

**GENOA CHARTER TOWNSHIP
BOARD OF TRUSTEES
PUBLIC HEARING AND REGULAR MEETING
JULY 20, 2009
6:30 P.M.**

AGENDA

Call to Order:

Pledge of Allegiance:

Call to the Public:

Approval of Consent Agenda:

1. Payment of Bills
2. Request to approve minutes: 7-6-09

Approval of Regular Agenda:

3. Public Hearing on the Pine Creek Road Improvement Project
 - A. Call to property owners
 - B. Call to the public
4. Request for approval of Resolution No. 3 (Approving the project, cost estimates, special assessment district and causing the special assessment roll to be prepared) for the Pine Creek Road Improvement Project.
5. Request for approval of Resolution No. 4 (Acknowledging the filing of the special assessment roll, scheduling the second hearing and directing the issuance of statutory notices) for the Pine Creek Road Improvement Project.
6. Request from the Livingston County Drain Commissioner to approve a resolution for Lake Chemung Dam Repair at a cost exceeding \$5,000.
7. Consideration of rate changes for Lake Edgewood water, Pine Creek water and Pine Creek sewer as recommended by the Township Auditor and Utility Director.
8. Request from Michigan Rod Products for consideration of an Industrial Facilities Exemption.

Correspondence

Member Discussion

Adjournment

CHECK REGISTERS FOR TOWNSHIP BOARD MEETING

DATE: July 20, 2009

TOWNSHIP GENERAL EXPENSES: Thru July 20, 2009	\$140,028.51
July 10, 2009 Bi-Weekly Payroll	\$33,762.49
OPERATING EXPENSES: Thru July 20, 2009	\$187,855.67
TOTAL:	\$361,646.67

<u>Check Number</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Check Date</u>	<u>Check Amount</u>
25397	Administ	Total Administrative Services	07/10/2009	446.12
25398	Equitabl	Equivest Unit Annuity Lock Box	07/10/2009	220.00
25399	CONSUMER	Consumers Energy	07/07/2009	100.15
25400	PFEFFER	Pfeffer, Hanniford, Palka	07/07/2009	8,350.00
25401	LivCTrea	Livingston County Treasurer	07/09/2009	47.08
25402	MiTaxTri	Michigan Tax Tribunal	07/09/2009	25.00
25403	SOM-TRE	State Of Mich- Dept Of Treasur	07/09/2009	3,266.56
25404	MCCRIRIE	Gary McCririe	07/10/2009	116.60
25405	ADT	ADT Security Services, Inc.	07/20/2009	366.32
25406	AMER IMA	American Imaging, Inc.	07/20/2009	104.00
25407	AMERA WAP	American Awards & Engraving	07/20/2009	9.54
25408	BLUE CRO	Blue Cross & Blue Shield Of Mi	07/20/2009	11,578.00
25409	BORDINE	Bordine Nursery	07/20/2009	94.25
25410	BULLET	Bullet Handyman Services	07/20/2009	650.00
25411	BUS IMAG	Business Imaging Group	07/20/2009	1,319.20
25412	CONTINEN	Continental Linen Service	07/20/2009	33.00
25413	DTE LAKE	DTE Energy	07/20/2009	919.90
25414	EHIM	EHIM, INC	07/20/2009	1,013.69
25415	ENVSYSRE	ESRI, INC.	07/20/2009	1,494.52
25416	FONSON	Fonson, Inc.	07/20/2009	19,573.71
25417	GANNETT	PRESS & ARGUS	07/20/2009	520.00
25418	GBS INC	Governmental Business Systems	07/20/2009	1,506.35
25419	LANGWORT	Langworthy Strader Leblanc	07/20/2009	2,563.27
25420	MAGUIRE	Maguire Mailing Systems	07/20/2009	178.77
25421	MASTER M	Master Media Supply	07/20/2009	253.46
25422	MI CHLOR	Michigan Chloride Sales LLC	07/20/2009	8,402.94
25423	Miller C	Miller, Canf, Paddock, & Stone, PLC	07/20/2009	4,871.40
25424	Net serv	Network Services Group, L.L.C.	07/20/2009	135.00
25425	P&ZNEWS	PLANNING & ZONING NEWS	07/20/2009	185.00
25426	Perfect	Perfect Maintenance Cleaning	07/20/2009	923.00
25427	PETTYCAS	Petty Cash	07/20/2009	68.22
25428	TRI COUN	Tri County Cleaning Supply Inc	07/20/2009	76.88
25429	Waste M	Waste Management of Michigan	07/20/2009	340.00
25430	WASTE MA	Waste Management	07/20/2009	69,400.00
25431	ATT& IL	AT&T	07/20/2009	695.94
25432	VERIZONW	Verizon Wireless	07/20/2009	180.64

Report Total: 140,028.51

Accounts Payable
Computer Check Register



User: diane

Printed: 07/02/2009 - 11:45

Bank Account: 101CH

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
25397	Administ	Total Administrative Services	07/10/2009		446.12
				Check 25397 Total:	446.12
9751	AETNA LI	Aetna Life Insurance & Annuity	07/10/2009		25.00
				Check 9751 Total:	25.00
9752	EFT-FED	EFT- Federal Payroll Tax	07/10/2009		3,451.43 1,995.00 1,995.00 466.57 466.57
				Check 9752 Total:	8,374.57
9753	EFT-PENS	EFT- Payroll Pens Ln Pyts	07/10/2009		725.12
				Check 9753 Total:	725.12
25398	Equitabl	Equivest Unit Annuity Lock Box	07/10/2009		220.00
				Check 25398 Total:	220.00
9754	FIRST NA	First National Bank	07/10/2009		300.00 2,185.00 21,486.68

Check 9754 Total:

23,971.68

Report Total:

33,762.49

10:03 AM
07/14/09

#592 OAK POINTE WATER/SEWER FUND
Payment Of Bills
July 2, 2009 through July 14, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	07/07/2009	1450	Pfeffer, Hanniford & Palka	Inv 13464	-500.00
Check	07/08/2009	1451	Howell Sanitary Company	Invoice # 4012 replace check #1438 stopped placed C	-1,440.00
Check	07/10/2009	1452	ALEXANDER CHEMICAL CORPORATION	Sodium Hydrochlorite Inv#0416997	-7,398.99
Check	07/10/2009	1453	AT & T	6/22/09 - 7/21/09	-66.92
Check	07/10/2009	1454	BRIGHTON ANALYTICAL	Invoices 6/12 - 6/25/09	-830.00
Check	07/10/2009	1455	CONSUMERS ENERGY	4/30/09 - 05/29/09	-491.26
Check	07/10/2009	1456	DTE ENERGY	Electric Service 5/28 - 6/29/09	-3,074.59
Check	07/10/2009	1457	DTE ENERGY	Electric Service 5/27 - 6/29/09	-6,098.30
Check	07/10/2009	1458	DUBOIS COOPER ASSOCIATES INCORPORATI	Inv 110432	-1,737.06
Check	07/10/2009	1459	FASTENAL	Invoices MIBRG50924 & 50820	-240.22
Check	07/10/2009	1460	HARTLAND SEPTIC SERVICE	Inv # 06120904 & 06180902	-2,970.00
Check	07/10/2009	1461	HI-LINE	Invoice 2075099	-107.65
Check	07/10/2009	1462	KENNEDY INDUSTRIES INC.	Inv # 514811	-2,255.00
Check	07/10/2009	1463	M & K Jetting and Televising	Inv 09250	-1,150.00
Check	07/10/2009	1464	MICHIGAN CAT	Inv#SD570009595	-409.00
Check	07/10/2009	1465	MIDWEST POWER SYSTEMS, INC	Inv#1196	-6,500.00
Check	07/10/2009	1466	N. R. Mitchell Co.	Inv# 6176	-2,215.00
Check	07/10/2009	1467	NORTHWEST PIPE AND SUPPLY, INC.	Invoice # 103768	-30.91
Check	07/10/2009	1468	PRESS & ARGUS	Reference 460977	-510.00
Check	07/10/2009	1469	PVS Nolwood Chemicals, Inc	Aluminum Sulfate Inv 284254	-1,114.60
Check	07/10/2009	1470	Thompson Pump	Inv 09-0750	-3,950.00
Check	07/10/2009	1471	UIS PROGRAMMABLE SERVICES	Inv# 530334615	-663.00
Check	07/10/2009	1472	WASTE MANAGEMENT	Invoice 3648168-1389-3	-94.15
Check	07/13/2009	1473	AT & T	7/1 - 7/31/09	-81.13
Check	07/13/2009	1474	BRIGHTON ANALYTICAL	Invoices 0709-63695 & 0709-63691	-134.00
Check	07/13/2009	1475	BREHOB	Inv 506922	-392.94
Check	07/13/2009	1476	COOPERS TURF MANAGEMENT, LLC	Inv# 7636 & 7634	-733.00
Check	07/13/2009	1477	FASTENAL	Invoice MIBRG51088	-65.65
Check	07/13/2009	1478	M & K Jetting and Televising	Inv 09266	-970.25
Check	07/13/2009	1479	SEVERN TRENT ENVIRONMENTAL SERVICES,	Invoice # 2042348 & 2042346	-30,115.72
Check	07/13/2009	1480	SYNAGRO CENTRAL	Inv 29746	-11,675.66
Check	07/13/2009	1481	UIS PROGRAMMABLE SERVICES	Inv# 530334682	-663.95
TOTAL					-88,678.95

10:06 AM
07/14/09

#592 OAK POINTE WATER/SEWER FUND-Capital Improvement
Payment Of Bills
July 2, 2009 through July 14, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
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no checks issued

10:18 AM
07/14/09

#595 PINE CREEK W/S FUND
Payment Of Bills
July 2, 2009 through July 14, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	07/07/2009	2041	Pfeffer, Hanniford & Palka	Inv 13464	-250.00
Check	07/10/2009	2042	GENOA-TWSP-ADMIN FEES		-3,459.59
Check	07/13/2009	2043	City of Brighton		-39,699.33
TOTAL					-43,408.92

10:21 AM
07/14/09

#503 DPW UTILITY FUND
Payment Of Bills
July 2, 2009 through July 14, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	07/07/2009	1285	Pfeffer-Hanniford-Palka	Invoice 13464	-250.00
Check	07/13/2009	1286	CAVALIER		-24.05
Check	07/13/2009	1287	Grainger	Inv # 9018178617	-64.80
Check	07/13/2009	1288	J.J.Jinkleheimer	Inv 20111 & 20280	-106.00
Check	07/13/2009	1289	LOWE'S	Acct 9900 641641 8	-1,147.61
Check	07/13/2009	1290	Master Media	Inv 58467	-44.60
Check	07/13/2009	1291	Muzzall Graphics	Inv 59514, 59512 & 59517	-2,241.50
Check	07/13/2009	1292	SEVERN TRENT ENVIRONMENTAL SERVICES II	Inv 2042014	-410.49
Check	07/13/2009	1293	WIRING TELECOM SERVICES, INC	Inv 2248	-90.00
Check	07/13/2009	1294	HOWELL TRUE VALUE HARDWARE	Inv 39845, 39548, 39660	-163.27
Check	07/13/2009	1295	USABlueBook		-575.50
TOTAL					-5,117.82

10:24 AM
07/14/09

#504 DPW RESERVE FUND
Payment Of Bills
July 2, 2009 through July 14, 2009

Type Date Num Name Memo Amount

no checks issued

10:12 AM
07/14/09

#593 LAKE EDGEWOOD W/S FUND
Payment Of Bills
July 2, 2009 through July 14, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	07/07/2009	1551	Pfeffer, Hanniford & Palka	Inv 13464	-300.00
Check	07/10/2009	1552	Brighton Analytical L.L.C.	Invoice 0606-63381, 63466, 63557	-201.00
Check	07/10/2009	1553	DTE Energy	Electric Service 05/28/09 - 06/30/09	-3,654.89
Check	07/10/2009	1554	GENOA TOWNSHIP-ADMIN FEES	Utility Bill Lake Edgewood 03/01 thru 05/31/2009	-2,438.25
Check	07/10/2009	1555	PVS NOLWOOD CHEMICALS, INC	Invoice 284803	-1,114.60
Check	07/10/2009	1556	SEVERN TRENT ENVIRONMENTAL SERVICES, I	Inv 2042014	-123.24
Check	07/13/2009	1557	City Of Brighton	Acct 003052-000 & 003053-000	-17,736.44
Check	07/13/2009	1558	Brighton Analytical L.L.C.	Invoice 0709-63714 & 63690	-1,871.00
Check	07/13/2009	1559	COOPER'S TURF MANAGEMENT	INV # 7635	-372.00
Check	07/13/2009	1560	M & K Jetting and Televising		-1,653.60
Check	07/13/2009	1561	SEVERN TRENT ENVIRONMENTAL SERVICES, I	Invoice 2042347	-7,973.99
Check	07/13/2009	1562	SYNAGRO CENTRAL	Inv# 29745	-12,540.53
Check	07/13/2009	1563	UIS PROGRAMMABLE SERVICES	Inv #530334681	-670.54
TOTAL					-50,649.98

**GENOA CHARTER TOWNSHIP
REGULAR MEETING
JULY 6TH, 2009
6:30 P.M.**

MINUTES

Supervisor McCririe called the regular meeting of the Genoa Charter Township Board to order at 6:31 p.m. The Pledge of Allegiance was then said. The following persons were present constituting a quorum for the transaction of business: Gary McCririe, Robin Hunt, Jean Ledford, Jim Mortensen, and Steve Wildman. Also present were approximately 6 persons in the audience.

A Call to the Public was made with no response.

Approval of Consent Agenda:

Moved by Ledford, Supported by Wildman to approve the consent agenda as presented. The motion carried unanimously.

1. Payment of Bills

2. Request to approve minutes: 6-15-09

3. Request for approval of an amendment of \$60,000 to budget #270 (Parks and Recreation) increasing expenditures to Grand River Sidewalks and reducing the ending balance by the same amount.

4. Request for approval to authorize Fonson, Inc. to repair Brighton Road Bike path for the amount of \$3610.00.

5. Request for approval of contracts with Scodeller Construction and Action Asphalt for crack sealing of Township roads.

6. Request for approval for Supervisor's attendance at the Supervisors' Professional Development Retreat for July 13 and July 14th, 2009.

Approval of Regular Agenda:

Moved by Ledford, Supported by Hunt to approve for action all items listed under the regular agenda. The motion carried unanimously.

7. Public Hearing on the Special Assessment Roll for the Fendt Drive Road Improvement Project (2009).

A. Call to the Property Owners:

A call to the property owners was made with no response.

B. Call to the Public:

A call to the public was made with no response.

8. Request for approval of Resolution #5 (Confirming Special Assessment Roll) for the Fendt Drive Road Improvement Project (2009).

Moved by Hunt, Supported by Mortensen to approve Resolution #5 as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Hunt, Mortensen, Wildman, McCririe; Nays – None; Absent – Skolarus, Smith

9. Request for approval of Resolution No. 1 (to Proceed with the Project and Direct Preparation of the Plans and Cost Estimates) for Pine Creek Subdivision Road Improvement Project (2009).

Trustee Mortensen requests clarification on the Pine Creek road improvements already budgeted by the Township and how that relates to this request. Supervisor McCririe clarifies the issues and indicates that the Township is crack sealing the road. The subdivision has requested additional improvements. The Township improvements will impact a different section of roadway within the subdivision. Trustee Mortensen would like to see a map showing which roads will be covered by the Special Assessment District and which are proposed for improvement by the Township funds. Trustee Ledford agrees that she would like additional clarification.

Moved by Wildman, Supported by Ledford to approve Resolution #1 as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Hunt, Mortensen, Wildman, McCririe; Nays – None; Absent – Skolarus, Smith

10. Request for approval of Resolution No. 2 (to Approve the Project, Scheduling the First Hearing and Directing the Issuance of Statutory Notices) for the Pine Creek Subdivision Road Improvement Project (2009).

Moved by Ledford, Supported by Wildman to approve Resolution #2 as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Hunt, Mortensen, Wildman, McCririe; Nays – None; Absent – Skolarus, Smith

11. Request for approval of an amendment to the Township Zoning Ordinance regulating fences in waterfront yards as discussed by the Planning Commission.

Township Planning Director Kelly VanMarter presented an overview of the Planning Commission's deliberation and public hearing.

Moved by Ledford, Supported by Hunt to deny the proposed Zoning Ordinance amendment regulating fences in waterfront yards. The motion carried unanimously.

