



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

NOTICE OF PUBLIC MEETING VIA VIDEO CONFERENCE

In accordance with Executive Order 2020-154, which declares that public bodies subject to the Open Meetings Act can use telephone and/or video conferencing technology to meet and conduct business during the ongoing COVID-19 pandemic, the Cascade Charter Township Board of Trustees will conduct a regular meeting on Wednesday, August 12, 2020 at 7pm utilizing the Zoom video conferencing platform, for the purpose of conducting official business while complying with the Governor's "Stay Safe, Stay Home" executive orders and the Michigan Department of Health and Human Services recommendations designed to help prevent the spread of COVID-19. For up-to-date information regarding the ongoing public health crisis, please visit:

<http://www.Michigan.gov/coronavirus> or <http://www.CDC.gov/coronavirus>

INSTRUCTIONS FOR ACCESS AND PARTICIPATION

Meeting ID: 885 2328 0310

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88523280310>

iPhone one-tap :

+19292056099,,88523280310#

or

+13017158592,,88523280310#

Telephone:

(for higher quality, dial a number based on your current location):

+1 312 626 6799

or +1 929 205 6099

or +1 346 248 7799

or +1 669 900 6833

or +1 253 215 8782

or +1 301 715 8592

International numbers available: <https://us02web.zoom.us/j/88523280310>

Members of the public with disabilities may utilize the Michigan Relay System (7-1-1) to participate in the meeting. If other aids or services are needed for individuals with disabilities please contact the Township Deputy Clerk, Padley Gallagher, at pgallagher@cascadetwp.com or 616-949-1500 at least 24 hours prior to the meeting

PUBLIC PARTICIPATION

Members of the public will be able to listen to and view all discussion by the Township Board and all official materials for this meeting prepared for the Township Board will be included in the meeting packet and available to the public on the Township website www.cascadetwp.com Individuals will be permitted to speak during public comment periods in accordance with the Township Remote Public Meeting Procedure Policy.

If you would like to contact the Cascade Township Board about any matter, on the agenda or otherwise, please do so via email at the addresses below a minimum of 8 hours prior to the meeting. If you wish comments to be read into the public record during the public comment period, you must indicate so and draft communication that can be read in the allotted 3-minute timeframe.

Supervisor Rob Beahan: rbeahan@cascadetwp.com

Clerk Sue Slater: sslater@cascadetwp.com

Treasurer Ken Peirce: kpeirce@cascadetwp.com

Trustee Jim Koessel: jkoessel@cascadetwp.com

Trustee Jack Lewis: jlewis@cascadetwp.com

Trustee Tom McDonald: tmdonald@cascadetwp.com

Trustee John Shipley: jshipley@cascadetwp.com

Manager Ben Swayze: bswayze@cascadetwp.com

**AGENDA
CASCADE CHARTER TOWNSHIP
REGULAR BOARD MEETING**

Wednesday, August 12, 2020
7:00 P.M.

Expected Meeting Procedures

1. During public comments you may speak on any item not noted on the agenda for a public hearing.
2. Please limit comments to 3 minutes per person and the Board may or may not choose to respond.
3. Please limit your comments to a specific issue.
4. Please turn OFF cellular phones.

- Article 1. Call to Order, Roll Call**
- Article 2. Pledge of Allegiance to the Flag**
- Article 3. Approval of Agenda**
- Article 4. Presentations**
- Article 5. Public Comments-Anything on the Agenda not scheduled for a public hearing. (limit comments to 3 minutes)**
- Article 6. Approval of Consent Agenda**
- a. Receive and File Reports
1. Inspectors Report – July 2020
 2. Kent County Sheriff's Department East Precinct (First Quarter)
 3. Kent County Sheriff's Department East Precinct (Second Quarter)
- Article 7. Financial Actions**
- Article 8. Unfinished Business**
- 034-2020 Consider Resolution of "Declaration of Intent to Make Public Improvements; Tentative Designation of the Special Assessment District; Notice of Public**
- Article 9. New Business**
- 038-2020 Consider Approval of Adventure Race in Peace Park. (roll call)**
- 039-2020 Consider Approval of Noise Ordinance Request from May 13, 2020 Board Meeting.**
- 040-2020 Consider Approval of Amendment to the 2020 Local Road Improvements.**
- 041-2020 Consider Resolution of "Declaration of Intent to Make Public Improvements; Tentative Designation of the Special Assessment District; Notice of Public Hearing" For Laraway Lake Special Assessment District No. 1.**
- 042-2020 Consider Approval of Hope Network Transportation Services Contract.**
- 043-2020 Consider Approval of COVID-19 Hazard Pay for Certain Township Employees**

- 044-2020 Consider Approval of Re-zone of 17 Acres to PUD to Allow for Thirteen Single Family Home Sites.**
- a. Motion to go into Public Hearing for Approval of Re-zone of 17 Acres to PUD to Allow for Thirteen Single Family Home Sites.**
 - b. Consider Approval of Re-zone of 17 Acres to PUD to Allow for Thirteen Single Family Home Sites.**

