting to hear new appeals for exemptions to the 2016 special sidewalk assessment for those property without sidewalks, and for which sidewalks are not scheduled for installation this year.

**BE IT FURTHER RESOLVED**, an owner or party of interest or their agent may appear in person at the public hearing to seek the exemption to the special assessment or may file their appearance by letter, received before the date of the public hearing, in which case the personal appearance shall not be required.

Date: May 2, 2016

Ayes: 7  
Nays: 0  
Absent: 0

I certify that this resolution was adopted by the City Council of the City of Albion on May 2, 2016.

  
\_\_\_\_\_  
Jill Domingo  
City Clerk

RESOLUTION # 2008 - 05  
TO SET A PUBLIC HEARING TO DETERMINE NECESSITY OF SIDEWALK  
IMPROVEMENT AND TO HEAR COMMENTS FROM OBJECTORS

PURPOSE & FINDING:

The sidewalks in the city are in a state of disrepair and the city maintains a substantial liability for personal injury to injured users of the sidewalks under certain circumstances. Individual property owners have the liability to repair the sidewalks that abut their property pursuant to the Code of the City of Albion, Chapter 74, Article II. The City Manager, the Director of Public Services, the Assessor and the Finance Director have filed a Public Improvement Report Sidewalk Repair & Replacement Report dated January 22, 2008 in which they recommend that the city determine the sidewalks need repair and replacement and that the cost thereof be fixed at \$50.00 per owner per year for a period of 10 years to be specially assessed under Chapter 70 of the Code of the City of Albion. Such a plan would both increase the value of individual properties in the city and would relieve individual owners of the individual burden of sidewalk repair and replacement of the sidewalks that abut their property. The council must determine whether or not to proceed with the special assessment project. If so, it must order the report be placed with the city clerk for public inspection. A public hearing must be held and notice be given to all property owners pursuant to Sec. 70-7 of the Code of the City of Albion.

Council member Zblewski, supported by Council member Branche moved to approve the following resolution.

**RESOLVED**, that the city proceed with a hearing to determine if it is to proceed with the special assessment project to repair and replace city sidewalks over a 10 year period at a cost of \$50.00 per parcel of real estate. The report dated January 22, 2008 and authored by the City Manager, the Director of Public Services, the Assessor and the Finance Director be filed with the city clerk for public inspection. A public hearing shall be held by the council on March 3, 2008 at the regular City Council meeting to determine the necessity of such a project and whether to proceed with it after hearing from any objectors. Notice of this meeting and the appeal rights shall be given as provided in Sec. 70-7 of the Code of the City of Albion.

I hereby certify that the above resolution was adopted on February 4, 2008 in a regular session of the Albion City Council and this is a true copy of that resolution.

Ayes 7

Nays 0

Absent 0

  
\_\_\_\_\_  
Kerry Helmick, City Clerk

**RESOLUTION # 2008 - 08**  
**TO CONFIRM THE PROCEDURE AND SPECIAL ASSESSMENT ROLL TO REPAIR**  
**CITY SIDEWALKS OVER A TEN YEAR PERIOD**

**PURPOSE & FINDING:**

The sidewalks in the city are in a state of disrepair and the city maintains a substantial liability for personal injury to injured users of the sidewalks under certain circumstances. Individual property owners have the liability to repair the sidewalks that abut their property pursuant to the Code of the City of Albion, Chapter 74, Article II. The City Manager, the Director of Public Services, the Assessor and the Finance Director have filed a Public Improvement Report Sidewalk Repair & Replacement Report dated January 22, 2008 in which they recommend that the city determine the sidewalks need repair and replacement and that the cost thereof be fixed at \$50.00 per owner per year for a period of 10 years to be specially assessed under Chapter 70 of the Code of the City of Albion. Such a plan would both increase the value of individual properties in the city and would relieve individual owners of the individual burden of sidewalk repair and replacement of the sidewalks that abut their property. The council had determined to proceed with the project at its February 4, 2008 regular meeting and passed a resolution to that effect. It and the roll have been filed with the city clerk for public inspection and all interested parties have been notified by first class mail of a public meeting March 3, 2008 at 7:00 PM in the city council chambers to confirm the special assessment roll as provided by section 70-12 of the Code of the City of Albion at which they can appear in person or in writing to register a protest to the special assessment roll as it pertains to them. It takes a 5 person affirmative vote of the council to affirm the roll if objections are made by the owners of property which will be required to bear 50 percent or more of the estimated cost of the improvement.

Council member Stranden, supported by Council member Zblewski moved to approve the following resolution.

**RESOLVED**, that the procedure for repairing the city sidewalks as recommended by city staff is affirmed and the proposed special assessment roll of \$50.00 per parcel for 10 years is confirmed subject to exemptions to be considered on a case by case basis.

I hereby certify that the above resolution was adopted on March 3, 2008 in a regular session of the Albion City Council and this is a true copy of that resolution.

Ayes 7

Nays 0

Absent 0

  
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Kerry Helmick, City Clerk

# PUBLIC NOTICE

## CITY OF ALBION

The Albion City Council will hold a public hearing on Monday, March 3, 2008 at 7:00 p.m. in the City Council Chambers at City Hall, 112 W. Cass Street, Albion, Michigan to receive comments concerning the proposed ten (10) year city-wide fixed cost special assessment program to address necessary public sidewalk repairs and maintenance. The estimated cost of this improvement program is \$1.9 million. The program would be funded by a fixed per parcel assessment of \$50.00 annually for a period of ten (10) years. Appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal. An owner or party in interest or his agent may appear in person at the hearing to protest the special assessment or may file his appearance or protest by letter, received before the date of this public hearing, his personal appearance shall not be required. The owner or any party having an interest in the real property may file a written appeal. Questions concerning this program may be directed to the City Manager's Office, (517) 629-5535.