12. Request for approval to reimburse residents of 1330 Elmhurst for attorney fees at a cost of \$1500.00.

Supervisor McCririe provides an overview of the request.

Moved by Hunt, Supported by Ledford to approve the request for reimbursement for the residents of 1330 Elmhurst as requested. The motion carried as follows: Ayes – Ledford, Hunt, McCririe, Wildman; Nays – Mortensen; Absent – Skolarus, Smith

13. Request for approval of Resolution to allow a raffle in Hamburg Township for the Livingston Land Conservancy as requested by Sara Thomas.

Moved by Ledford, Supported by Wildman to approve the Resolution as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Hunt, Mortensen, Wildman, McCririe; Nays – None; Absent – Skolarus, Smith

14. Consider motion to enter into closed session to discuss pending litigation.

Moved by Mortensen, Supported by Hunt to adjourn to closed session at 6:49 p.m. as requested by McCririe. The motion carried by roll call vote as follows: Ayes – Ledford, Hunt, Mortensen, Wildman, McCririe; Nays – None; Absent – Skolarus, Smith

The closed session was adjourned and the regular meeting was resumed and adjourned at 7:32 p.m.

Respectfully Submitted:

Kelly K. VanMarter
Planning Director

Mike

From: j.berrypcrhoa@comcast.net
Sent: Friday, July 17, 2009 12:05 PM
To: Mike
Cc: Gary; Duffy; Robin
Subject: Re: Pine Creek Road Work

Hi Mike,

I just got out of the hospital after a three day stay, the first thing I read when I got home was your letter to the residents, it was great. Thanks for responding in such a quick effeciant manor, You covered it completely.

**Thanks again,
Jack**

----- Original Message -----

From: "Mike" <Mike@genoa.org>
To: "j berrypcrhoa" <j.berrypcrhoa@comcast.net>
Cc: "Gary" <Gary@genoa.org>, "Duffy" <Duffy@genoa.org>, "Robin" <Robin@genoa.org>
Sent: Wednesday, July 15, 2009 3:44:14 PM GMT -05:00 US/Canada Eastern
Subject: RE: Pine Creek Road Work

Jack,

Please find attached a letter I have prepared based on your draft. I hope I have addressed most of the issues. Please note the slight change in the per household assessment. This was due to the deletion of 3 parks or common areas which incrementally increased the amount. To assure that the letters get out before Monday I will be dropping them off at the post office this afternoon. Sorry again for the confusion.

Mike Archinal

From: j.berrypcrhoa@comcast.net [mailto:j.berrypcrhoa@comcast.net]
Sent: Friday, July 10, 2009 6:36 AM
To: Mike
Cc: Paler, Ronald
Subject: Pine Creek Road Work

Hi Mike,

There is much confusion with the owners who signed the petition to repave the entrance road in Pine Creek Ridge when they received your mailing this week. The petition state only the re-paving of the entrance road for the SAD and Quoted numbers came to a net of \$39,000, the bottom line amount for the SAD on your mailing is \$40,500. I do not know how the other work got put into your mailing for pot hole repair, crack repair and seal coating as this has nothing to do with the SAD. The HOA has a restricted reserve account \$42,000 to pay for the pot hole repair and seal coating and you committed to the rubber crack sealing. These items for the balance of the subdivision are completely separate from the SAD and the PCRHOA Board has the authority to make these repairs with out any petitions or approval from any lot owners.

Our cost share agreement with the Condos is for the entrance road only, not for any other roads in our subdivision.

I would like to set up a short meeting to discuss this with you today or handle this over the telephone as my computer and telephone are burning up with calls and e-mails on this mailing.

Jack

[Resolution No. 3 – Pine Creek Road Improvement Project
Reimbursement Special Assessment Project (2009)]

TOWNSHIP OF GENOA

At a regular meeting of the Township Board of the Township of Genoa, Livingston County, Michigan, (the “Township”) held at the Township Hall on July 20, 2009, at 6:30 p.m., there were

PRESENT: McCririe, Skolarus, Hunt, Mortensen, Ledford, Wildman and Smith.

ABSENT: None

The following preamble and resolution were offered by _____, and seconded by _____.

Resolution Approving Project, Cost Estimates, Special Assessment District and Causing the Special Assessment Roll to be Prepared

WHEREAS, the Board of Trustees of the Township has approved the construction of a road improvement project within the Township as described in Exhibit A (the “Project”);

WHEREAS, preliminary plans and cost estimates for the Project have been filed with the Township Clerk;

WHEREAS, the Board of Trustees of the Township has determined to proceed with the Project in accordance with Act No. 188, Michigan Public Acts of 1954, as amended;

WHEREAS, the Board of Trustees of the Township has determined to advance the costs of the Project from Township funds and to use special assessments to raise the money necessary to reimburse the Township for the advance of such funds;

WHEREAS, the Township Board has tentatively determined to proceed with the Project;

WHEREAS, the Township held a public hearing on the Project and the proposed special assessment district (the “Special Assessment District”) for the Project on July 20, 2009;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Board approves the completion of the Project and approves the plans and cost estimates for the Project, which are on file with the Township Clerk and which are identified as “Plans and Cost Estimates for the Pine Creek Road Improvement Project and Reimbursement Special Assessment Project (2009).”

2. The Township Board determines that the Special Assessment District for the Project shall consist of the parcels identified in Exhibit B. The term of the Special Assessment District shall be for one year.

3. The Township Supervisor is directed to prepare the Special Assessment Roll for the Special Assessment District identified in Exhibit B. The Special Assessment Roll shall describe all the parcels of land to be assessed with the names of the respective record owners of each parcel, if known, and the total amount to be assessed against each parcel of land. When the Township Supervisor completes the Special Assessment Roll, he shall affix his certificate to the roll, which certificate shall be substantially in the form of Exhibit C to this resolution.

4. All resolutions or parts of resolutions in conflict with this resolution are hereby rescinded.

A vote on the foregoing resolution was taken and was as follows:

YES: Ledford, Smith, Hunt, Mortensen, Skolarus and McCririe.

NO: None.

ABSENT: Wildman.

CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the Township, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Township Board at a meeting of the Township Board, at which meeting a quorum was present and remained throughout; (2) the original thereof is on file in the records in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended); and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Paulette A. Skolarus, Genoa Township Clerk

EXHIBIT A

DESCRIPTION OF PROJECT
A ONE YEAR SPECIAL ASSESSMENT DISTRICT
WITH PROJECT COSTS AS FOLLOWS:

The project ("Project") will consist of:

Lake Forest Way improvements including approximately 35,500 square feet of 1 ½ to 2 inches of mill, base repair as necessary and overlay with approximately 2 ½ inches of 1300 T asphalt wearing course.

1.	Mill and Fill Lake Forest Way	\$50,000
2.	Postage and Publication	1,500
	Total Project Cost:	\$51,500

Exhibit B

The Project is being designed to serve the properties in the Special Assessment District, which district is illustrated on the map (included) and includes the specific properties that are identified by the following permanent parcel numbers:

4711-36-101-001 thru and including 4711-36-101-055

4711-36-101-059 thru and including 4711-36-101-69

4711-36-102-064 thru and including 4711-36-102-109

4711-36-103-001 thru and including 4711-36-103-096

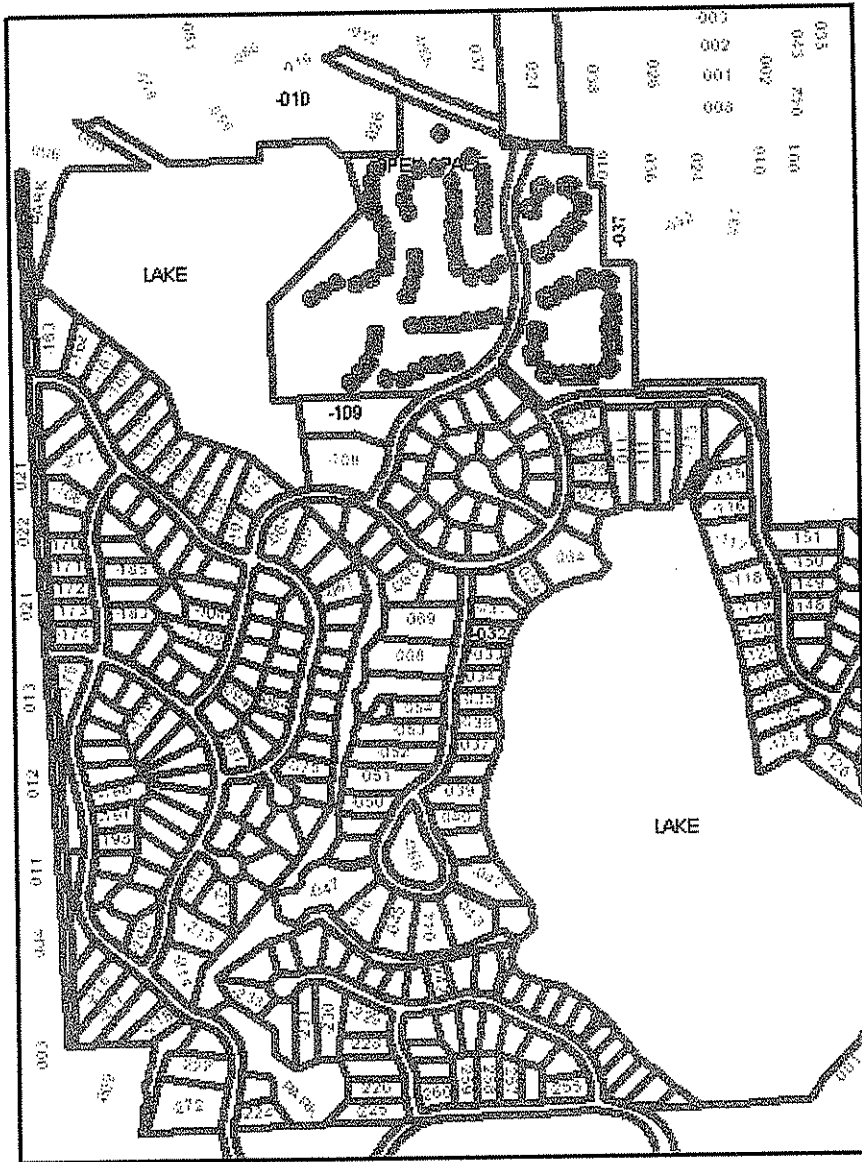
4711-36-203-110 thru and including 4711-36-203-151

4711-36-301-152 thru and including 4711-36-301-165

4711-36-301-168 thru and including 4711-36-301-219

4711-36-301-222 thru and including 4711-36-301-269

4711-36-301-271 and 4711-36-301-272.



Certificate

I, the undersigned, Supervisor of Genoa Township, Livingston County, Michigan (the "Township"), acting pursuant to a resolution duly adopted by the Township Board of the Township on July 20, 2009 (the "Resolution") certify that (1) the attached special assessment roll for the Fendt Drive Road Improvement Project and Reimbursement Special Assessment Project (2009) Special Assessment District, to which this Certificate is affixed, was made pursuant to the Resolution and (2) in making such roll, I have, according to my best judgment, conformed in all respects to the directions contained in the Resolution and the statutes of the State of Michigan, including Act No. 188, Public Acts of Michigan, 1954, as amended.

Dated: July 20, 2009

Gary McCririe
Genoa Township Supervisor

[Resolution No. 4 – Pine Creek Road Improvement Project
Reimbursement Special Assessment Project (2009)]

TOWNSHIP OF GENOA

At a regular meeting of the Township Board of the Township of Genoa, Livingston County, Michigan, (the “Township”) held at the Township Hall on July 20, 2009, at 6:30 p.m., there were

PRESENT: McCririe, Skolarus, Hunt, Smith, Ledford, Wildman and Mortensen.

ABSENT:

The following preamble and resolution were offered by _____, seconded by _____.

**Resolution Acknowledging the Filing of the Special
Assessment Roll, Scheduling the Second Hearing,
and Directing the Issuance of Statutory Notices**

WHEREAS, the Board of Trustees of the Township has determined to proceed with the road improvement project within the Township as described in Exhibit A (the “Project”);

WHEREAS, the Board of Trustees of the Township has determined to proceed with the Project in accordance with Act No. 188, Michigan Public Acts of 1954, as amended;

WHEREAS, the Board of Trustees of the Township has determined to advance the costs of the Project from Township funds and to use special assessments to raise the money necessary to reimburse the Township for the advance of such funds;

WHEREAS, the Township Supervisor has prepared the Special Assessment Roll entitled “Special Assessment Roll for the Pine Creek Road Improvement Program Reimbursement Special Assessment Project (2009)” (the “Proposed Roll”) and has filed the Proposed Roll with the Township Clerk;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Board acknowledges that the Township Supervisor has filed the Proposed Roll with the Township Clerk.
2. The Township Board acknowledges that the Township Supervisor has certified that (a) the Proposed Roll was prepared in accordance with the direction of the Township Board and (b) the Proposed Roll was prepared in accordance with the laws of the State of Michigan.
3. In accordance with Act No. 188, Michigan Public Acts of 1954, as amended, and the laws of the State of Michigan, there shall be a public hearing on the Proposed Roll.
4. The second public hearing will be held on Monday, August 3, 2009 at 6:30 p.m. at the offices of Genoa Township, Livingston County, Michigan.
5. The Township Clerk is directed to mail, by first class mail, a notice of the public hearing to each owner of or party in interest in property to be assessed, whose name appears upon the

last Township tax assessment records. The last Township tax assessment records means the last assessment roll for ad valorem tax purposes which has been reviewed by the Township board of review, as supplemented by any subsequent changes in the names or addresses of such owners or parties listed thereon. The notice to be mailed by the Township Clerk shall be similar to the notice attached as Exhibit C and shall be mailed by first class mail on or before July 21, 2009.

6. The Township Clerk is directed to publish a notice of the public hearing in the Livingston County Daily Press & Argus, a newspaper of general circulation within the Township. The notice shall be published twice, once on or before July 24, 2009 and July 31, 2009. The notice shall be in a form substantially similar to the notice attached as Exhibit B.

7. All resolutions or parts of resolutions in conflict with this resolution are hereby rescinded.

A vote on the foregoing resolution was taken and was as follows:

YES: Ledford, Smith, Hunt, Wildman, Mortensen, Skolarus and McCririe.

NO: None.

ABSTAIN:

CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the Township, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Township Board at a meeting of the Township Board, at which meeting a quorum was present and remained throughout; (2) the original thereof is on file in the records in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended); and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Paulette A. Skolarus, Genoa Charter Township Clerk

EXHIBIT A

DESCRIPTION OF PROJECT
A ONE YEAR SPECIAL ASSESSMENT DISTRICT
WITH PROJECT COSTS AS FOLLOWS:

The project ("Project") will consist of:

Lake Forest Way improvements including approximately 35,500 square feet of 1 ½ to 2 inches of mill, base repair as necessary and overlay with approximately 2 ½ inches of 1300 T asphalt wearing course.

1.	Mill and Fill Lake Forest Way	\$50,000
2.	Postage and Publication	<u>1,500</u>
	Total Project Cost:	\$51,500

Exhibit B

The Project is being designed to serve the properties in the Special Assessment District, which district is illustrated on the map (included) and includes the specific properties that are identified by the following permanent parcel numbers:

(2) the following permanent parcel numbers:

4711-36-101-001 thru and including 4711-36-101-055

4711-36-101-059 thru and including 4711-36-101-69

4711-36-102-064 thru and including 4711-36-102-109

4711-36-103-001 thru and including 4711-36-103-096

4711-36-203-110 thru and including 4711-36-203-151

4711-36-301-152 thru and including 4711-36-301-165

4711-36-301-168 thru and including 4711-36-301-219

4711-36-301-222 thru and including 4711-36-301-269

4711-36-301-271 and 4711-36-301-272.