**Article 11. Public Comments – Any comments...whether it is on the Agenda or not.
(limit comments to 3 minutes)**

Article 12. Manager Comments

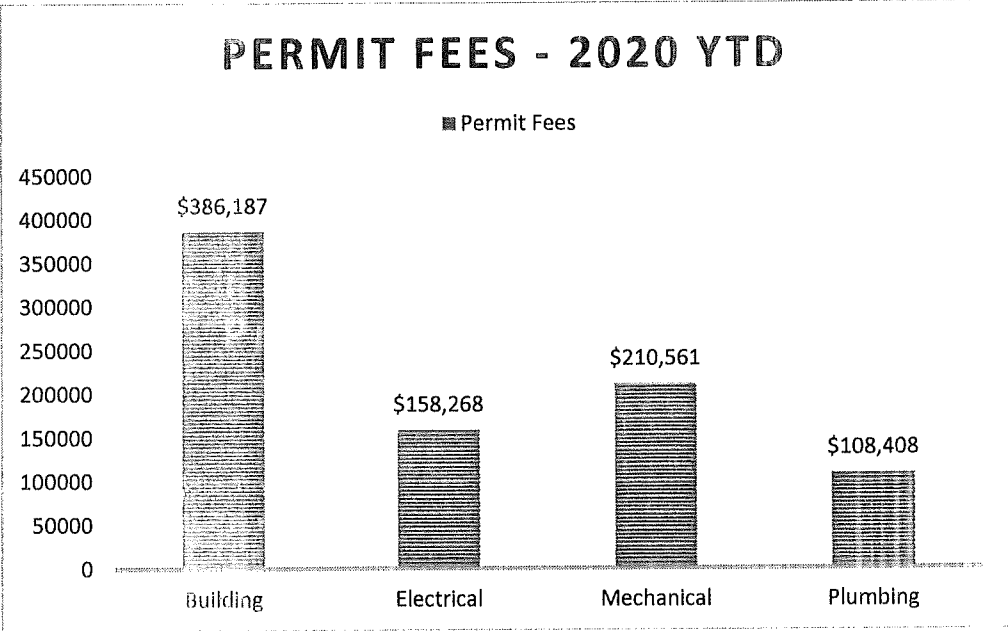
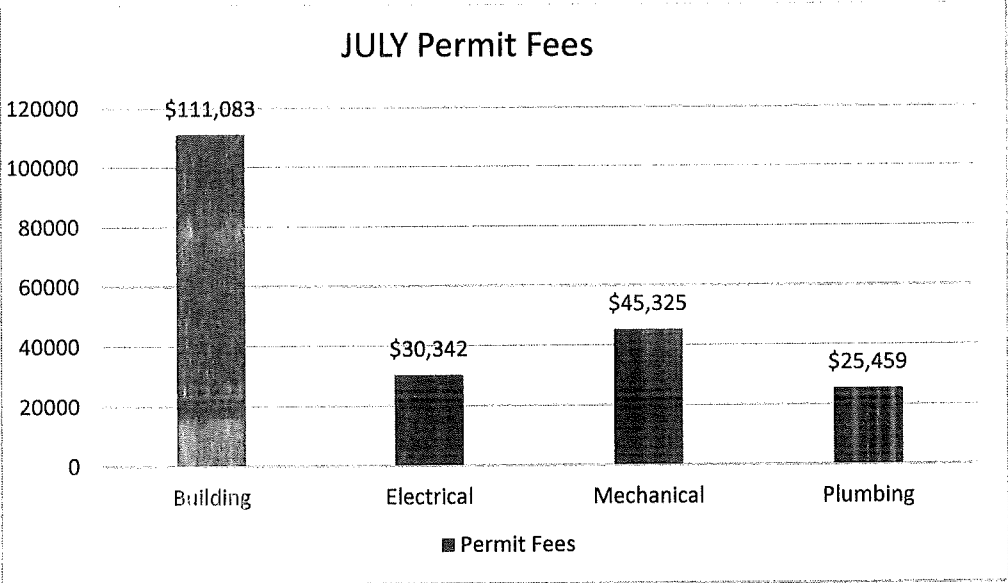
Article 13. Board Member Comments