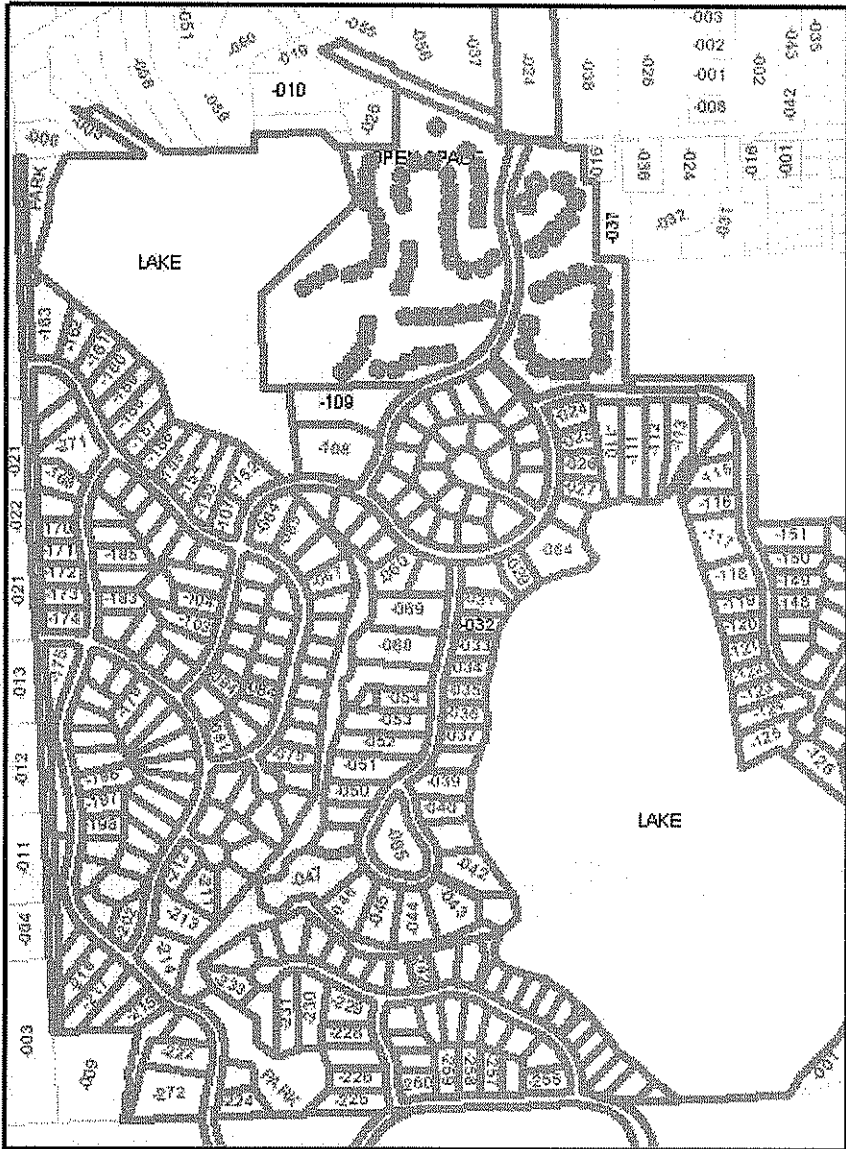


Exhibit C

**Genoa Township
Livingston County, Michigan**

**NOTICE OF PUBLIC HEARING
UPON SPECIAL ASSESSMENT ROLL FOR THE
PINE CREEK ROAD IMPROVEMENT PROJECT AND
REIMBURSEMENT SPECIAL ASSESSMENT PROJECT (2009)
SPECIAL ASSESSMENT DISTRICT**

NOTICE IS HEREBY GIVEN:

(1) The Township Board of Genoa Township, Livingston County, Michigan (the "Township") in accordance with the laws of the State of Michigan, has determined to levy special assessments against lands in the Pine Creek Road Improvement Project and reimbursement Special Assessment Project (2009) and Special Assessment District, (the "District") that will be benefited by certain improvements to Fendt Drive. The District consists of the properties identified on the map attached to this notice and is more specifically identified by the following property identification numbers:

List property identification numbers:

4711-36-101-001 thru and including 4711-36-101-055

4711-36-101-059 thru and including 4711-36-101-69

4711-36-102-064 thru and including 4711-36-102-109

4711-36-103-001 thru and including 4711-36-103-096

4711-36-203-110 thru and including 4711-36-203-151

4711-36-301-152 thru and including 4711-36-301-165

4711-36-301-168 thru and including 4711-36-301-219

4711-36-301-222 thru and including 4711-36-301-269

4711-36-301-271 and 4711-36-301-272.

(2) The proposed special assessment roll for the District (the "Roll") has been prepared and is attached for public examination.

(3) The Township Board will conduct a public hearing beginning at 6:30 p.m., local time, on August 3, 2009, at the Genoa Township Offices, 2911 Dorr Road, Brighton, Michigan, to explain and answer questions pertaining to the Roll and to hear objections to the Roll. Any person objecting to the Roll must file his or her objections before the close of the public hearing or within such additional time (if any) as the Township Board may grant.

(4) The owner or other person having an interest in property that is specially assessed is entitled to file a written appeal with the Michigan Tax Tribunal within 30 days after confirmation of the Roll. However, appearance and protest at the public hearing are required by law in order to appeal the special assessment to the Michigan Tax Tribunal. An owner or other party in interest or his or her agent may (i) appear in person at the hearing to protest the assessment or (ii) file an appearance and protest by letter before the close of the hearing. The Township Board will maintain a record of the persons who appear and protest at the hearing. If the hearing is terminated or adjourned for the day before a party is provided the opportunity to be heard, a party whose appearance was so recorded shall be considered to have protested the special assessment in person.

This notice is given by order of the Genoa Township Board.

Dated: July 20, 2009

Paulette A. Skolarus
Genoa Charter Township Clerk

(Press/Argus 07/24/09 & 07/31/09)

APPENDIX I
Map of Special Assessment District

Exhibit D

Affidavit of Mailing

STATE OF MICHIGAN)
)
COUNTY OF LIVINGSTON)

Paulette A. Skolarus, being first duly sworn, deposes and says that she personally prepared for mailing, and did on July 21, 2009, send by first-class mail, the notice of hearing, a true copy of which is attached hereto, to each record owner of or party in interest in all property to be assessed for the improvement described therein, as shown on the last local tax assessment records of the Township of Genoa; that she personally compared the address on each envelope against the list of property owners as shown on the current tax assessment rolls of the Township; that each envelope contained therein such notice and was securely sealed with postage fully prepaid for first-class mail delivery and plainly addressed; and that she personally placed all of such envelopes in a United States Post Office receptacle on the above date.

Paulette A. Skolarus
Genoa Charter Township Clerk



Brian Jonckheere

2300 E. Grand River, Suite 105
Howell, Michigan 48843-7581
(517) 546-0040
Fax (517) 545-9658

July 16, 2009

Mr. Gary McCririe, Supervisor
Genoa Charter Township
2911 Dorr Road
Brighton, MI 48116

Re: Lake Chemung Outlet Drain

Dear Mr. McCririe:

As a follow-up to my previous discussions with Mike Archinal, enclosed for your review and possible action by the Genoa Township Board is a resolution that will allow this office to spend funds in excess of the yearly allotted maintenance amount to make necessary repairs to the Lake Chemung Outlet Dam. This resolution is being submitted in an effort to address the lake level control structure on the Banfield property. Some background on the drain is presented below, followed by a discussion of the current condition and the objectives and alternatives to the proposed project.

BACKGROUND

The Circuit Court for Livingston County established the Legal level for Lake Chemung on December 1925. The elevation was established as a point 3.2 feet beneath a nail set in the base of a black oak tree, which no longer exists. The Lake Chemung Outlet Drain was established in 1953 and is shown in its current condition on the attached aerial photograph. It begins at the dam on the north side of Lake Chemung and discharges to the Genoa and Oceola Drain southwest of the corner of Golf Club and Hughes Road. Small portions of the drain have been maintained over the years and include the following: New sheet piling was installed at the dam site in the late '90s, and the outlet immediately north of the dam was repaired in 2004. Following litigation with property owners north of the Faulkwood Shores Golf Course, a comprehensive maintenance cleanout of the drain was performed pursuant to a 2005 Township Board Resolution. The last assessment for this previous maintenance was levied on the Winter 2007 taxes.

The Lake Level Act/Dam Safety Act requires Triannual inspections of Dams. The last regular dam inspection report was filed in 2006, and indicated that the corrugated metal pipe arch had begun to corrode and would need to be replaced or lined in the next five to ten years. It appears the recent intense rains of mid-September 2008 exposed weaknesses in the structure (see the attached photos) which dictate the replacement or major repairs should occur prior to 2011.

CURRENT CONDITION AND ALTERNATIVES

I have attached pictures of the lake level control structure and the sinkhole over the outlet pipe under Ms. Banfields Driveway. Given the age of the CMP, the relatively inexpensive nature of driveway repair, and the

July 16, 2009

deteriorated sheet piling it appears that a comprehensive replacement of the structure is in order. Paul Wessel, P.E., formerly of the Michigan Department of Environmental Quality, Dam Safety Unit, and I visited the structure in early October of 2008. During that visit he generally concurred with my assessment that the weir and pipe structure, which were built in 1953, appears to have reached the end of its useful life. Pending outcome of easement negotiations with the Banfield family, this spring our field crew installed a temporary piece of sheet metal in front of the deteriorating sheet pile to maintain levels during the 2009 boating season.

This office has retained Rowe Engineering, a firm selected through our Qualifications Based Selection (QBS) process, to complete the engineering plans necessary to obtain MDEQ approval necessary for replacing a lake level control structure. Site surveying was completed in November of 2008.

At this point, the alternatives include:

- 1) Full replacement of all parts of the weir and pipe structure. The estimated cost would range between \$200,000 and \$250,000. The disadvantages to this are the higher cost and the requirement of a petition. The advantage would be a slightly longer design life in the 40 to 50 year range.
- 2) Comprehensive replacement and repair. This would involve replacement of the sheet piling and the existing pipe, while re-using the foundations and the sections of the concrete in the weir that are salvageable. The estimated cost would be \$135,000.00. The advantages of this are the replacement of the failing portions of the structure at a lower cost than the full replacement, and the resolution process for initiating a project is simpler than the petition process. The disadvantage is the design life may be reduced to the 25 to 35 year range.
- 3) A partial repair. This might involve installation of new sheet piling on the front of the structure where it is most deteriorated, coupled with some type of lining of the pipe to minimize soil settlement in the vicinity of Ms. Banfield's driveway. It is possible that such minor repairs could cost something on the order of \$20,000. Unfortunately given the age of the structure and the flaws we can see, it is quite possible that additional unseen flaws have not reached a point of visible failure. Therefore, if a storm similar to the June 3-6, 2007, or September 12 & 13, 2008, events were to occur in 2009, it is highly likely that additional failures in the pipe, sheet piling, or concrete retaining wall system will manifest themselves in visible failures, requiring further expenditure of funds.
- 4) Do nothing except continued minor maintenance. The advantage to this alternative is it reduces the assessment in the short term. However, the disadvantages to doing nothing include:
 - o Continued reduction in the ability of the structure to maintain the desired lake level. At complete failure, the loss of the lake level control structure will drop the lake level over 2 feet. This would have not just aesthetic impacts to lakefront properties, but would further reduce lakefront property values.
 - o Increased liability to the Drainage District and Township, due to the negative consequences associated with abovementioned property value impacts.

RECOMMENDATION

Given the options and objectives discussed above, our recommendation, after analysis, is that

Mr. Gary McCririe
RE: Lake Chemung Dam

July 16, 2009

comprehensive restoration of the lake level control structure is the most feasible alternative. Attached is a budget for the project, with a total estimated cost of \$135,000.

An assessment hearing pursuant to the provisions of the Michigan Drain Code will be held at the Drain Commissioner's office, and noticed per the requirements of the Drain Code. Assessments for the project will be spread against properties in the assessment district, including at-large assessments to the County, Township, and Michigan Department of Transportation for State Highways. An average assessment for a small residential lot in the district would be approximately \$25. However, there are a few larger parcels in the district and there are several entities with multiple parcels. Given these factors, we plan to levy this assessment over not less than three years.

LIMITATIONS OF PROJECT

Based on the information provided by the aerial photography and our knowledge of the drainage area of the lake, the activity proposed will not improve our ability to influence the lake level, or enhance our ability to provide drainage beyond that originally envisioned in the design of this drain.

SUMMARY

In conclusion, the Drain Commissioner's Office is requesting your passage of the attached resolution authorizing the expenditure proposed for maintenance of the drain. Since the total project cost is estimated at \$135,000.00, a continuing resolution is required by the Township Board to exceed the statutory maintenance expenditure limit of \$5,000 per year, based on the length of this drain. If the resolution is adopted, please send us an executed original copy for our records.

Please contact either Commissioner Jonckheere or me if you should have questions or require additional information. We will be happy to attend the July 20, 2009, Board meeting if necessary.

Sincerely,


Kenneth Recker, II, P.E.

Chief Deputy Drain Commissioner

Enclosures (Pictures, Estimate, District Map)

cc: Tesha Humphriss, Genoa Township
Kristin Schuster, MDOT (letter only)

Lake Chemung Dam Restoration Estimate

Scope of Project:

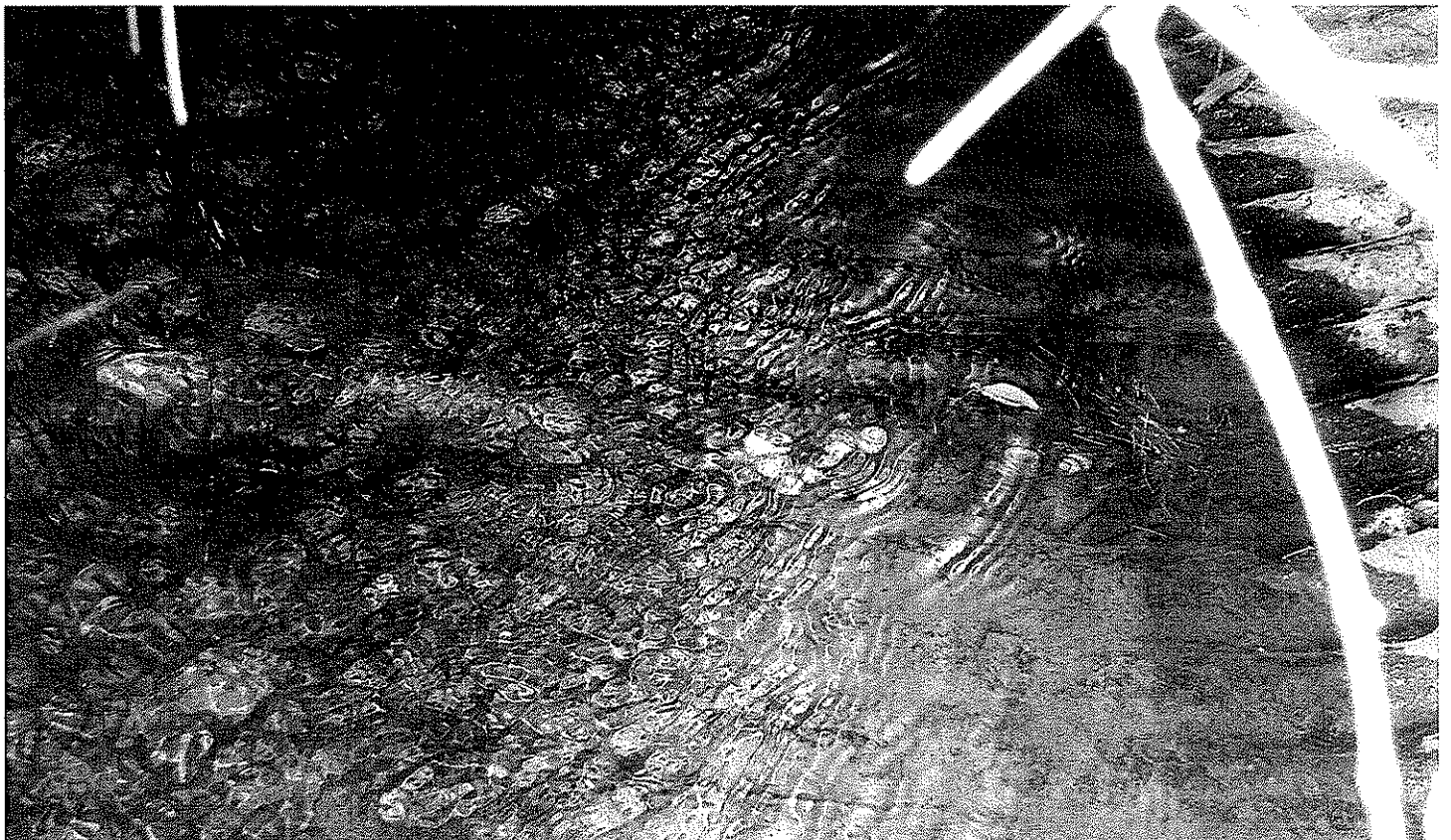
Remove steel sheet piling from dam structure, culvert under driveway, concrete culvert headwall, and concrete floor of dam. Replace with new. Seed with native grass mix or grass seed as needed. Fertilize and mulch all disturbed areas.