Article 14. Adjournment

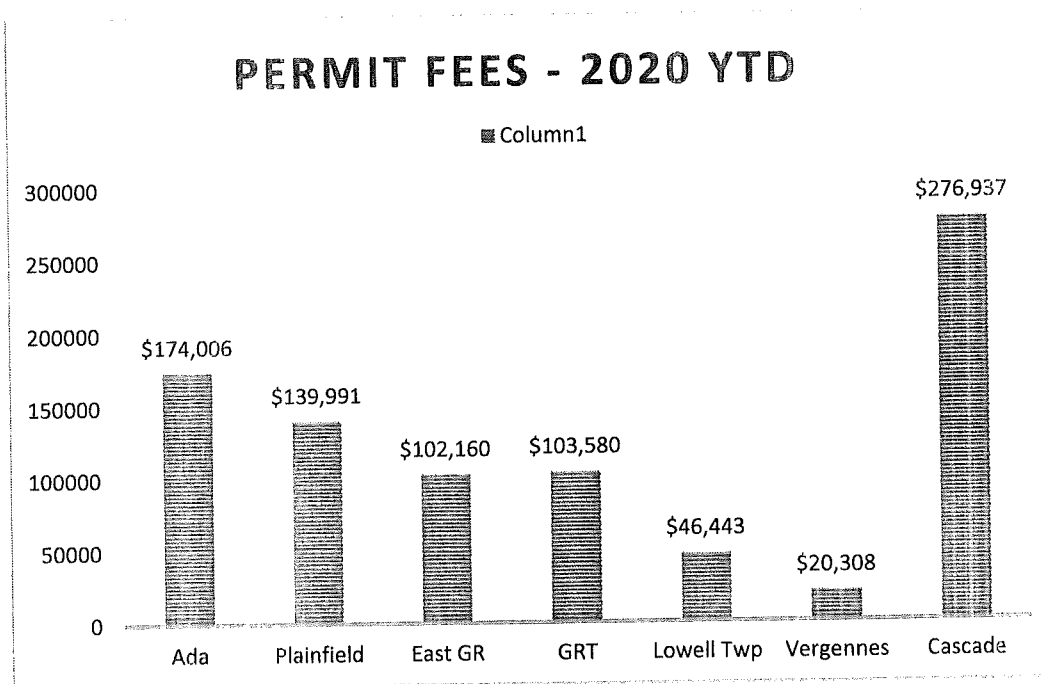
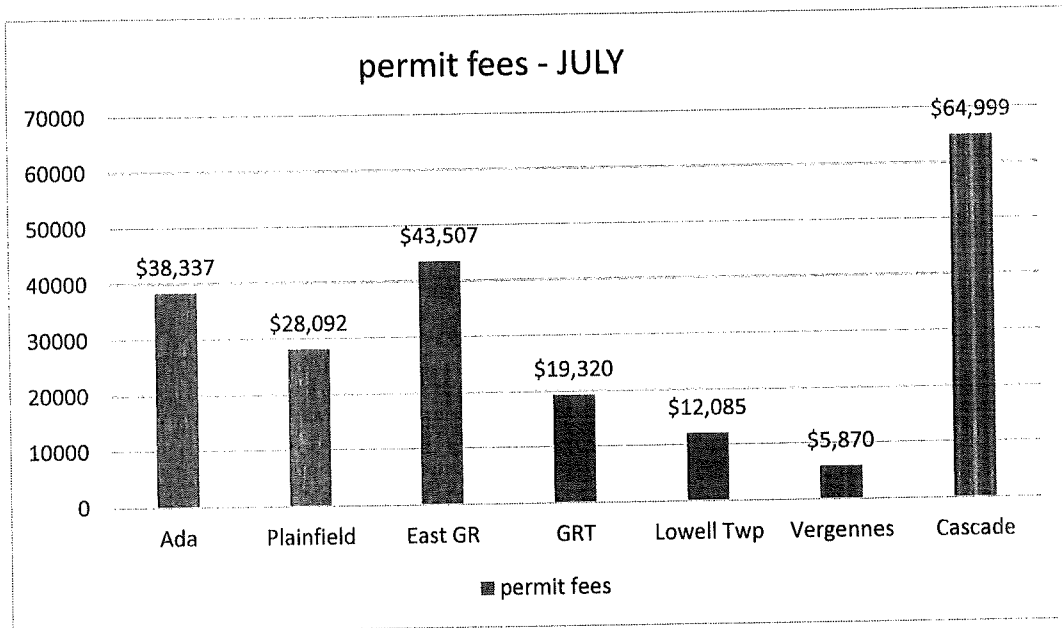
Cascade Inspection Services

JULY 2020

Permit Fees by Type



Permit Fees by Municipality



Township	#of Per Building	#of Per Electrical	# of Per Mechanical	# of Per Plumbing	Total Permits	Total Fees				
PREV YTD TOTAL	646	\$275,104.00	825	\$127,926.00	1440	\$165,236.25	657	\$82,949.00	3568	\$651,215.25
JULY										
Cascade	49	\$39,653.00	44	\$6,959.00	80	\$11,377.75	28	\$7,009.00	201	\$64,998.75
Lowell Twp	17	\$7,354.00	9	\$1,528.00	12	\$1,340.00	9	\$1,863.00	47	\$12,085.00
Ada	29	\$21,547.00	30	\$4,857.00	57	\$9,492.50	18	\$2,440.00	134	\$38,336.50
Vergennes			14	\$2,564.00	11	\$1,490.00	9	\$1,816.00	34	\$5,870.00
GR Twp	33	\$8,182.00	27	\$3,451.00	53	\$5,506.25	20	\$2,181.00	133	\$19,320.25
EGR	27	\$34,347.00	27	\$2,943.00	41	\$4,683.00	14	\$1,534.00	109	\$43,507.00
Plainfield			66	\$8,040.00	99	\$11,435.50	79	\$8,616.00	244	\$28,091.50
MCNTH TOTAL	155	\$ 111,083.00	217	\$ 30,342.00	353	\$ 45,325.00	177	\$ 25,459.00	902	\$212,209.00

2020 YTD	801	\$ 386,187.00	1042	\$ 158,268.00	1793	\$ 210,561.25	834	\$ 108,408.00	4470	\$ 863,424.25
TOTAL -2019	1675	\$ 631,143.50	2288	\$ 347,205.00	3478	\$ 406,781.95	1469	\$ 206,608.00	8910	\$ 1,591,688.45
TOTAL -2018	1705	\$ 920,876.00	2116	\$ 380,754.00	3585	\$ 456,603.00	1654	\$ 238,664.00	9060	\$ 1,996,897.00
TOTAL-2017	1758	\$ 753,389.00	2210	\$ 376,979.00	3273	\$ 412,867.25	1485	\$ 219,324.00	8726	\$ 1,762,559.25
TOTAL-2016	1475	\$529,552.24	1992	\$310,463.00	3217	\$383,718.00	1404	\$190,762.00	8088	\$1,414,495.24
TOTAL-2015	1510	\$ 665,025.51	1948	\$ 327,865.00	3070	\$ 385,822.30	1361	\$ 216,089.00	7889	\$ 1,594,801.81
TOTAL-2014	1354	\$ 615,191.80	1780	\$ 297,971.00	2860	\$ 359,989.90	1257	\$ 196,553.00	7251	\$ 1,469,705.70
TOTAL-2013	1241	\$644,712.00	1667	\$288,442.06	2583	\$334,045.70	969	\$142,474.00	6460	\$ 1,409,673.76
TOTAL-2012	1,122	\$511,272.00	1,349	\$188,766.99	2,134	\$247,625.30	835	\$118,335.00	5,440	\$ 1,065,999.29
TOTAL-2011	949	\$410,550.75	990	\$148,549.50	1585	\$189,180.10	753	\$111,023.00	4277	\$ 859,303.35
TOTAL-2010	850	\$309,779.00	1330	\$162,994.00	1644	\$188,927.25	625	\$94,790.00	4449	\$ 756,490.25
TOTAL-2009	712	\$222,039.00	875	\$125,848.00	1313	\$149,101.75	554	\$74,397.00	3463	\$ 571,382.75
TOTAL-2008	848	\$582,100.75	1043	\$147,674.00	1348	\$164,271.30	697	\$91,695.00	3933	\$ 951,266.55
TOTAL-2007	1032	\$336,749.55	1069	\$137,857.00	1447	\$151,002.60	778	\$98,270.00	4326	\$ 723,879.15
TOTAL-2006	1181	\$481,673.30	1547	\$215,121.00	2147	\$243,076.90	1243	\$162,020.00	5173	\$ 940,523.41
TOTAL-2005	1032	\$419,355.30	1369	\$191,694.00	1874	\$211,234.15	1111	\$144,926.00	5386	\$ 967,209.45

	JAN	FEB	MARCH	APR	MAY	JUNE	JULY	AUGUST	SEPT	OCT	NOV	DEC	TOTAL
	2020												
Township													
Ada Twp	\$15,278.00	\$19,097.25	\$24,022.25	\$4,002.00	\$36,037.75	\$37,232.00	\$38,336.50						174,005.75
Permit Fees													-
Special Insp													-
Ada Total	\$15,278.00	\$19,097.25	\$24,022.25	\$4,002.00	\$36,037.75	\$37,232.00	\$38,336.50						174,005.75
Plainfield	\$18,010.00	\$24,670.75	\$12,855.50	\$4,126.00	\$19,163.00	\$33,074.00	\$28,091.50						\$139,990.75
Permit Fees													-
Special Insp													-
Plainfield Total	\$18,010.00	\$24,670.75	\$12,855.50	\$4,126.00	\$19,163.00	\$33,074.00	\$28,091.50						139,990.75
East Gr	\$14,751.00	\$10,070.00	\$8,463.00	\$2,381.00	\$9,591.00	\$13,397.00	\$43,507.00						102,160.00
Permit Fees													-
Special Insp													-
East Gr Tot	\$14,751.00	\$10,070.00	\$8,463.00	\$2,381.00	\$9,591.00	\$13,397.00	\$43,507.00						102,160.00
GR Twp	\$17,365.75	\$16,577.00	\$11,069.00	\$6,687.50	\$15,965.00	\$16,595.00	\$19,320.25						103,579.50
Permit Fees													-
Special Insp													-
GR Twp tot	\$17,365.75	\$16,577.00	\$11,069.00	\$6,687.50	\$15,965.00	\$16,595.00	\$19,320.25						103,579.50
Lowell Twp	\$7,907.00	\$5,457.00	\$2,767.00	\$1,696.00	\$7,396.00	\$9,135.00	\$12,085.00						46,443.00
Permit Fees													-
Special Insp													-
Lowell Tot	\$7,907.00	\$5,457.00	\$2,767.00	\$1,696.00	\$7,396.00	\$9,135.00	\$12,085.00						46,443.00
Vergennes	\$3,142.00	\$1,716.00	\$2,409.00	\$215.00	\$1,820.00	\$5,136.00	\$5,870.00						20,308.00
Permit Fees													-
Special Insp													-
Verg Total	\$3,142.00	\$1,716.00	\$2,409.00	\$215.00	\$1,820.00	\$5,136.00	\$5,870.00						20,308.00
Permit Fees													-
Special Insp													-
Subtotal	\$76,453.75	\$77,588.00	\$61,585.75	\$19,107.50	\$89,972.75	\$114,569.00	\$147,210.25						586,487.00
Cascade	\$23,041.50	\$37,936.00	\$15,502.00	\$8,289.00	\$93,872.00	\$33,298.00	\$64,986.75						276,937.25
Total w/ Cas	\$99,495.25	\$115,524.00	\$77,087.75	\$27,396.50	\$183,844.75	\$147,867.00	\$212,209.00						863,424.25
			2020 YTD	\$663,424.25			2019 YTD	\$ 856,007.55					DIFFERENCE
													\$ 7,416.70
GRAND TOTAL PERMIT FEE CHART													

CASCADE CONSOLIDATED FEES

YEAR 2020

MONTH	Building Comm.		Building Residential	Electrical	Mechanical	Plumbing	TOTAL
JANUARY	\$2,741.00	\$3,852.00	\$4,500.00	\$8,380.50	\$3,568.00	\$23,041.50	
FEBRUARY	\$16,296.00	\$6,013.00	\$5,977.00	\$6,090.00	\$3,560.00	\$37,936.00	
MARCH	\$1,468.00	\$2,711.00	\$4,133.00	\$4,420.00	\$2,770.00	\$15,502.00	
APRIL	\$683.00	\$3,027.00	\$1,054.00	\$2,660.00	\$865.00	\$8,289.00	
MAY	\$74,540.00	\$7,217.00	\$4,827.00	\$5,340.00	\$1,948.00	\$93,872.00	
JUNE	\$2,480.00	\$9,883.00	\$8,021.00	\$9,200.00	\$3,714.00	\$33,298.00	
JULY	\$33,689.00	\$5,964.00	\$6,959.00	\$11,377.75	\$7,009.00	\$64,998.75	
AUGUST							
SEPTEMBER							
OCTOBER							
NOVEMBER							
DECEMBER							
YEAR END TOTAL	\$131,897.00	\$38,667.00	\$35,471.00	\$47,468.25	\$23,434.00	\$276,937.25	
PERMIT # FOR MONTH	4	45	44	80	28	201	
PREV PERMIT TOTAL	48	147	189	326	156	866	
PERMIT TOTAL FOR YR	52	192	233	406	184	1067	
YEAR TO DATE	2020	\$276,937.25					
YEAR TO DATE	2019	\$238,439.25					
OVER	\$38,498.00						