Estimated Costs:

Demolition & Removal of Existing Structure	\$21,500.00
Materials & Installation Includes: steel sheet piling, Concrete, Sand backfill, Culvert, Rip-rap, Seed, Mulch, Mulch-blanket, Fertilizer, and any other materials & site work required.	\$53,650.00
Driveway repairs per ingress/egress Agreement	\$ 4,000.00
Engineering Includes: Topographic survey (completed), Design, Bidding, Construction engineering services, Construction staking services.	\$ 20,000.00
MDEQ Permits & Compliance	\$ 10,000.00
LCDC Construction Monitoring	\$ 5,000.00
Mailing and Publication Expense for Hearing	\$ 2,500.00
Legal Expense (Financing, etc.)	\$ 5,000.00
Total Costs	\$121,650.00
Contingency at 10.97 percent of Estimated Cost	\$ 13,350.00
TOTAL AUTHORIZATION REQUESTED	\$135,000.00



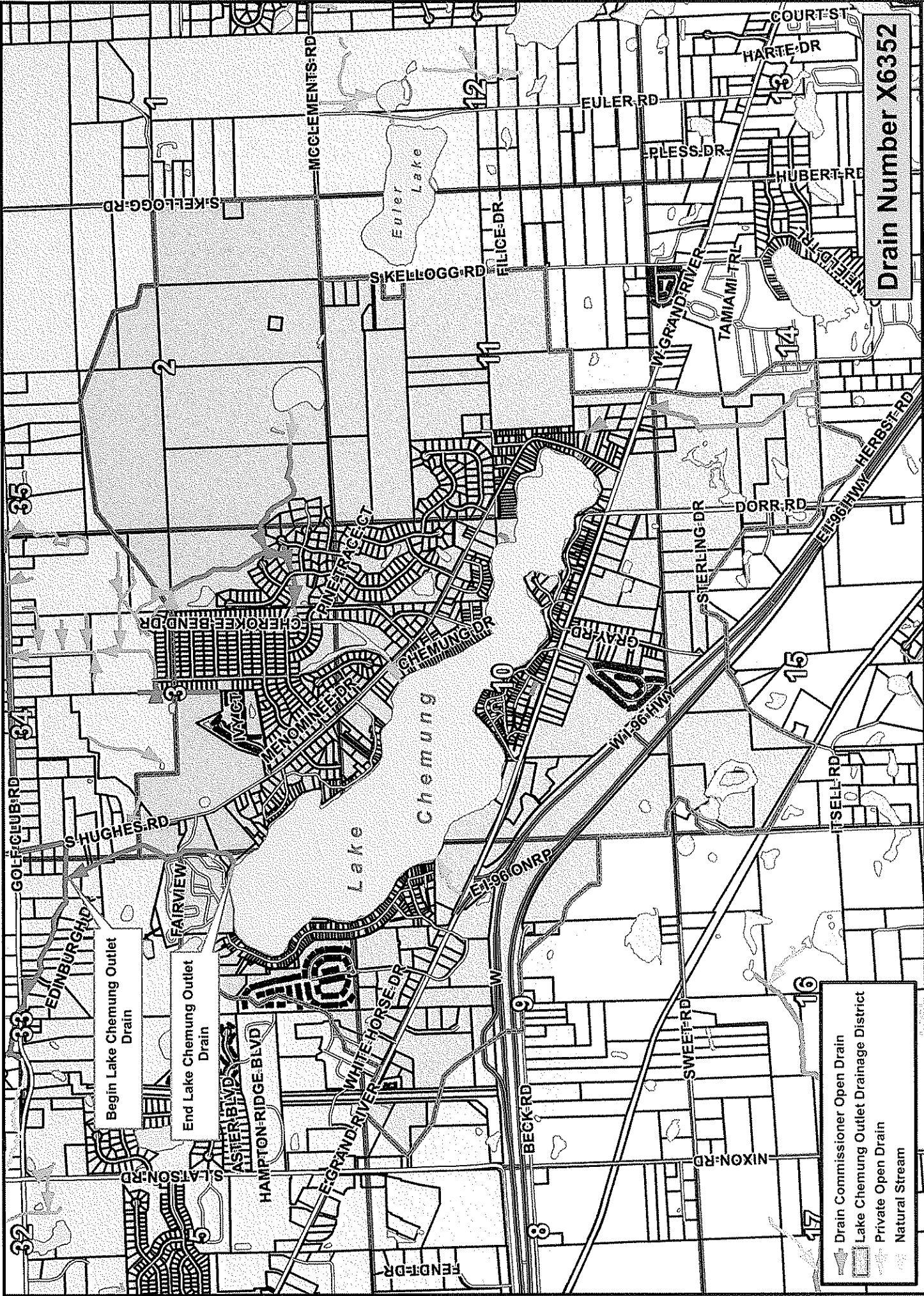
Lake Chemung Dam weir deterioration.



Lake Chemung Dam culvert deterioration.



Lake Chemund Dam driveway failure due to culvert deterioration.



Drain Number X6352



1 inch = 2,000 feet

Lake Chemung Outlet Drain District

A part of Sections 2,3,4,9,10,11,14 and 15 of Genoa Township

- Drain Commissioner Open Drain
- Lake Chemung Outlet Drainage District
- Private Open Drain
- Natural Stream

Livingston County Drain Commissioner
 2300 E Grand River
 Howell, MI. 48843
 Printed July 10, 2009



**STATE OF MICHIGAN
COUNTY OF LIVINGSTON
CHARTER TOWNSHIP OF GENOA**

RESOLUTION

WHEREAS the Livingston County Drain Commissioner has advised the Genoa Township Board of Trustees that, pursuant to Section 196 of the Michigan Drain Code (MCL 280.196; MSA 11.1196), an inspection has been made of the Lake Chemung Outlet Drain, and, as a result of the inspection, it has been determined that certain maintenance must be performed upon the Drain; and,

WHEREAS the Livingston County Drain Commissioner has the authority to expend five thousand and no/100 dollars (\$5,000.00) per mile in any one (1) year for the interim maintenance of the drain, and where it is estimated that expenditures in excess of five thousand and no/100 dollars (\$5,000.00) per mile are necessary, those amounts may not be expended until approved by resolution of the governing body of each township, city, and village affected by more than 20% of the cost; and,

WHEREAS the Livingston County Drain Commissioner has advised the Genoa Charter Township Board of Trustees that it will be necessary to expend funds in excess of five thousand and no/100 dollars (\$5,000.00) per mile for the interim maintenance of the Lake Chemung Outlet Drain and that the Township of Genoa is affected by more than 20% of the costs; and,

WHEREAS the Livingston County Drain Commissioner estimates that the cost for the maintenance of the Lake Chemung Outlet Drain will be approximately One Hundred Thirty-five thousand and no/100 dollars (\$135,000.00), which constitutes one hundred thirty thousand and no/100 dollars (\$130,000.00) in excess of the authorized five thousand and no/100 dollars (\$5,000.00) per mile.

NOW, THEREFORE IT IS HEREBY RESOLVED by the Genoa Charter Township Board of Trustees that, pursuant to Section 196 of the Drain Code, the Livingston County Drain

Commissioner is authorized to expend money for the maintenance and repair of the Lake Chemung Outlet Drain in excess of five thousand and no/100 dollars (\$5,000.00) per mile, and, to the extent that the drain fund for the Drain contains insufficient funds for the payment of costs incurred for the interim maintenance or repair of the Drain, then the Livingston County Drain Commissioner is authorized to levy a special assessment, as allowed by law.

RESOLUTION approved this _____ day of _____, 2009, by the Genoa Charter Township Board of Trustees, governing body of Genoa Charter Township.

BOARD OF TRUSTEES OF GENOA CHARTER TOWNSHIP

By: _____

I, the undersigned, being the duly qualified and acting Clerk of the Genoa Charter Township, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Genoa Charter Township Board of Trustees at a meeting held on the _____ day of _____, 2009.

Clerk, Genoa Charter Township

Memorandum

TO: Honorable Members of the Genoa Charter Township Board
FROM: Greg Tatara, Utility Director
DATE: July 15, 2009
RE: Rate Increases for the Lake Edgewood Water System and Pine Creek Water and Sewer System Served by the City of Brighton

.....

For consideration at this evenings board meeting is a proposed rate increase for the Lake Edgewood Water System and the Pine Creek Water and Sewer System served by the City of Brighton. In the attached document, Pfeffer, Hanniford, and Palka, C.P.A (PHP) has reviewed the rate increase proposed by the City of Brighton and has made the following recommendation with regard to rate increases effective July 1, 2009. Staff has reviewed PHP recommendation and supports their proposed rate schedule.

Based on the above explanation and the attached documents, please consider the following motion:

Moved by _____, supported by _____ to increase the Lake Edgewood Conference Center Quarterly Water Usage Fee to \$3.89/1,000 Gallons, the Lake Edgewood Other Quarterly Usage Fee to \$3.73/1,000 gallons, and Pine Creek Water Usage Fee to \$3.41/1,000 gallons.

PHP**PFEFFER • HANNIFORD • PALKA**
Certified Public AccountantsJohn M. Pfeffer, C.P.A.
Patrick M. Hanniford, C.P.A.
Kenneth J. Palka, C.P.A.Members:
AICPA Private Practice Companies Section
MACPA225 E. Grand River - Suite 104
Brighton, Michigan 48116-1575
(810) 229-5550
FAX (810) 229-5578

July 15, 2009

Mr. Gregory Tatara
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Dear Greg:

As you have requested we have reviewed the City of Brighton's revised fee schedule effective July 1, 2009 for Lake Edgewood Water and Pine Creek Water/Sewer.

Based on our review we recommend the following rate changes be implemented by Genoa Township.

1. Lake Edgewood - Conference Center Quarterly Usage Fee - Water
Increase the water fee from \$3.30 per 1,000 gallons to \$3.89 per 1,000 gallons.
2. Lake Edgewood - Other Quarterly Usage Fee - Water
Increase the water fee from \$3.16 per 1,000 gallons to \$3.73 per 1,000 gallons.
3. Pine Creek Quarterly Usage Fee - Water and Sewer
Increase the water fee from \$2.89 per 1,000 gallons to \$3.41 per 1,000 gallons.
Keep the sewer fee at 3.72 per 1,000 gallons.
4. Pine Creek Connection Fees
Maintain the water connection fee at \$2,345 per REU.
Maintain the sewer connection fee at \$5,855 per REU.

If you should have any questions please call.

Sincerely,

PFEFFER, HANNIFORD & PALKA
Certified Public Accountants

Kenneth J. Palka

KJP:em



CITY OF BRIGHTON

"Providing quality service"

June 26, 2009

Mike Archinal, Manager
Genoa Township
2911 Dorr Road
Brighton, MI 48116

Mike:

Below you will find the City of Brighton's adopted FY 2009-10 Fee Schedule for Sewer and Water user & connection fees, as they relate to Genoa Township.

	<u>Pine Creek</u>	<u>Dillion</u>	<u>Northstar</u>	<u>Lake Edgewood</u>
Water:				
Commodity (1,000 gal.) -	\$3.21	\$3.53	\$3.69	\$3.53
PILOT (month)		\$8.33		
Sewer:				
Commodity (1,000 gal.) -	\$3.52			
Administrative	\$15.81			
Connection Fees (Per REU):				
Water	\$2,245			
Sewer	\$5,755			

If you have any questions please contact me at 225-8020.


Sincerely,

Dave Gajda
Finance Director

cc: Dana Foster, City Manager
Matt Schindewolf, Public Services Director
Kelly LaLonde, Assistant Finance Director
Ken Palka, Pfeffer Hanniford & Palka

MEMORANDUM

TO: Township Board

FROM: Mike Archinal 

DATE: 7/17/09

RE: Michigan Rod Products
Abatement Request

Genoa Charter Township has not considered granting abatements in the past. Abatements or Industrial Facilities Exemptions are provided for under Public Act 198 of 1974. I have included a copy of the statute for your information. Given the state of the economy we are being asked to consider an increasing number of requests for this relief. Attached is a letter from Edward Lumm of Michigan Rod Products. We have met with Mr. Lumm in the past and conveyed the standard policy position of the Township.

With the current situation I feel it is appropriate for the Board to consider an important policy decision; basically whether or not you wish to consider such requests. I have had experience with I.F.T.'s in other jurisdictions. There is a detailed application required as well as a fairly significant effort on the part of the Township Assessor. I would be happy to prepare the appropriate documents as well as some criteria for considering such requests (e.g. job creation and investment value).

I have not drafted suggested action for this item. Generally your options are to reaffirm the Township's policy of not granting abatements, direct staff to work with Michigan Rod Products in preparing an Industrial Facilities Exemption application, or seek additional information on the financial impacts of this policy. I look forward to discussing this matter with you Monday evening.

Michigan Rod Products

1326 Grand Oaks Drive – Howell, Michigan 48843 – Phone: (517) 552-9812 – Fax: (517) 552-9813

July 15, 2009

Genoa Township Board of Trustees
2911 Dorr Road
Brighton, MI 48116

Dear Board of Trustees,

Michigan Rod Products, Inc. has been located at 1326 Grand Oaks Drive in Howell since 1997. Michigan Rod Products has primarily been an automotive parts manufacturer since its inception in 1981. At our peak employment levels we had over 130 employees. According to the Greater Livingston County Wage, Salary and Benefit survey, we have consistently been one of the top pay and benefit providers in the county.

In 2006 Michigan Rod Products recognized the need to upgrade technology and diversify our customer and product base. We spent \$2,500,000.00 on new state of the art bending equipment allowing us to become globally competitive in our industry. We also spent an additional \$2,500,000.00 to purchase new cold heading equipment that allowed us to win multiple contracts and become a tier two supplier to the United States Military.

As evidenced by the above, Michigan Rod Products has been a progressive company that has invested in our employees, and our business to be the best at what we do. However, based on the devastated economy and lack of demand in the North American automotive market Michigan Rod Products has been forced to reduce its workforce to 50 people.

The purpose of this letter is to let you know that Michigan Rod Products has developed a revolutionary new process to manufacture a component used by the United States Military. This process has been developed through our investment in a continuing research and development program that has been ongoing for over a year. We are requesting our local government's support in our effort by granting Michigan Rod Products a tax abatement for the initial equipment to start the manufacturing process. The cost of one machine is approximately \$1,500,000.00.

Our customer has contracted with three other sources to develop the part. To date, due to our innovative process Michigan Rod Products is the only company in the world able meet the government's specifications. This process requires state of the art proprietary cold heading equipment and related tool set to manufacture. The part will replace a part that Michigan Rod Products currently manufacturers on a one to one basis. If our customer awards us our current level of production it would require 15 machines and create 14 new positions at Michigan Rod Products. The ramp up of this project will take several years. We have been asked to purchase one machine this year which will create 2 new jobs at Michigan Rod Products.

Please consider this request as an opportunity to provide high technology non-automotive manufacturing job opportunities to our areas perspective employees.

If you need further information please call me at 517-552-9812.

Sincerely,



Edward L. Lumm
President
Michigan Rod Products

PLANT REHABILITATION AND INDUSTRIAL DEVELOPMENT DISTRICTS
Act 198 of 1974

AN ACT to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 2001, Act 157, Imd. Eff. Nov. 6, 2001.

Popular name: Act 198

The People of the State of Michigan enact:

207.551 Meanings of certain words and phrases.

Sec. 1. The words and phrases defined in sections 2 and 3 have the meanings respectively ascribed to them for the purposes of this act.

History: 1974, Act 198, Imd. Eff. July 9, 1974.

Compiler's note: For transfer of powers and duties of department of commerce under Act 198 of 1974 to the chief executive officer of the Michigan jobs commission, see E.R.O. No. 1994-8, compiled at MCL 408.47 of the Michigan Compiled Laws.

Popular name: Act 198

207.552 Definitions.

Sec. 2. (1) "Commission" means the state tax commission created by 1927 PA 360, MCL 209.101 to 209.107.

(2) "Facility" means either a replacement facility, a new facility, or, if applicable by its usage, a speculative building.

(3) "Replacement facility" means 1 of the following:

(a) In the case of a replacement or restoration that occurs on the same or contiguous land as that which is replaced or restored, industrial property that is or is to be acquired, constructed, altered, or installed for the purpose of replacement or restoration of obsolete industrial property together with any part of the old altered property that remains for use as industrial property after the replacement, restoration, or alteration.