CASCADE SINGLE FAMILY HOMES

Number of Permits	JULY	YTD 2020	2019	2018	2017
New Residential Homes	1	12	38	43	57
VALUE - RESIDENTIAL	\$ 290,000.00	\$ 15,755,771.00	\$ 18,187,545.00	\$ 28,327,352.00	\$ 32,980,308.00

Printed: 08/04/2020

Cascade Twp -Permit Report by Category/ Fe

7/1/2020 12:00:00 to 7/31/2020 12:00:00

Permit	Applicant	Address	Issue Date	Project Value	Permit Fee
Res. Single Family					
PB20000723	T BOSGRAAF HOMES	I4582 HARBOR VIEW DR SE	07/20/2020	290,000	837.00
				290,000	837.00
1	Permits	Value Total		290,000	837



Kent County Sheriff's Office

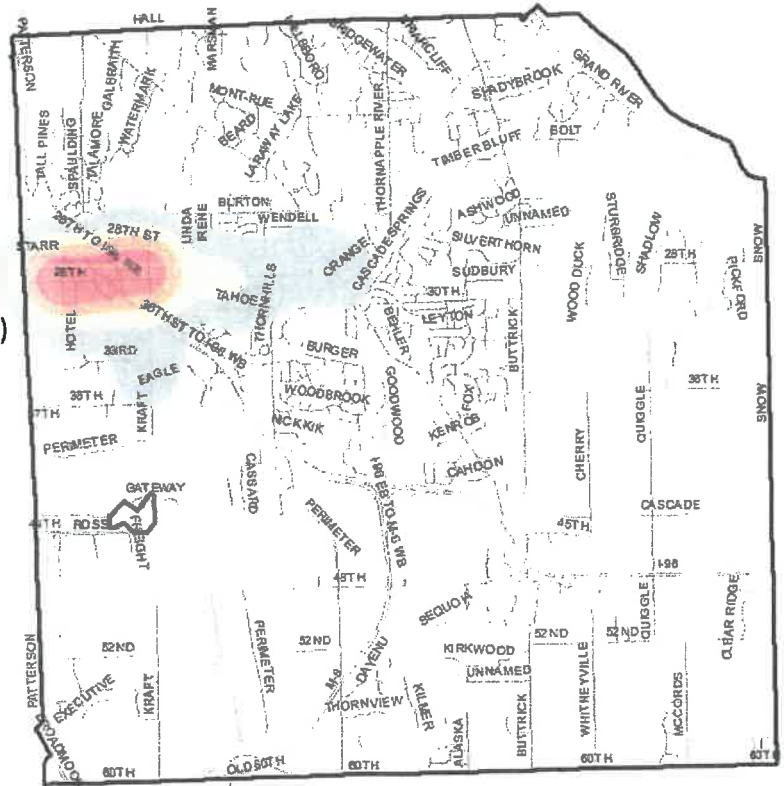
Cascade Twp

1/1/20 - 3/31/20

Cascade Twp

Calls for Service "Hotspot" Map

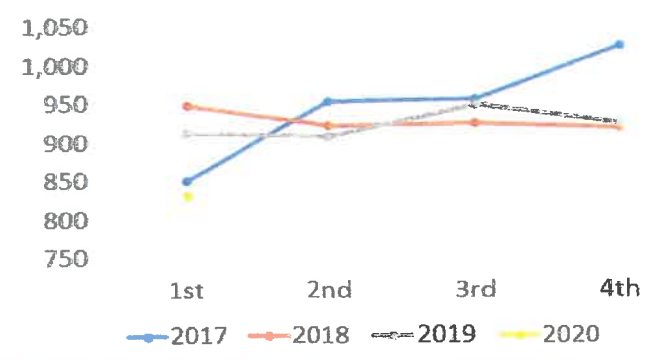
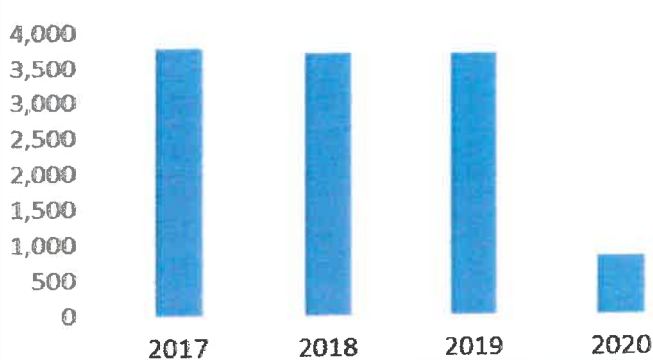
- Total Calls for Service: 830 (4th) ●●●●¹
- Total Traffic Stops: 471 (3rd)
- Total Reported Offenses: 249 (5th)
- Top 3 Calls For Service: ●●●●²
 1. Alarm (195 Calls)
 2. Traffic Crash - Property Damage (73 Calls)
 3. Suspicious Condition/Noise/Subject (70 Calls)
- Top 3 Repeat Call Addresses: ●●●●³
 1. 5100 Blk 28th St SE (68 Calls)
 2. 5500 Blk 28th St SE (50 Calls)
 3. 5800 Blk 28th St SE (22 Calls)
- Top 3 Responding Units: ●●●●⁴
 1. 4121 (222 Calls)
 2. 4321 (198 Calls)
 3. 4425 (150 Calls)
- Avg. # of Units Assigned Per Call: 1.89
- Avg. Hold Time: 5 Min, 19 Seconds ●●●●⁵
- Avg Response Time: 15 Min, 58Seconds ●●●●⁶
- Top 3 Crimes ●●●●⁷
 1. Driving Law Violations - 42
 2. Retail Fraud - 27
 3. Obstructing Justice - 19
- Total Detective Bureau Time: 279 Hours (4th)