(b) In the case of construction on vacant noncontiguous land, property that is or will be used as industrial property that is or is to be acquired, constructed, transferred, or installed for the purpose of being substituted for obsolete industrial property if the obsolete industrial property is situated in a plant rehabilitation district in the same city, village, or township as the land on which the facility is or is to be constructed and includes the obsolete industrial property itself until the time as the substituted facility is completed.

(4) "New facility" means new industrial property other than a replacement facility to be built in a plant rehabilitation district or industrial development district.

(5) "Local governmental unit" means a city, village, or township located in this state.

(6) "Industrial property" means land improvements, buildings, structures, and other real property, and machinery, equipment, furniture, and fixtures or any part or accessory whether completed or in the process of construction comprising an integrated whole, the primary purpose and use of which is the engaging in a high-technology activity, operation of a strategic response center, operation of a motorsports entertainment complex, operation of a logistical optimization center, operation of qualified commercial activity, operation of a major distribution and logistics facility, the manufacture of goods or materials, creation or synthesis of biodiesel fuel, or the processing of goods and materials by physical or chemical change; property acquired, constructed, altered, or installed due to the passage of proposal A in 1976; the operation of a hydro-electric dam by a private company other than a public utility; or agricultural processing facilities. Industrial property includes facilities related to a manufacturing operation under the same ownership, including, but not limited to, office, engineering, research and development, warehousing, or parts distribution facilities. Industrial property also includes research and development laboratories of companies other than those companies that manufacture the products developed from their research activities and research development laboratories of a manufacturing company that are unrelated to the products of the company. For applications approved by the legislative body of a local governmental unit between June 30, 1999 and December 31, 2007, industrial property also includes an electric generating plant that is not owned by a local unit of government, including, but not limited to, an electric generating plant fueled by biomass. Industrial property also includes convention and trade centers in which construction begins not later than December 31, 2010 and is over 250,000 square

feet in size or, if located in a county with a population of more than 750,000 and less than 1,100,000, is over 100,000 square feet in size or, if located in a county with a population of more than 26,000 and less than 28,000, is over 30,000 square feet in size. Industrial property also includes a federal reserve bank operating under 12 USC 341, located in a city with a population of 750,000 or more. Industrial property may be owned or leased. However, in the case of leased property, the lessee is liable for payment of ad valorem property taxes and shall furnish proof of that liability. Industrial property does not include any of the following:

(a) Land.

(b) Property of a public utility other than an electric generating plant that is not owned by a local unit of government and for which an application was approved by the legislative body of a local governmental unit between June 30, 1999 and December 31, 2007.

(c) Inventory.

(7) "Obsolete industrial property" means industrial property the condition of which is substantially less than an economically efficient functional condition.

(8) "Economically efficient functional condition" means a state or condition of property the desirability and usefulness of which is not impaired due to changes in design, construction, technology, or improved production processes, or from external influencing factors that make the property less desirable and valuable for continued use.

(9) "Research and development laboratories" means building and structures, including the machinery, equipment, furniture, and fixtures located in the building or structure, used or to be used for research or experimental purposes that would be considered qualified research as that term is used in section 41 of the internal revenue code, 26 USC 41, except that qualified research also includes qualified research funded by grant, contract, or otherwise by another person or governmental entity.

(10) "Manufacture of goods or materials" or "processing of goods or materials" means any type of operation that would be conducted by an entity included in the classifications provided by sector 31-33 — manufacturing, of the North American industry classification system, United States, 1997, published by the office of management and budget, regardless of whether the entity conducting that operation is included in that manual.

(11) "High-technology activity" means that term as defined in section 3 of the Michigan economic growth authority act, 1995 PA 24, MCL 207.803.

(12) "Logistical optimization center" means a sorting and distribution center that supports a private passenger motor vehicle assembly center and its manufacturing process for the purpose of optimizing transportation, just-in-time inventory management, and material handling, and to which all of the following apply:

(a) The sorting and distribution center is within 2 miles of a private passenger motor vehicle assembly center that, together with supporting facilities, contains at least 800,000 square feet.

(b) The sorting and distribution center contains at least 950,000 square feet.

(c) The sorting and distribution center has applied for an industrial facilities exemption certificate after June 30, 2005 and before January 1, 2006.

(d) The private passenger motor vehicle assembly center is located on land conditionally transferred by a township with a population of more than 25,000 under 1984 PA 425, MCL 124.21 to 124.30, to a city with a population of more than 100,000 that levies an income tax under the city income tax act, 1964 PA 284, MCL 141.501 to 141.787.

(13) "Commercial property" means that term as defined in section 2 of the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2782.

(14) "Qualified commercial activity" means commercial property that meets all of the following:

(a) At least 90% of the property, excluding the surrounding green space, is used for warehousing, distribution, or logistic purposes and is located in a county that borders another state or Canada or for a communications center.

(b) Occupies a building or structure that is greater than 100,000 square feet in size.

(15) "Motorsports entertainment complex" means a closed-course motorsports facility, and its ancillary grounds and facilities, that satisfies all of the following:

(a) Has at least 70,000 fixed seats for race patrons.

(b) Has at least 6 scheduled days of motorsports events each calendar year, at least 2 of which shall be comparable to nascar nextel cup events held in 2007 or their successor events.

(c) Serves food and beverages at the facility during sanctioned events each calendar year through concession outlets, a majority of which are staffed by individuals who represent or are members of 1 or more nonprofit civic or charitable organizations that directly financially benefit from the concession outlets' sales.

(d) Engages in tourism promotion.

(e) Has permanent exhibitions of motorsports history, events, or vehicles.

(16) "Major distribution and logistics facility" means a proposed distribution center that meets all of the following:

(a) Contains at least 250,000 square feet.

(b) Has or will have an assessed value of \$5,000,000.00 or more for the real property.

(c) Is located within 35 miles of the border of this state.

(d) Has as its purpose the distribution of inventory and materials to facilities owned by the taxpayer whose primary business is the retail sale of sporting goods and related inventory.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1975, Act 302, Imd. Eff. Dec. 19, 1975;—Am. 1976, Act 224, Imd. Eff. July 30, 1976;—Am. 1978, Act 37, Imd. Eff. Feb. 24, 1978;—Am. 1981, Act 211, Imd. Eff. Dec. 30, 1981;—Am. 1982, Act 417, Imd. Eff. Dec. 28, 1982;—Am. 1986, Act 66, Imd. Eff. Apr. 1, 1986;—Am. 1999, Act 140, Imd. Eff. Oct. 18, 1999;—Am. 2000, Act 247, Imd. Eff. June 29, 2000;—Am. 2002, Act 280, Imd. Eff. May 9, 2002;—Am. 2003, Act 5, Imd. Eff. Apr. 24, 2003;—Am. 2005, Act 118, Imd. Eff. Sept. 22, 2005;—Am. 2005, Act 267, Imd. Eff. Dec. 16, 2005;—Am. 2007, Act 12, Imd. Eff. May 29, 2007;—Am. 2007, Act 146, Imd. Eff. Dec. 10, 2007;—Am. 2008, Act 170, Imd. Eff. July 2, 2008;—Am. 2008, Act 457, Imd. Eff. Jan. 9, 2009;—Am. 2008, Act 581, Imd. Eff. Jan. 16, 2009.

Compiler's note: For transfer of powers and duties of department of commerce under Act 198 of 1974 to the chief executive officer of the Michigan jobs commission, see E.R.O. No. 1994-8, compiled at MCL 408.47 of the Michigan Compiled Laws.

Popular name: Act 198

207.553 Additional definitions.

Sec. 3. (1) "Plant rehabilitation district" means an area of a local governmental unit established as provided in section 4.

(2) "Industrial development district" means an area established by a local governmental unit as provided in section 4.

(3) "Industrial facility tax" means the specific tax levied under this act.

(4) "Industrial facilities exemption certificate" means a certificate issued pursuant to sections 5, 6, and 7.

(5) "Replacement" means the complete or partial demolition of obsolete industrial property and the complete or partial reconstruction or installation of new property of similar utility.

(6) "Restoration" means changes to obsolete industrial property other than replacement as may be required to restore the property, together with all appurtenances to the property, to an economically efficient functional condition. Restoration does not include delayed maintenance or the substitution or addition of tangible personal property without major renovation of the industrial property. A program involving expenditures for changes to the industrial property improvements aggregating less than 10% of the true cash value at commencement of the restoration of the industrial property improvements is delayed maintenance. Restoration includes major renovation including but not necessarily limited to the improvement of floor loads, correction of deficient or excessive height, new or improved building equipment, including heating, ventilation, and lighting, reducing multistory facilities to 1 or 2 stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, improvements or modifications of machinery and equipment to improve efficiency, decrease operating costs, or to increase productive capacity, and other physical changes as may be required to restore the industrial property to an economically efficient functional condition, and shall include land and building improvements and other tangible personal property incident to the improvements.

(7) "State equalized valuation" means the valuation determined under 1911 PA 44, MCL 209.1 to 209.8.

(8) "Speculative building" means a new building that meets all of the following criteria and the machinery, equipment, furniture, and fixtures located in the new building:

(a) The building is owned by, or approved as a speculative building by resolution of, a local governmental unit in which the building is located or the building is owned by a development organization and located in the district of the development organization.

(b) The building is constructed for the purpose of providing a manufacturing facility before the identification of a specific user of that building.

(c) The building does not qualify as a replacement facility.

(9) "Development organization" means any economic development corporation, downtown development authority, tax increment financing authority, or an organization under the supervision of and created for economic development purposes by a local governmental unit.

(10) "Manufacturing facility" means buildings and structures, including the machinery, equipment, furniture, and fixtures located therein, the primary purpose of which is 1 or more of the following:

(a) The manufacture of goods or materials or the processing of goods and materials by physical or chemical change.

(b) The provision of research and development laboratories of companies whether or not the company manufactures the products developed from their research activities.

(11) "Taxable value" means that value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(12) "Strategic response center" means a facility that provides catastrophe response solutions through the development and staffing of a national response center for which a plant rehabilitation district or an industrial development district was created before December 31, 2007.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1975, Act 247, Imd. Eff. Sept. 4, 1975;—Am. 1982, Act 417, Imd. Eff. Dec. 28, 1982;—Am. 1996, Act 1, Imd. Eff. Jan. 30, 1996;—Am. 2007, Act 13, Imd. Eff. May 29, 2007.

Compiler's note: For transfer of powers and duties of department of commerce under Act 198 of 1974 to the chief executive officer of the Michigan jobs commission, see E.R.O. No. 1994-8, compiled at MCL 408.47 of the Michigan Compiled Laws.

Popular name: Act 198

207.554 Plant rehabilitation district or industrial development district; establishment; number of parcels; filing; notice; hearing; finding and determination; district established by township; industrial property as part of industrial development district or plant rehabilitation district also part of tax increment district; termination; notice.

Sec. 4. (1) A local governmental unit, by resolution of its legislative body, may establish plant rehabilitation districts and industrial development districts that consist of 1 or more parcels or tracts of land or a portion of a parcel or tract of land.

(2) The legislative body of a local governmental unit may establish a plant rehabilitation district or an industrial development district on its own initiative or upon a written request filed by the owner or owners of 75% of the state equalized value of the industrial property located within a proposed plant rehabilitation district or industrial development district. This request shall be filed with the clerk of the local governmental unit.

(3) Except as provided in section 9(2)(h), after December 31, 1983, a request for the establishment of a proposed plant rehabilitation district or industrial development district shall be filed only in connection with a proposed replacement facility or new facility, the construction, acquisition, alteration, or installation of or for which has not commenced at the time of the filing of the request. The legislative body of a local governmental unit shall not establish a plant rehabilitation district or an industrial development district pursuant to subsection (2) if it finds that the request for the district was filed after the commencement of construction, alteration, or installation of, or of an acquisition related to, the proposed replacement facility or new facility. This subsection shall not apply to a speculative building.

(4) Before adopting a resolution establishing a plant rehabilitation district or industrial development district, the legislative body shall give written notice by certified mail to the owners of all real property within the proposed plant rehabilitation district or industrial development district and shall hold a public hearing on the establishment of the plant rehabilitation district or industrial development district at which those owners and other residents or taxpayers of the local governmental unit shall have a right to appear and be heard.

(5) The legislative body of the local governmental unit, in its resolution establishing a plant rehabilitation district, shall set forth a finding and determination that property comprising not less than 50% of the state equalized valuation of the industrial property within the district is obsolete.

(6) A plant rehabilitation district or industrial development district established by a township shall be only within the unincorporated territory of the township and shall not be within a village.

(7) Industrial property that is part of an industrial development district or a plant rehabilitation district may also be part of a tax increment district established under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830.

(8) A local governmental unit, by resolution of its legislative body, may terminate a plant rehabilitation district or an industrial development district, if there are no industrial facilities exemption certificates in effect in the plant rehabilitation district or the industrial development district on the date of the resolution to terminate.

(9) Before acting on a proposed resolution terminating a plant rehabilitation district or an industrial development district, the local governmental unit shall give at least 14 days' written notice by certified mail to the owners of all real property within the plant rehabilitation district or industrial development district as determined by the tax records in the office of the assessor or the treasurer of the local tax collecting unit in which the property is located and shall hold a public hearing on the termination of the plant rehabilitation district or industrial development district at which those owners and other residents or taxpayers of the local governmental unit, or others, shall have a right to appear and be heard.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1980, Act 449, Imd. Eff. Jan. 15, 1981;—Am. 1982, Act 417, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 334, Eff. Apr. 1, 1994;—Am. 1994, Act 266, Eff. Imd. July 6, 1994;—Am. 1995, Act 218, Imd. Eff. Dec. 1, 1995;—Am. 1999, Act 140, Imd. Eff. Oct. 18, 1999;—Am. 2004, Act 437, Imd. Eff. Dec. 21, 2004.

Compiler's note: For transfer of powers and duties of department of commerce under Act 198 of 1974 to the chief executive officer of the Michigan jobs commission, see E.R.O. No. 1994-8, compiled at MCL 408.47 of the Michigan Compiled Laws.

Popular name: Act 198

207.555 Application for industrial exemption certificate; filing; contents; notice to assessing and taxing units; hearing; application fee.

Sec. 5. (1) After the establishment of a district, the owner or lessee of a facility may file an application for an industrial facilities exemption certificate with the clerk of the local governmental unit that established the plant rehabilitation district or industrial development district. The application shall be filed in the manner and form prescribed by the commission. The application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be a part of the facility, a time schedule for undertaking and completing the restoration, replacement, or construction of the facility, and information relating to the requirements in section 9.

(2) Upon receipt of an application for an industrial facilities exemption certificate, the clerk of the local governmental unit shall notify in writing the assessor of the assessing unit in which the facility is located or to be located, and the legislative body of each taxing unit that levies ad valorem property taxes in the local governmental unit in which the facility is located or to be located. Before acting upon the application, the legislative body of the local governmental unit shall afford the applicant, the assessor, and a representative of the affected taxing units an opportunity for a hearing.

(3) The local governmental unit may charge the applicant an application fee to process an application for an industrial facilities exemption certificate. The application fee shall not exceed the actual cost incurred by the local governmental unit in processing the application or 2% of the total property taxes abated under this act for the term that the industrial facilities exemption certificate is in effect, whichever is less. A local governmental unit shall not charge an applicant any other fee under this act.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1976, Act 224, Imd. Eff. July 30, 1976;—Am. 1996, Act 323, Imd. Eff. June 26, 1996.

Popular name: Act 198

207.556 Application for industrial facilities exemption certificate; approval or disapproval; appeal.

Sec. 6. The legislative body of the local governmental unit, not more than 60 days after receipt by its clerk of the application, shall by resolution either approve or disapprove the application for an industrial facilities exemption certificate in accordance with section 9 and the other provisions of this act. If disapproved, the reasons shall be set forth in writing in the resolution. If approved, the clerk shall forward the application to the commission within 60 days of approval or before October 31 of that year, whichever is first, in order to receive the industrial facilities exemption certificate effective for the following year. If disapproved, the clerk shall return the application to the applicant. The applicant may appeal the disapproval to the commission within 10 days after the date of the disapproval.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1996, Act 323, Imd. Eff. June 26, 1996.

Popular name: Act 198

207.557 Determination by commission; issuance of industrial facilities exemption certificate; notice of application; concurrence; effective date of certificate; mailing and filing of certificate; notice of refusal to issue certificate; failure of commission to receive application; certificate beginning December 30, 2002 and ending December 30, 2009; retroactive amendment of certificate.

Sec. 7. (1) Within 60 days after receipt of an approved application or an appeal of a disapproved application that was submitted to the commission before October 31 of that year, the commission shall determine whether the facility is a speculative building or designed and acquired primarily for the purpose of restoration or replacement of obsolete industrial property or the construction of new industrial property, and whether the facility otherwise complies with section 9 and with the other provisions of this act. If the commission so finds, it shall issue an industrial facilities exemption certificate. Before issuing a certificate the commission shall notify the state treasurer of the application and shall obtain the written concurrence of the department of energy, labor, and economic growth that the application complies with the requirements in

section 9. Except as otherwise provided in section 7a, the effective date of the certificate for a replacement facility or new facility is the immediately succeeding December 31 following the date the certificate is issued. For a speculative building or a portion of a speculative building, except as otherwise provided in section 7a, the effective date of the certificate is the immediately succeeding December 31 following the date the speculative building, or the portion of a speculative building, is used as a manufacturing facility.

(2) The commission shall send an industrial facilities exemption certificate, when issued, by mail to the applicant, and a certified copy by mail to the assessor of the assessing unit in which the facility is located or to be located, and that copy shall be filed in his or her office. Notice of the commission's refusal to issue a certificate shall be sent by mail to the same persons.

(3) Notwithstanding any other provision of this act, if on December 29, 1986 a local governmental unit passed a resolution approving an exemption certificate for 10 years for real and personal property but the commission did not receive the application until 1992 and the application was not made complete until 1995, then the commission shall issue, for that property, an industrial facilities exemption certificate that begins December 30, 1987 and ends December 30, 1997.

(4) Notwithstanding any other provision of this act, if pursuant to section 16a a local governmental unit passed a resolution approving an industrial facilities exemption certificate for a new facility on October 14, 2003 for a certificate that expired in December 2002, the commission shall issue for that property an industrial facilities exemption certificate that begins on December 30, 2002 and ends December 30, 2009.

(5) Notwithstanding any other provision of this act, if on or before February 10, 2007 a local governmental unit passed a resolution approving an amendment of an industrial facilities exemption certificate for a replacement facility and that certificate was revoked by the commission effective December 30, 2005 with the order of revocation issued by the commission on April 10, 2006, notwithstanding the revocation, the commission shall retroactively amend the certificate and give full effect to the amended certificate, which shall include the additional personal property expenditures described in the resolution amending the certificate, for the period of time beginning when the certificate was originally approved until the certificate was revoked.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1975, Act 302, Imd. Eff. Dec. 19, 1975;—Am. 1982, Act 417, Imd. Eff. Dec. 28, 1982;—Am. 1996, Act 323, Imd. Eff. June 26, 1996;—Am. 1996, Act 513, Imd. Eff. Jan. 13, 1997;—Am. 2005, Act 267, Imd. Eff. Dec. 16, 2005;—Am. 2006, Act 483, Imd. Eff. Dec. 28, 2006;—Am. 2008, Act 457, Imd. Eff. Jan. 9, 2009.

Popular name: Act 198

207.557a Cost of facility exceeding certain amount of state equalized value.

Sec. 7a. If, after reviewing the application described in section 7, the commission determines that the cost of the facility exceeds \$150,000,000.00 of state equalized value, then all of the following apply:

(a) The replacement, restoration, or construction of the facility shall be completed within 6 years of the effective date of the initial industrial facilities exemption certificate or a greater time as authorized by the commission for good cause.

(b) The commission shall provide not more than 3 separate industrial facilities exemption certificates for the facility. The initial industrial facilities exemption certificate shall be effective for not more than 14 years. The second industrial facilities exemption certificate shall be effective 2 years after the initial industrial facilities exemption certificate becomes effective and shall continue to be effective for not more than 14 years. The third industrial facilities exemption certificate shall be effective 4 years after the initial industrial facilities exemption certificate becomes effective and shall continue to be effective for not more than 14 years. The commission may modify each certificate during the replacement, restoration, or construction of the facility.

(c) For each industrial facilities exemption certificate, the commission shall determine the portion of the facility to be completed. During the first 2 years of the industrial facilities exemption certificate period, the state equalized valuation of that portion of the facility shall be used to calculate the industrial facilities tax as provided in section 14. Upon the expiration of each industrial facilities exemption certificate or its revocation under section 15, that portion of the facility is subject to the general ad valorem property tax.

(d) Notwithstanding subdivision (b), an industrial facilities exemption certificate for a facility described in this section shall expire not more than 12 years from the completion of the facility.

History: Add. 1996, Act 513, Imd. Eff. Jan. 13, 1997.

Popular name: Act 198

207.558 Exemption of facility and certain persons from ad valorem taxes.

Sec. 8. A facility or that portion of a facility described in section 7a, for which an industrial facilities exemption certificate is in effect, but not the land on which the facility is located or to be located or inventory

of the facility, for the period on and after the effective date of the certificate and continuing so long as the industrial facilities exemption certificate is in force, is exempt from ad valorem real and personal property taxes and the lessee, occupant, user, or person in possession of that facility for the same period is exempt from ad valorem taxes imposed under Act No. 189 of the Public Acts of 1953, being sections 211.181 and 211.182 of the Michigan Compiled Laws.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1993, Act 334, Eff. Apr. 1, 1994;—Am. 1996, Act 513, Imd. Eff. Jan. 13, 1997.

Popular name: Act 198

207.559 Finding and determination in resolution approving application for certificate; valuation requiring separate finding and statement; compliance with certain requirements as condition to approval of application and granting of certificate; demolition, sale, or transfer of obsolete industrial property; certificate applicable to speculative building; procedural information; failure of commission to receive application; replacement facility; property owned or operated by casino; issuance of certificates.

Sec. 9. (1) The legislative body of the local governmental unit, in its resolution approving an application, shall set forth a finding and determination that the granting of the industrial facilities exemption certificate, considered together with the aggregate amount of industrial facilities exemption certificates previously granted and currently in force, shall not have the effect of substantially impeding the operation of the local governmental unit or impairing the financial soundness of a taxing unit that levies an ad valorem property tax in the local governmental unit in which the facility is located or to be located. If the state equalized valuation of property proposed to be exempt pursuant to an application under consideration, considered together with the aggregate state equalized valuation of property exempt under certificates previously granted and currently in force, exceeds 5% of the state equalized valuation of the local governmental unit, the commission, with the approval of the state treasurer, shall make a separate finding and shall include a statement in the order approving the industrial facilities exemption certificate that exceeding that amount shall not have the effect of substantially impeding the operation of the local governmental unit or impairing the financial soundness of an affected taxing unit.

(2) Except for an application for a speculative building, which is governed by subsection (4), the legislative body of the local governmental unit shall not approve an application and the commission shall not grant an industrial facilities exemption certificate unless the applicant complies with all of the following requirements:

(a) The commencement of the restoration, replacement, or construction of the facility occurred not earlier than 12 months before the filing of the application for the industrial facilities exemption certificate. If the application is not filed within the 12-month period, the application may be filed within the succeeding 12-month period and the industrial facilities exemption certificate shall in this case expire 1 year earlier than it would have expired if the application had been timely filed. This subdivision does not apply for applications filed with the local governmental unit after December 31, 1983.

(b) For applications made after December 31, 1983, the proposed facility shall be located within a plant rehabilitation district or industrial development district that was duly established in a local governmental unit eligible under this act to establish a district and that was established upon a request filed or by the local governmental unit's own initiative taken before the commencement of the restoration, replacement, or construction of the facility.

(c) For applications made after December 31, 1983, the commencement of the restoration, replacement, or construction of the facility occurred not earlier than 6 months before the filing of the application for the industrial facilities exemption certificate.

(d) The application relates to a construction, restoration, or replacement program that when completed constitutes a new or replacement facility within the meaning of this act and that shall be situated within a plant rehabilitation district or industrial development district duly established in a local governmental unit eligible under this act to establish the district.

(e) Completion of the facility is calculated to, and will at the time of issuance of the certificate have the reasonable likelihood to create employment, retain employment, prevent a loss of employment, or produce energy in the community in which the facility is situated.

(f) Completion of the facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productive capacity but rather is primarily for the purpose and will primarily have the effect of restoration, replacement, or updating the technology of obsolete industrial property. An increase in productive capacity, even though significant, is not an impediment to the issuance of an industrial facilities exemption certificate if other criteria in this section and act are met. This subdivision does not apply to a new

facility.

(g) The provisions of subdivision (c) do not apply to a new facility located in an existing industrial development district owned by a person who filed an application for an industrial facilities exemption certificate in April of 1992 if the application was approved by the local governing body and was denied by the state tax commission in April of 1993.

(h) The provisions of subdivisions (b) and (c) and section 4(3) do not apply to 1 or more of the following:

(i) A facility located in an industrial development district owned by a person who filed an application for an industrial facilities exemption certificate in October 1995 for construction that was commenced in July 1992 in a district that was established by the legislative body of the local governmental unit in July 1994. An industrial facilities exemption certificate described in this subparagraph shall expire as provided in section 16(3).

(ii) A facility located in an industrial development district that was established in January 1994 and was owned by a person who filed an application for an industrial facilities exemption certificate in February 1994 if the personal property and real property portions of the application were approved by the legislative body of the local governmental unit and the personal property portion of the application was approved by the state tax commission in December 1994 and the real property portion of the application was denied by the state tax commission in December 1994. An industrial facilities exemption certificate described in this subparagraph shall expire as provided in section 16(3).

(iii) A facility located in an industrial development district that was established in December 1995 and was owned by a person who filed an application for an industrial facilities exemptions certificate in November or December 1995 for construction that was commenced in September 1995.

(iv) A facility located in an industrial development district owned by a person who filed an application for an industrial facilities exemption certificate in July 2001 for construction that was commenced in February 2001 in a district that was established by the legislative body of the local governmental unit in September 2001. An industrial facilities exemption certificate described in this subparagraph shall expire as provided in section 16. The facility described in this subparagraph shall be taxed under this act as if it was granted an industrial facilities exemption certificate in October 2001, and a corrected tax bill shall be issued by the local tax collecting unit if the local tax collecting unit has possession of the tax roll or by the county treasurer if the county has possession of the tax roll. If granting the industrial facilities exemption certificate under this subparagraph results in an overpayment of the tax, a rebate, including any interest and penalties paid, shall be made to the taxpayer by the local tax collecting unit if the local tax collecting unit has possession of the tax roll or by the county treasurer if the county has possession of the tax roll within 30 days of the date the exemption is granted. The rebate shall be without interest.

(v) A facility located in an industrial development district owned by a person who filed an application for an industrial facilities exemption certificate in December 2005 for construction that was commenced in September 2005 in a district that was established by the legislative body of the local governmental unit in December 2005. An industrial facilities exemption certificate described in this subparagraph shall expire as provided in section 16.

(vi) A facility located in an existing industrial development district owned by a person who filed or amended an application for an industrial facilities exemption certificate for real property in July 2006 if the application was approved by the legislative body of the local governmental unit in September 2006 but not submitted to the state tax commission until September 2006.

(vii) A new facility located in an existing industrial development district owned by a person who filed or amended an application for an industrial facilities exemption certificate for personal property in June 2006 if the application was approved by the legislative body of the local governmental unit in August 2006 but not submitted to the state tax commission until 2007. The effective date of the certificate shall be December 31, 2006.

(viii) A new facility located in an industrial development district that was established by the legislative body of the local governmental unit in September of 2007 for construction that was commenced in March 2007 and for which an application for an industrial facilities exemption certificate was filed in September of 2007.

(ix) A facility located in an industrial development district that was established by the legislative body of the local governmental unit in August 2007 and was owned by a person who filed an application for an industrial facilities exemption certificate in June 2007 for equipment that was purchased in January 2007.

(x) A facility located in an industrial development district that otherwise meets the criteria of this act that has received written approval from the chairperson of the Michigan economic growth authority.

(xi) A new facility located in an industrial development district that was established by the legislative body of the local governmental unit in August of 2008 for construction that was commenced in December 2005 and

certificate of occupancy issued in September 2006 for which an application for an industrial facilities exemption certificate was filed in August of 2008.

(xii) A facility located in an industrial development district owned by a person who filed an application for a certificate for real and personal property in April 2005 if the application was approved by the legislative body of the local governmental unit in July 2005 for construction that was commenced in July 2004.

(xiii) A facility located in an industrial development district that was established by the legislative body of the local governmental unit in December 2007 for construction that was commenced in September 2007 and a certificate of occupancy issued in September 2008 for which an application for an industrial facilities exemption certificate was approved in May of 2008.

(i) The provisions of subdivision (c) do not apply to any of the following:

(i) A new facility located in an existing industrial development district owned by a person who filed an application for an industrial facilities exemption certificate in October 1993 if the application was approved by the legislative body of the local governmental unit and the real property portion of the application was denied by the state tax commission in December 1993.

(ii) A new facility located in an existing industrial development district owned by a person who filed an application for an industrial facilities exemption certificate in September 1993 if the personal property portion of the application was approved by the legislative body of the local governmental unit and the real property portion of the application was denied by the legislative body of the local governmental unit in October 1993 and subsequently approved by the legislative body of the local governmental unit in September 1994.

(iii) A facility located in an existing industrial development district owned by a person who filed an application for an industrial facilities exemption certificate in August 1993 if the application was approved by the local governmental unit in September 1993 and the application was denied by the state tax commission in December 1993.

(iv) A facility located in an existing industrial development district occupied by a person who filed an application for an industrial facilities exemption certificate in June of 1995 if the application was approved by the legislative body of the local governmental unit in October of 1995 for construction that was commenced in November or December of 1994.

(v) A facility located in an existing industrial development district owned by a person who filed an application for an industrial facilities exemption certificate in June of 1995 if the application was approved by the legislative body of the local governmental unit in July of 1995 and the personal property portion of the application was approved by the state tax commission in November of 1995.

(j) If the facility is locating in a plant rehabilitation district or an industrial development district from another location in this state, the owner of the facility is not delinquent in any of the taxes described in section 10(1)(a) of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2690, or substantially delinquent in any of the taxes described in and as provided under section 10(1)(b) of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2690.

(3) If the replacement facility when completed will not be located on the same premises or contiguous premises as the obsolete industrial property, then the applicant shall make provision for the obsolete industrial property by demolition, sale, or transfer to another person with the effect that the obsolete industrial property shall within a reasonable time again be subject to assessment and taxation under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, or be used in a manner consistent with the general purposes of this act, subject to approval of the commission.

(4) The legislative body of the local governmental unit shall not approve an application and the commission shall not grant an industrial facilities exemption certificate that applies to a speculative building unless the speculative building is or is to be located in a plant rehabilitation district or industrial development district duly established by a local governmental unit eligible under this act to establish a district; the speculative building was constructed less than 9 years before the filing of the application for the industrial facilities exemption certificate; the speculative building has not been occupied since completion of construction; and the speculative building otherwise qualifies under subsection (2)(e) for an industrial facilities exemption certificate. An industrial facilities exemption certificate granted under this subsection shall expire as provided in section 16(3).

(5) Not later than September 1, 1989, the commission shall provide to all local assessing units the name, address, and telephone number of the person on the commission staff responsible for providing procedural information concerning this act. After October 1, 1989, a local unit of government shall notify each prospective applicant of this information in writing.

(6) Notwithstanding any other provision of this act, if on December 29, 1986 a local governmental unit passed a resolution approving an exemption certificate for 10 years for real and personal property but the commission did not receive the application until 1992 and the application was not made complete until 1995,

then the commission shall issue, for that property, an industrial facilities exemption certificate that begins December 30, 1987 and ends December 30, 1997. The facility described in this subsection shall be taxed under this act as if it was granted an industrial facilities exemption certificate on December 30, 1987.

(7) Notwithstanding any other provision of this act, if a local governmental unit passed a resolution approving an industrial facilities exemption certificate for a new facility on July 8, 1991 but rescinded that resolution and passed a resolution approving an industrial facilities exemption certificate for that same facility as a replacement facility on October 21, 1996, the commission shall issue for that property an industrial facilities exemption certificate that begins December 30, 1991 and ends December 2003. The replacement facility described in this subsection shall be taxed under this act as if it was granted an industrial facilities exemption certificate on December 30, 1991.

(8) Property owned or operated by a casino is not industrial property or otherwise eligible for an abatement or reduction of ad valorem property taxes under this act. As used in this subsection, "casino" means a casino or a parking lot, hotel, motel, convention and trade center, or retail store owned or operated by a casino, an affiliate, or an affiliated company, regulated by this state pursuant to the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.