Legend

- Low Density
- Medium
- Medium-High
- High Density

Click on flame for hotspot details





Kent County Sheriff's Office

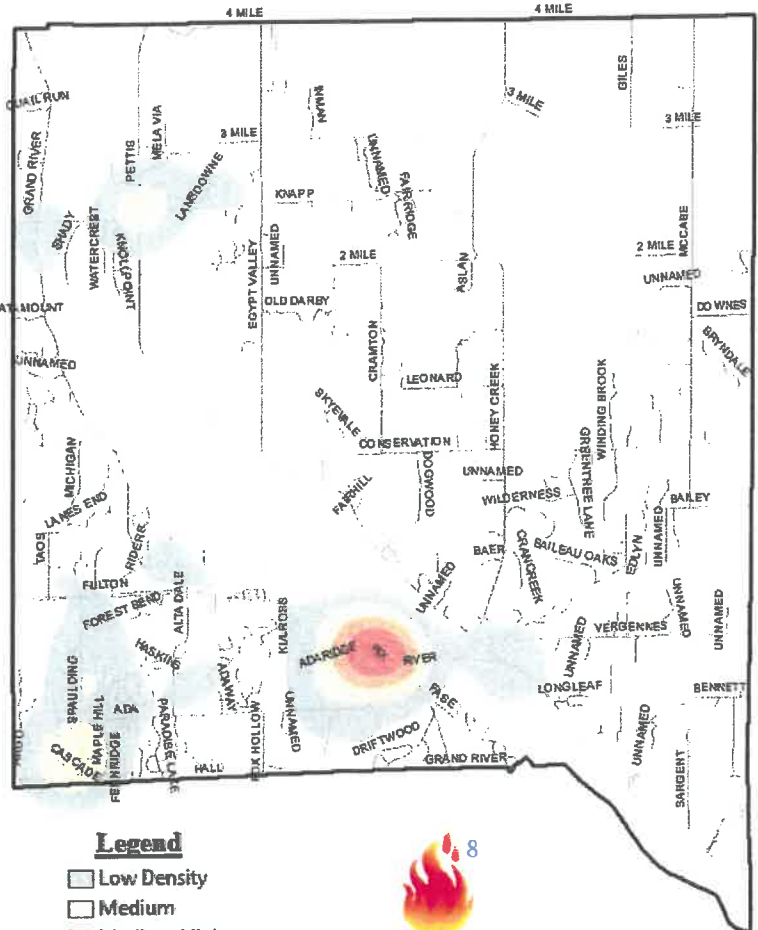
Ada Twp

1/1/20 - 3/31/20

Ada Twp

Calls for Service "Hotspot" Map

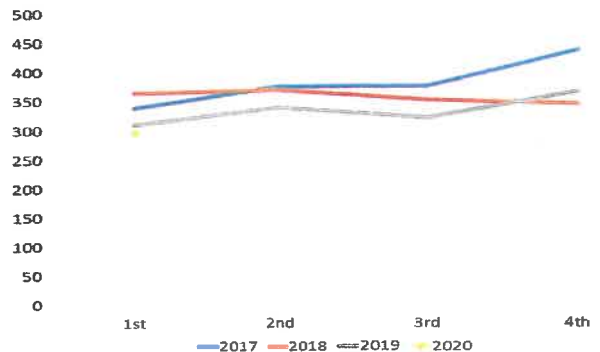
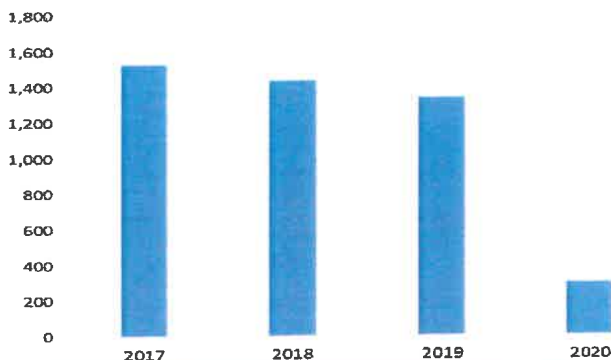
- Total Calls for Service: 296 (9th) ●●●¹
- Total Traffic Stops: 263 (8th)
- Total Reported Offenses: 71 (9th)
- Top 3 Calls For Service: ●●●²
 1. Alarm (58 Calls)
 2. Suspicious Condition/Noise/Subject (33 Calls)
 3. Traffic Crash - Property Damage (32 Calls)
- Top 3 Repeat Call Addresses: ●●●³
 1. 7100 E Fulton St (9 Calls)
 2. 6800 Blk Ada Dr SE (7 Calls)
 3. 400 Blk Stone Falls Dr SE (5 Calls)
- Top 3 Responding Units: ●●●⁴
 1. 4225 (76 Calls)
 2. 4223 (58 Calls)
 3. 4321 (57 Calls)
- Avg. # of Units Assigned Per Call: 1.85
- Avg. Hold Time: 5 Min, 58 Seconds ●●●⁵
- Avg Response Time: 17 Min, 22 Seconds ●●●⁶
- Top 3 Crimes ●●●⁷
 1. Damage to Property - 16
 2. Domestic Simple Assault - 11
 3. OUIL or OUID - 6
- Total Detective Bureau Time: 31 Hours (17th)