(9) Notwithstanding section 16a and any other provision of this act, if a local governmental unit passed a resolution approving an industrial facilities exemption certificate for a new facility on October 28, 1996 for a certificate that expired in December 2003 and the local governmental unit passes a resolution approving the extension of the certificate after December 2003 and before March 1, 2006, the commission shall issue for that property an industrial facilities exemption certificate that begins on December 30, 2005 and ends December 30, 2010 as long as the property continues to qualify under this act.

(10) Notwithstanding any other provision of this act, if the commission issued an industrial facilities exemption certificate for a new facility on December 8, 1998 but revoked that industrial facilities exemption certificate for that same facility effective December 30, 2006 and that new facility is purchased by a buyer on or before November 1, 2007, the commission shall issue for that property an industrial facilities exemption certificate that begins December 31, 1998 and ends December 30, 2010 and shall transfer that industrial facilities exemption certificate to the buyer. The new facility described in this subsection shall be taxed under this act as if it was granted an industrial facilities exemption certificate effective on December 31, 1998.

(11) Notwithstanding any other provision of this act, if the commission issued industrial facilities exemption certificates for new facilities on October 30, 2002, September 9, 2003, and November 30, 2005 but revoked the industrial facilities exemption certificates for the same facilities effective December 30, 2007 and the new facilities continue to qualify under this act, the commission shall issue for the properties industrial facilities exemption certificates which end respectively on December 30, 2008, December 30, 2009, and December 30, 2011.

(12) Notwithstanding any other provision of this act, if in August 2008 a local governmental unit passed a resolution approving an exemption certificate for 12 years for real and personal property but the commission did not receive the application until 2008, then the commission shall issue, for that property, an industrial facilities exemption certificate that begins December 31, 2006 and ends December 30, 2018. The facility described in this subsection shall be taxed under this act as if it had been granted an industrial facilities exemption certificate on December 31, 2006.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1975, Act 302, Imd. Eff. Dec. 19, 1975;—Am. 1976, Act 224, Imd. Eff. July 30, 1976;—Am. 1982, Act 417, Imd. Eff. Dec. 28, 1982;—Am. 1985, Act 33, Imd. Eff. June 13, 1985;—Am. 1989, Act 119, Imd. Eff. June 28, 1989;—Am. 1990, Act 338, Imd. Eff. Dec. 21, 1990;—Am. 1991, Act 201, Imd. Eff. Jan. 3, 1992;—Am. 1994, Act 76, Imd. Eff. Apr. 11, 1994;—Am. 1994, Act 266, Imd. Eff. July 6, 1994;—Am. 1994, Act 379, Imd. Eff. Dec. 27, 1994;—Am. 1995, Act 218, Imd. Eff. Dec. 1, 1995;—Am. 1996, Act 1, Imd. Eff. Jan. 30, 1996;—Am. 1996, Act 513, Imd. Eff. Jan. 13, 1997;—Am. 1999, Act 140, Imd. Eff. Oct. 18, 1999;—Am. 2005, Act 251, Imd. Eff. Dec. 1, 2005;—Am. 2006, Act 22, Imd. Eff. Feb. 14, 2006;—Am. 2006, Act 436, Imd. Eff. Oct. 5, 2006;—Am. 2007, Act 146, Imd. Eff. Dec. 10, 2007;—Am. 2008, Act 170, Imd. Eff. July 2, 2008;—Am. 2008, Act 515, Imd. Eff. Jan. 13, 2009;—Am. 2008, Act 516, Imd. Eff. Jan. 13, 2009.

Compiler's note: Section 2 of Act 119 of 1989 provides:

"Section 2. This amendatory act shall take effect beginning with taxes levied under this act in 1989."

Popular name: Act 198

207.560 Annual determination of value of facility.

Sec. 10. (1) The assessor of each city or township in which there is a speculative building, new facility, or replacement facility with respect to which 1 or more industrial facilities exemption certificates have been issued and are in force shall determine annually as of December 31 the value and taxable value of each facility separately, both for real and personal property, having the benefit of a certificate.

(2) The assessor, upon receipt of notice of the filing of an application for the issuance of a certificate, shall

determine and furnish to the local legislative body and the commission the value of the property to which the application pertains and other information as may be necessary to permit the local legislative body and the commission to make the determinations required by section 9(1).

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1975, Act 302, Imd. Eff. Dec. 19, 1975;—Am. 1982, Act 417, Imd. Eff. Dec. 28, 1982;—Am. 1996, Act 1, Imd. Eff. Jan. 30, 1996.

Popular name: Act 198

207.561 Industrial facility tax; payment; disbursements; allocation; receipt or retention of tax payment by local or intermediate school district; disposition of amount disbursed to local school district; facility located in renaissance zone; building or facility owned or operated by qualified start-up business; "qualified start-up business" defined.

Sec. 11. (1) Except as provided in subsections (6) and (7), there is levied upon every owner of a speculative building, a new facility, or a replacement facility to which an industrial facilities exemption certificate is issued a specific tax to be known as the industrial facility tax and an administrative fee calculated in the same manner and at the same rate that the local tax collecting unit imposes on ad valorem taxes collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

(2) The industrial facility tax and administrative fee are to be paid annually, at the same times, in the same installments, and to the same officer or officers as taxes and administrative fees, if any, imposed under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, are payable. Except as otherwise provided in this section, the officer or officers shall disburse the industrial facility tax payments received each year to and among the state, cities, townships, villages, school districts, counties, and authorities, at the same times and in the same proportions as required by law for the disbursement of taxes collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155. To determine the proportion for the disbursement of taxes under this subsection and for attribution of taxes under subsection (5) for taxes collected under industrial facilities exemption certificates issued before January 1, 1994, the number of mills levied for local school district operating purposes to be used in the calculation shall equal the number of mills for local school district operating purposes levied in 1993 minus the number of mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, for the year for which the disbursement is calculated.

(3) Except as provided by subsections (4) and (5), for an intermediate school district receiving state aid under section 56, 62, or 81 of the state school aid act of 1979, 1979 PA 94, MCL 388.1656, 388.1662, and 388.1681, of the amount that would otherwise be disbursed to or retained by the intermediate school district, all or a portion, to be determined on the basis of the tax rates being utilized to compute the amount of the state school aid, shall be paid instead to the state treasury to the credit of the state school aid fund established by section 11 of article IX of the state constitution of 1963. If the sum of any commercial facilities taxes prescribed by the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668, and the industrial facility taxes paid to the state treasury to the credit of the state school aid fund that would otherwise be disbursed to the local or intermediate school district, under section 12 of the commercial redevelopment act, 1978 PA 255, MCL 207.662, and this section, exceeds the amount received by the local or intermediate school district under sections 56, 62, and 81 of the state school aid act of 1979, 1979 PA 94, MCL 388.1656, 388.1662, and 388.1681, the department of treasury shall allocate to each eligible local or intermediate school district an amount equal to the difference between the sum of the commercial facilities taxes and the industrial facility taxes paid to the state treasury to the credit of the state school aid fund and the amount the local or intermediate school district received under sections 56, 62, and 81 of the state school aid act of 1979, 1979 PA 94, MCL 388.1656, 388.1662, and 388.1681. This subsection does not apply to taxes levied for either of the following:

(a) Mills allocated to an intermediate school district for operating purposes as provided for under the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a.

(b) An intermediate school district that is not receiving state aid under section 56 or 62 of the state school aid act of 1979, 1979 PA 94, MCL 388.1656 and 388.1662.

(4) For industrial facilities taxes levied before 1994, a local or intermediate school district shall receive or retain its industrial facility tax payment that is levied in any year and becomes a lien before December 1 of the year if the district files a statement with the state treasurer not later than June 30 of the year certifying that the district does not expect to receive state school aid payments under section 56, 62, or 81 of the state school aid act of 1979, 1979 PA 94, MCL 388.1656, 388.1662, and 388.1681, in the state fiscal year commencing in the year this statement is filed and if the district did not receive state school aid payments under section 56, 62, or 81 of the state school aid act of 1979, 1979 PA 94, MCL 388.1656, 388.1662, and 388.1681, for the state fiscal year concluding in the year the statement required by this subsection is filed. However, if a local or

intermediate school district receives or retains its summer industrial facility tax payment under this subsection and becomes entitled to receive state school aid payments under section 56, 62, or 81 of the state school aid act of 1979, 1979 PA 94, MCL 388.1656, 388.1662, and 388.1681, in the state fiscal year commencing in the year in which it filed the statement required by this subsection, the district immediately shall pay to the state treasury to the credit of the state school aid fund an amount of the summer industrial facility tax payments that would have been paid to the state treasury to the credit of the state school aid fund under subsection (3) had not this subsection allowed the district to receive or retain the summer industrial facility tax payment.

(5) For industrial facilities taxes levied after 1993, the amount to be disbursed to a local school district, except for that amount of tax attributable to mills levied under section 1211(2) or 1211c of the revised school code, 1976 PA 451, MCL 380.1211 and 380.1211c, and mills that are not included as mills levied for school operating purposes under section 1211 of the revised school code, 1976 PA 451, MCL 380.1211, shall be paid to the state treasury and credited to the state school aid fund established by section 11 of article IX of the state constitution of 1963.

(6) A speculative building, a new facility, or a replacement facility located in a renaissance zone under the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, is exempt from the industrial facility tax levied under this act to the extent and for the duration provided pursuant to the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, except for that portion of the industrial facility tax attributable to a special assessment or a tax described in section 7ff(2) of the general property tax act, 1893 PA 206, MCL 211.7ff. The industrial facility tax calculated under this subsection shall be disbursed proportionately to the local taxing unit or units that levied the special assessment or the tax described in section 7ff(2) of the general property tax act, 1893 PA 206, MCL 211.7ff.

(7) Upon application for an exemption under this subsection by a qualified start-up business, the governing body of a local tax collecting unit may adopt a resolution to exempt a speculative building, a new facility, or a replacement facility of a qualified start-up business from the collection of the industrial facility tax levied under this act in the same manner and under the same terms and conditions as provided for the exemption in section 7hh of the general property tax act, 1893 PA 206, MCL 211.7hh. The clerk of the local tax collecting unit shall notify in writing the assessor of the local tax collecting unit and the legislative body of each taxing unit that levies ad valorem property taxes in the local tax collecting unit. Before acting on the resolution, the governing body of the local tax collecting unit shall afford the assessor and a representative of the affected taxing units an opportunity for a hearing. If a resolution authorizing the exemption is adopted in the same manner as provided in section 7hh of the general property tax act, 1893 PA 206, MCL 211.7hh, a speculative building, a new facility, or a replacement facility owned or operated by a qualified start-up business is exempt from the industrial facility tax levied under this act, except for that portion of the industrial facility tax attributable to a special assessment or a tax described in section 7ff(2) of the general property tax act, 1893 PA 206, MCL 211.7ff, for the year in which the resolution is adopted. A qualified start-up business is not eligible for an exemption under this subsection for more than 5 years. A qualified start-up business may receive the exemption under this subsection in nonconsecutive years. The industrial facility tax calculated under this subsection shall be disbursed proportionately to the taxing unit or units that levied the special assessment or the tax described in section 7ff(2) of the general property tax act, 1893 PA 206, MCL 211.7ff. As used in this subsection, "qualified start-up business" means that term as defined in section 31a of the single business tax act, 1975 PA 228, MCL 208.31a, or in section 415 of the Michigan business tax act, 2007 PA 36, MCL 208.1415.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1975, Act 247, Imd. Eff. Sept. 4, 1975;—Am. 1982, Act 417, Imd. Eff. Dec. 28, 1982;—Am. 1983, Act 139, Imd. Eff. July 18, 1983;—Am. 1984, Act 122, Imd. Eff. June 1, 1984;—Am. 1993, Act 334, Eff. Apr. 1, 1994;—Am. 1994, Act 266, Imd. Eff. July 6, 1994;—Am. 1994, Act 379, Imd. Eff. Dec. 27, 1994;—Am. 1995, Act 132, Imd. Eff. July 10, 1995;—Am. 1996, Act 446, Imd. Eff. Dec. 19, 1996;—Am. 2001, Act 157, Imd. Eff. Nov. 6, 2001;—Am. 2004, Act 323, Imd. Eff. Aug. 27, 2004;—Am. 2007, Act 195, Imd. Eff. Dec. 21, 2007.

Compiler's note: Act 165 of 1989, purporting to amend MCL 207.561 and 207.564, could not take effect "unless amendment 2 of House Joint Resolution I of the 85th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963." House Joint Resolution I was submitted to, and disapproved by, the people at the special election held on November 7, 1989.

Popular name: Act 198

207.562 Failure to pay tax applicable to personal property; seizure and sale of personal property; civil action; jeopardy assessment; disbursement.

Sec. 12. (1) If the industrial facility tax applicable to personal property is not paid within the time permitted by law for payment without penalty of taxes imposed under Act No. 206 of the Public Acts of 1893, as amended, the officer to whom the industrial facility tax is first payable may in his own name or in the name

of the city, village, township, or county of which he is an officer, seize and sell personal property within this state of the owner who has so neglected or refused to pay the industrial facility tax applicable to personal property, to an amount sufficient to pay the tax, the expenses of sale, and interest on the tax at the rate of 9% per annum from the date the tax was first payable; or the officer may in his own name or in the name of the city, village, township, or county of which he is an officer, institute a civil action against the owner in the circuit court of the county in which the facility is located or in the circuit court of the county in which the owner resides or has his or its principal place of business, and in that civil action recover the amount of the tax and interest thereon at the rate of 9% per annum from the date the tax was first payable.

(2) The officer may proceed to make a jeopardy assessment, in the manner and under the circumstances provided by Act No. 55 of the Public Acts of 1956, being sections 211.691 to 211.698 of the Michigan Compiled Laws, as an additional means of collecting the amount of the tax under those circumstances.

(3) The officer may pursue 1 or more of the remedies provided in this section until such time as he has received the amount of the tax and interest thereon and costs allowed by this act or by law governing the proceedings of civil actions in the circuit courts. The amount of the tax and interest thereon shall be disbursed by the officer in the same manner as the industrial facility tax is disbursed when first payable.

History: 1974, Act 198, Imd. Eff. July 9, 1974.

Popular name: Act 198

207.563 Tax applicable to real property as lien; automatic termination of exemption certificate; affidavit.

Sec. 13. (1) The amount of the tax applicable to real property, until paid, shall be a lien upon the real property to which the certificate is applicable. Except as provided in subsection (3), the tax shall become a lien on the property on the date the tax is levied. The appropriate parties may, subject to subsection (3), enforce the lien in the same manner as provided by law for the foreclosure in the circuit courts of mortgage liens upon real property.

(2) On or after the December 31 next following the expiration of 60 days after the service upon the owner of a certificate of nonpayment and the filing of the certificate of nonpayment, if payment has not been made within the intervening 60 days, provided for by subsection (1), the industrial facilities exemption certificate shall automatically be terminated.

(3) The treasurer of a county, township, city, or village may designate the tax day provided in section 2 of the general property tax act, 1893 PA 206, MCL 211.2, as the date on which industrial facility taxes become a lien on the real or personal property assessed by filing an affidavit in the office of the register of deeds for the county in which the real or personal property is located attesting that 1 or more of the following events have occurred:

(a) The owner or person otherwise assessed has filed a bankruptcy petition under the federal bankruptcy code, title 11 of the United States Code, 11 USC 101 to 1330.

(b) A secured lender has brought an action to foreclose on or to enforce an interest secured by the real or personal property assessed.

(c) For personal property only, the owner, the person otherwise assessed, or other person has liquidated or is attempting to liquidate the personal property assessed.

(d) The real or personal property assessed is subject to receivership under state or federal law.

(e) The owner or person otherwise assessed has assigned the real or personal property assessed for the benefit of his or her creditors.

(f) The real or personal property assessed has been seized or purchased by federal, state, or local authorities.

(g) A judicial action has been commenced that may impair the ability of the taxing authority to collect any tax due in the absence of a lien on the real or personal property assessed.

(4) The affidavit provided for in subsection (3) shall include all of the following:

(a) The year for which the industrial facility taxes due were levied.

(b) The date on which the industrial facility taxes due were assessed.

(c) The name of the owner or person otherwise assessed who is identified in the tax roll.

(d) The tax identification number of the real or personal property assessed.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 2004, Act 442, Imd. Eff. Dec. 21, 2004.