Legend

- Low Density
- Medium
- Medium High
- High Density

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Kent County Sheriff's Office

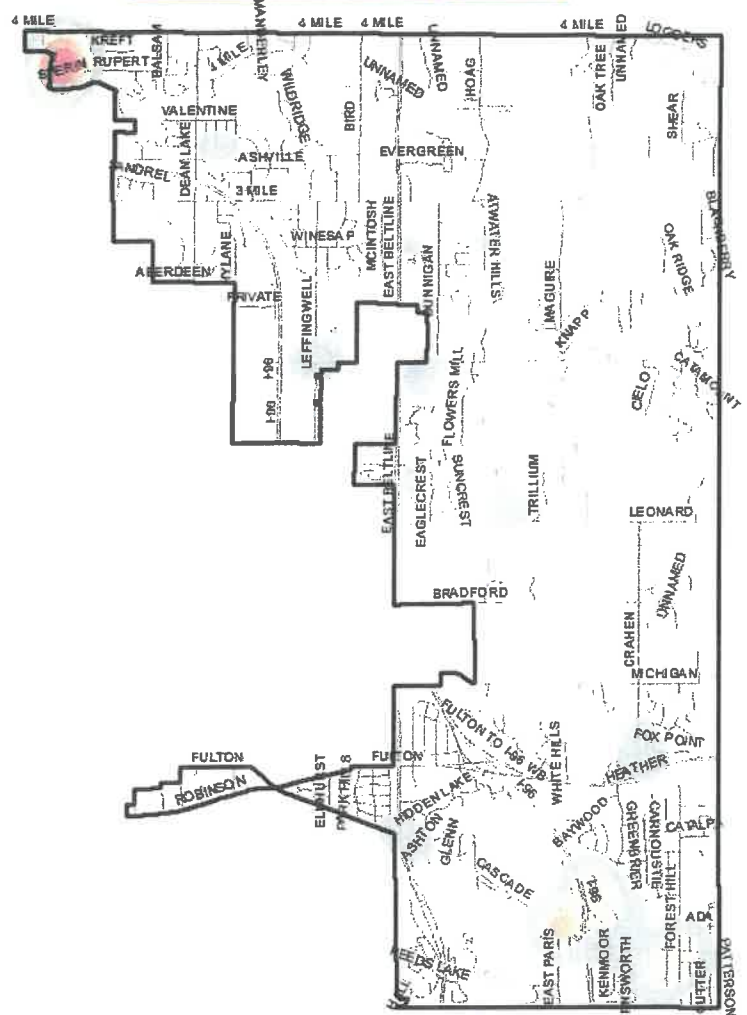
Grand Rapids Twp

1/1/20 - 3/31/20

Grand Rapids Twp

- Total Calls for Service: 500 (6th) ●●●●●●●¹
- Total Traffic Stops: 325 (6th)
- Total Reported Offenses: 132 (6th)
- Top 3 Calls For Service: ●●●●●●●²
 1. Alarm (94 Calls)
 2. Suspicious Condition/Noise/Subject (64 Calls)
 3. Traffic Crash - Property Damage (51 Calls)
- Top 3 Repeat Call Addresses: ●●●●●●●³
 1. 600 Blk Kenmoor Ave SE (19 Calls)
 2. 3400 Blk Plainfield Ave NE (16 Calls)
 3. 1000 Blk Medical Park Dr SE (12 Calls)
- Top 3 Responding Units: ●●●●●●●⁴
 1. 4223 (122 Calls)
 2. 4423 (109 Calls)
 3. 4225 (103 Calls)
- Avg. # of Units Assigned Per Call: 1.87
- Avg. Hold Time: 5 Min, 54 Seconds ●●●●●●●⁵
- Avg Response Time: 16 Min, 22 Seconds ●●●●●●●⁶
- Top 3 Crimes ●●●●●●●⁷
 1. Driving Law Violations - 22
 2. Obstructing Justice - 16
 3. Domestic Simple Assault - 12
- Total Detective Bureau Time: 89 Hours (8th)

Calls for Service "Hotspot" Map

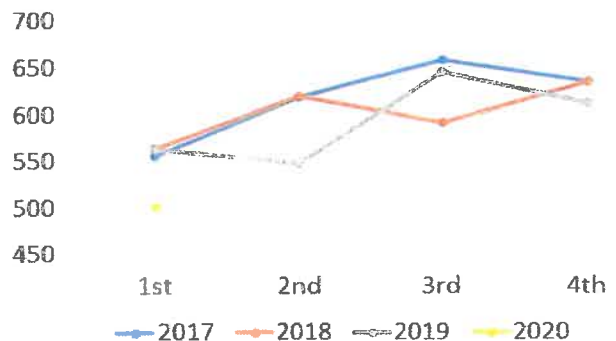
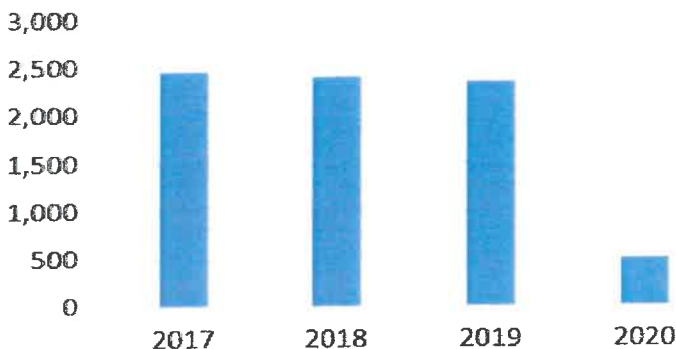