Popular name: Act 198

207.564 Industrial facility tax; amount of tax; determination; reduction.

Sec. 14. (1) The amount of the industrial facility tax, in each year for a replacement facility, shall be determined by multiplying the total mills levied as ad valorem taxes for that year by all taxing units within

which the facility is situated by the taxable value of the real and personal property of the obsolete industrial property for the tax year immediately preceding the effective date of the industrial facilities exemption certificate after deducting the taxable value of the land and of the inventory as specified in section 19.

(2) The amount of the industrial facility tax, in each year for a new facility or a speculative building for which an industrial facilities exemption certificate became effective before January 1, 1994, shall be determined by multiplying the taxable value of the facility excluding the land and the inventory personal property by the sum of 1/2 of the total mills levied as ad valorem taxes for that year by all taxing units within which the facility is located other than mills levied for school operating purposes by a local school district within which the facility is located or mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, plus 1/2 of the number of mills levied for local school district operating purposes in 1993.

(3) Except as provided in subsection (4), the amount of the industrial facility tax in each year for a new facility or a speculative building for which an industrial facilities exemption certificate becomes effective after December 31, 1993, shall be determined by multiplying the taxable value of the facility excluding the land and the inventory personal property by the sum of 1/2 of the total mills levied as ad valorem taxes for that year by all taxing units within which the facility is located other than mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, plus, subject to section 14a, the number of mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(4) For taxes levied after December 31, 2007, for the personal property tax component of an industrial facilities exemption certificate for a new facility or a speculative building that is sited on real property classified as industrial real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, the amount of the industrial facility tax in each year for a new facility or a speculative building shall be determined by multiplying the taxable value of the facility excluding the land and the inventory personal property by the sum of 1/2 of the total mills levied as ad valorem taxes for that year by all taxing units within which the facility is located other than mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and the number of mills from which the property is exempt under section 1211(1) of the revised school code, 1976 PA 451, MCL 380.1211. For taxes levied after December 31, 2007, for the personal property tax component of an industrial facilities exemption certificate for a new facility or a speculative building that is sited on real property classified as commercial real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, the amount of the industrial facility tax in each year for a new facility or a speculative building shall be determined by multiplying the taxable value of the facility excluding the land and the inventory personal property by the sum of 1/2 of the total mills levied as ad valorem taxes for that year by all taxing units within which the facility is located other than the number of mills from which the property is exempt under section 1211(1) of the revised school code, 1976 PA 451, MCL 380.1211.

(5) For a termination or revocation of only the real property component, or only the personal property component, of an industrial facilities exemption certificate as provided in this act, the valuation and the tax determined using that valuation shall be reduced proportionately to reflect the exclusion of the component with respect to which the termination or revocation has occurred.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1982, Act 417, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 334, Eff. Apr. 1, 1994;—Am. 1994, Act 266, Eff. Imd. July 6, 1994;—Am. 1996, Act 1, Imd. Eff. Jan. 30, 1996;—Am. 2007, Act 39, Imd. Eff. July 12, 2007;—Am. 2007, Act 146, Imd. Eff. Dec. 10, 2007;—Am. 2008, Act 457, Imd. Eff. Jan. 9, 2009.

Compiler's note: Act 165 of 1989, purporting to amend MCL 207.561 and 207.564, could not take effect "unless amendment 2 of House Joint Resolution I of the 85th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963." House Joint Resolution I was submitted to, and disapproved by, the people at the special election held on November 7, 1989.

Popular name: Act 198

207.564a Reduction of mills used to calculate tax under MCL 207.564(3); exception.

Sec. 14a. Within 60 days after the granting of an industrial facilities exemption certificate under section 7 for a new facility, the state treasurer may exclude 1/2 or all of the number of mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, from the specific tax calculation on the facility under section 14(3) if the state treasurer determines that reducing the number of mills used to calculate the specific tax under section 14(3) is necessary to reduce unemployment, promote economic growth, and increase capital investment in this state. This section does not apply to the personal property tax component of a certificate described in section 14(4).

History: Add. 1993, Act 334, Eff. Apr. 1, 1994;—Am. 1994, Act 266, Imd. Eff. July 6, 1994;—Am. 2007, Act 39, Imd. Eff. July 12, 2007.

Compiler's note: For transfer of authority, powers, duties, functions, and responsibilities of the state treasurer to grant exclusions

from the state education tax to the Michigan jobs commission, see E.R.O. No. 1995-1, compiled at MCL 408.49 of the Michigan Compiled Laws.

Popular name: Act 198

207.564b Repealed. 1994, Act 266, Imd. Eff. July 6, 1994.

Compiler's note: The repealed section pertained to determination of tax for which industrial facility exemption certificate effective.

Popular name: Act 198

207.565 Revocation of exemption certificate; request; grounds; notice; hearing; order; effective date; revocation of certificate issued for speculative building; reinstatement of certificate.

Sec. 15. (1) Upon receipt of a request by certified mail to the commission by the holder of an industrial facilities exemption certificate requesting revocation of the certificate, the commission shall by order revoke the certificate in whole or revoke the certificate with respect to its real property component, or its personal property component, whichever is requested.

(2) The legislative body of a local governmental unit may by resolution request the commission to revoke the industrial facilities exemption certificate of a facility upon the grounds that, except as provided in section 7a, completion of the replacement facility or new facility has not occurred within 2 years after the effective date of the certificate, unless a greater time has been authorized by the commission for good cause; that the replacement, restoration, or construction of the facility has not occurred within 6 years after the date the initial industrial facilities exemption certificate was issued as provided in section 7a, unless a greater time has been authorized by the commission for good cause; that completion of the speculative building has not occurred within 2 years after the date the certificate was issued except as provided in section 7a, unless a greater time has been authorized by the commission for good cause; that a speculative building for which a certificate has been issued but is not yet effective has been used as other than a manufacturing facility; that the certificate issued for a speculative building has not become effective within 2 years after the December 31 following the date the certificate was issued; or that the purposes for which the certificate was issued are not being fulfilled as a result of a failure of the holder to proceed in good faith with the replacement, restoration, or construction and operation of the replacement facility or new facility or with the use of the speculative building as a manufacturing facility in a manner consistent with the purposes of this act and in the absence of circumstances that are beyond the control of the holder.

(3) Upon receipt of the resolution, the commission shall give notice in writing by certified mail to the holder of the certificate, to the local legislative body, to the assessor of the assessing unit, and to the legislative body of each local taxing unit which levies taxes upon property in the local governmental unit in which the facility is located. The commission shall afford to the holder of the certificate, the local legislative body, the assessor, and a representative of the legislative body of each taxing unit an opportunity for a hearing. The commission shall by order revoke the certificate if the commission finds that completion except as provided in section 7a of the replacement facility or new facility has not occurred within 2 years after the effective date of the certificate or a greater time as authorized by the commission for good cause; that completion of the speculative building has not occurred within 2 years after the date the certificate was issued except as provided in section 7a, unless a greater time has been authorized by the commission for good cause; that a speculative building for which a certificate has been issued but is not yet effective has been used as other than a manufacturing facility; that the certificate issued for a speculative building has not become effective within 2 years after the December 31 following the date the certificate was issued; or that the holder of the certificate has not proceeded in good faith with the replacement, restoration, or construction and operation of the facility or with the use of the speculative building as a manufacturing facility in good faith in a manner consistent with the purposes of this act and in the absence of circumstances that are beyond the control of the holder.

(4) The order of the commission revoking the certificate shall be effective on the December 31 next following the date of the order and the commission shall send by certified mail copies of its order of revocation to the holder of the certificate, to the local legislative body, to the assessor of the assessing unit in which the facility is located, and to the legislative body of each taxing unit which levies taxes upon property in the local governmental unit in which the facility is located.

(5) A revocation of a certificate issued for a speculative building shall specify and apply only to that portion of the speculative building for which the grounds for revocation relate.

(6) Notwithstanding any other provision of this act, upon the written request of the holder of a revoked industrial facilities exemption certificate to the local unit of government and the commission and the submission to the commission of a resolution of concurrence by the legislative body of the local unit of

government in which the facility is located, and if the facility continues to qualify under this act, the commission may reinstate a revoked industrial facilities exemption certificate.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1982, Act 417, Imd. Eff. Dec. 28, 1982;—Am. 1996, Act 513, Imd. Eff. Jan. 13, 1997;—Am. 2008, Act 170, Imd. Eff. July 2, 2008.

Popular name: Act 198

***** 207.566 SUBSECTION (2) MAY NOT APPLY: See (2) of 207.566 *****

207.566 Duration of industrial facilities exemption certificate; date of issuance of certificate of occupancy.

Sec. 16. (1) Unless earlier revoked as provided in section 15, an industrial facilities exemption certificate shall remain in force and effect for a period to be determined by the legislative body of the local governmental unit and commencing with its effective date and ending on the December 31 next following not more than 12 years after the completion of the facility with respect to both the real property component and the personal property component of the facility. The date of issuance of a certificate of occupancy, if one is required, by appropriate municipal authority shall be the date of completion of the facility.

(2) In the case of an application which was not filed within 12 months after the commencement of the restoration, replacement, or construction of the facility but was filed within the succeeding 12-month period as provided in section 9(2)(a), the industrial facilities exemption certificate, unless earlier revoked as provided in section 15, shall remain in force and effect for a period commencing with its effective date and ending on the December 31 next following not more than 11 years after completion of the facility with respect to both the real property component and the personal property component of the facility. The date of issuance of a certificate of occupancy, if one is required, by appropriate municipal authority shall be the date of completion of the facility. This subsection shall not apply for certificates issued after December 31, 1983.

(3) In the case of an application filed pursuant to section 9(4), an industrial facilities exemption certificate, unless earlier revoked as provided in section 15, shall remain in force and effect for a period to be determined by the legislative body of the local governmental unit and commencing on the effective date of the certificate and ending on the December 31 next following not more than 11 years after the effective date of the certificate.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1976, Act 224, Imd. Eff. July 30, 1976;—Am. 1978, Act 38, Imd. Eff. Feb. 24;—Am. 1982, Act 417, Imd. Eff. Dec. 28, 1982.

Popular name: Act 198

207.566a Industrial facilities exemption certificate; provisions.

Sec. 16a. If an industrial facilities exemption certificate for a replacement facility, a new facility, or a speculative building becomes effective after December 31, 1995, for a period shorter than the maximum period permitted under section 16, then both of the following apply:

(a) The owner or lessee of the replacement facility, new facility, or speculative building may, within the final year in which the certificate is effective, within 12 months after the certificate expires, or, as permitted by the local governmental unit, at any other time in which the certificate is in effect apply for another certificate under this act. If the legislative body of a local governmental unit disapproves an application submitted under this subdivision, then the applicant has no right of appeal of that decision as described in section 6.

(b) The legislative body of a local governmental unit shall not approve applications for certificates the sum of whose periods exceeds the maximum permitted under section 16 for the user or lessee of a replacement facility, new facility, or speculative building.

History: Add. 1996, Act 94, Imd. Eff. Feb. 28, 1996;—Am. 2008, Act 306, Imd. Eff. Dec. 18, 2008.

Popular name: Act 198

207.567 Assessment of real and personal property comprising facility; notice of determination.

Sec. 17. (1) The assessor of each city or township in which is located a facility with respect to which an industrial facilities exemption certificate is in force shall annually determine, with respect to each such facility, an assessment of the real and personal property comprising the facility having the benefit of an industrial facilities exemption certificate which would have been made under Act No. 206 of the Public Acts of 1893, as amended, if the certificate had not been in force. A holder of an industrial facilities exemption certificate shall furnish to the assessor such information as may be necessary for the determination.

(2) The assessor, having made the determination, shall annually notify the commission, the legislative

body of each unit of local government which levies taxes upon property in the city or township in which the facility is located, and the holder of the industrial facilities exemption certificate of the determination, separately stating the determinations for real property and personal property, by certified mail not later than October 15 based upon valuations as of the preceding December 31.

History: 1974, Act 198, Imd. Eff. July 9, 1974.

Popular name: Act 198

207.568 Rules.

Sec. 18. The commission may promulgate rules as it deems necessary for the administration of this act pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: 1974, Act 198, Imd. Eff. July 9, 1974.

Popular name: Act 198

Administrative rules: R 209.51 to R 209.57 of the Michigan Administrative Code.

207.569 Form and contents of exemption certificate.

Sec. 19. An industrial facilities exemption certificate shall be in the form the commission determines but shall contain:

(a) A legal description of the real property on which the facility is or is to be located.

(b) A statement that unless revoked as provided in this act the certificate shall remain in force for the period stated in the certificate.

(c) In the case of a replacement facility a statement of the state equalized valuation of the obsolete industrial property, separately stated for real and personal property, for the tax year immediately preceding the effective date of the certificate after deducting the state equalized valuation of the land and inventory.

History: 1974, Act 198, Imd. Eff. July 9, 1974.

Popular name: Act 198

207.570 Appeal.

Sec. 20. A party aggrieved by the issuance or refusal to issue, revocation, transfer, or modification of an industrial facilities exemption certificate may appeal from the finding and order of the commission in the manner and form and within the time provided by Act No. 306 of the Public Acts of 1969, as amended.

History: 1974, Act 198, Imd. Eff. July 9, 1974.

Popular name: Act 198

207.571 Transfer and assignment of industrial facilities exemption certificate.

Sec. 21. (1) An industrial facilities exemption certificate may be transferred and assigned by the holder of the industrial facilities exemption certificate to a new owner or lessee of the facility but only with the approval of the local governmental unit and the commission after application by the new owner or lessee, and notice and hearing in the same manner as provided in section 5 for the application for a certificate.

(2) If the owner or lessee of a facility for which an industrial facilities exemption certificate is in effect relocates that facility outside of the industrial development district or plant rehabilitation district during the period in which the industrial facilities exemption certificate is in effect, the owner or lessee is liable to the local governmental unit from which it is leaving, upon relocating, for an amount equal to the difference between the industrial facilities tax to be paid by the owner or lessee of that facility for that facility for the tax years remaining under the industrial facilities exemption certificate that is in effect and the general ad valorem property tax that the owner or lessee would have paid if the owner or lessee of that facility did not have an industrial facilities exemption certificate in effect for those years. If the local governmental unit determines that it is in its best interest, the local governmental unit may forgive the liability of the owner or lessee under this subsection. The payment provided in this subsection shall be distributed in the same manner as the industrial facilities tax is distributed.

History: 1974, Act 198, Imd. Eff. July 9, 1974;—Am. 1999, Act 140, Imd. Eff. Oct. 18, 1999.

Popular name: Act 198

207.572 Industrial facilities exemption certificate; requirements for approval and issuance.

Sec. 22. A new industrial facilities exemption certificate shall not be approved and issued under this act after April 1, 1994, unless a written agreement is entered into between the local governmental unit and the person to whom the certificate is to be issued, and filed with the department of treasury.

History: Add. 1993, Act 334, Eff. Apr. 1, 1994;—Am. 1994, Act 266, Eff. Imd. July 6, 1994.

Popular name: Act 198

To Board 7/20/09



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by R 436.1105 (2d) and (3)]

GENOA TOWNSHIP

JUL 13 REC'D

RECEIVED

July 9, 2009

Genoa Charter Township
Attn: Clerk
2911 Dorr Rd
Brighton MI 48116

Request ID #: 522733

The Michigan Liquor Control Commission has received an application from Walgreen Co. (An Illinois Corporation) for a new SDM license to be located at 2321 E Grand River, Howell MI 48843, Livingston County

Contact: Eric Lyles, 104 Wilmot Road, Deerfield, IL 60015 (847) 315-3404

Specially Designated Merchant (SDM) licenses permit the sale of beer and wine for consumption off the premises only. Specially Designated Distributor (SDD) licenses permit the sale of alcoholic liquor, other than beer and wine under 21 per cent alcohol by volume, for consumption off the premises only.

For your information, part of the investigation of the application is conducted by the local law enforcement agency and investigative forms will be released to them either in person or by mail.

Although local governing body approval is not required by the Michigan Liquor Control Code, Rules and Related Laws for off-premise licenses, the local governing body, or its designee, may notify the Commission at the above address within 15 days of receipt of this letter if the applicant location will not be in compliance with all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, or if the applicant is considered ineligible due to other factors.

All conditions of non-compliance must be outlined in detail, indicating the applicable laws and ordinances. A copy of the law and/or ordinance may be submitted with the notification.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

jcw

<p>LC-3104(Rev. 09/05) Authority: R436.1105(2d) and (3) Completion: Mandatory Penalty: No License</p>	<p>DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Liquor Control Commission 7150 Harris Drive • P.O. Box 30005 • Lansing, Michigan 48909-7505 www.michigan.gov/lcc • (517) 322-1345 Lansing Office</p>
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