Legend

- Low Density
- Medium
- Medium High
- High Density



Click on flame for hotspot details





Kent County Sheriff's Office

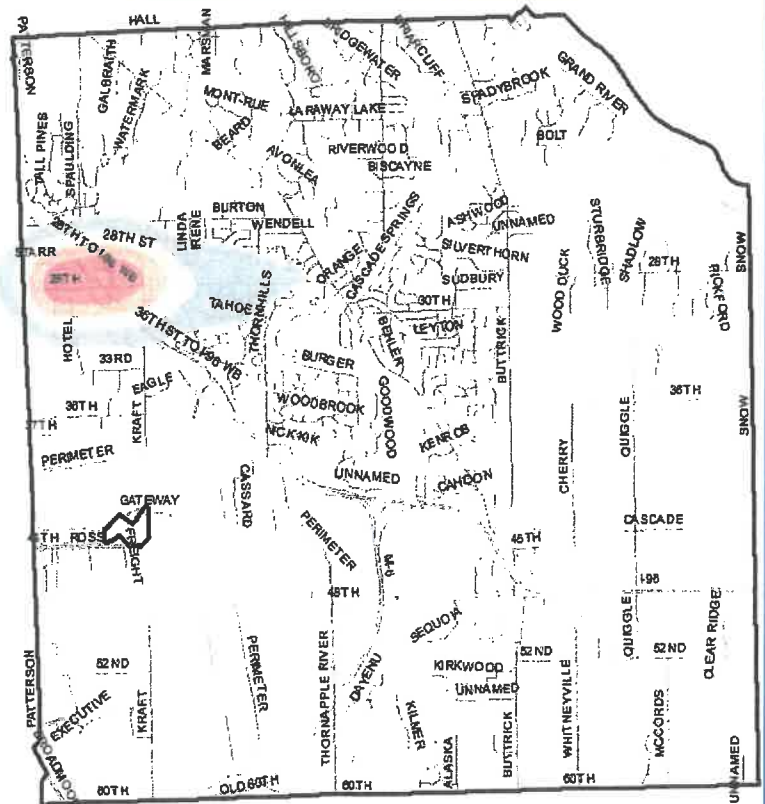
Cascade Twp

4/1/20 - 6/30/20

Cascade Twp

- Total Calls for Service: 901 (4th) ●●●●¹
- Total Traffic Stops: 54 (2th)
- Total Reported Offenses: 180 (5th)
- Top 3 Calls For Service: ●●●●²
 1. Alarm (181 Calls)
 2. Suspicious Condition/Noise/Subject (129 Calls)
 3. Disorderly (74 Calls)
- Top 3 Repeat Call Addresses: ●●●●³
 1. 5100 Blk 28th St SE (108 Calls)
 2. 5500 Blk 28th St SE (85 Calls)
 3. 4800 Blk 28th St SE (29 Calls)
- Top 3 Responding Units: ●●●●⁴
 1. 4321 (239 Calls)
 2. 4425 (223 Calls)
 3. 4225 (216 Calls)
- Avg. # of Units Assigned Per Call: 1.91
- Avg. Hold Time: 7 Min, 19 Seconds ●●●●⁵
- Avg Response Time: 17 Min, 33 Seconds ●●●●⁶
- Top 3 Crimes ●●●●⁷
 1. Domestic Simple Assault - 23
 2. Retail Fraud - 21
 3. Damage to Property - 14
- Total Detective Bureau Time: 139 Hours (4th)

Calls for Service "Hotspot" Map

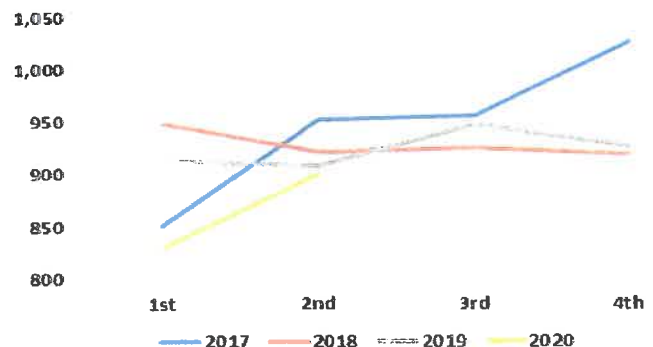
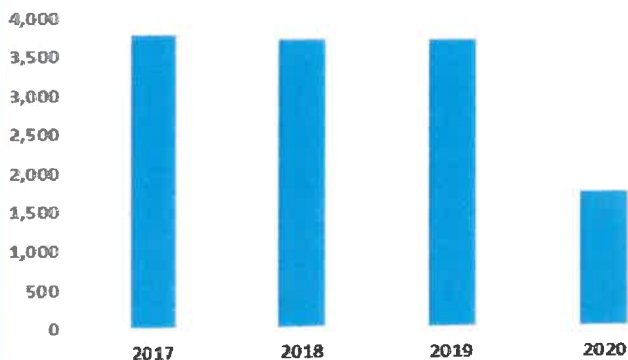


Legend

- Low Density
- Medium
- Medium High
- High Density



Click on flame for hotspot details





Kent County Sheriff's Office

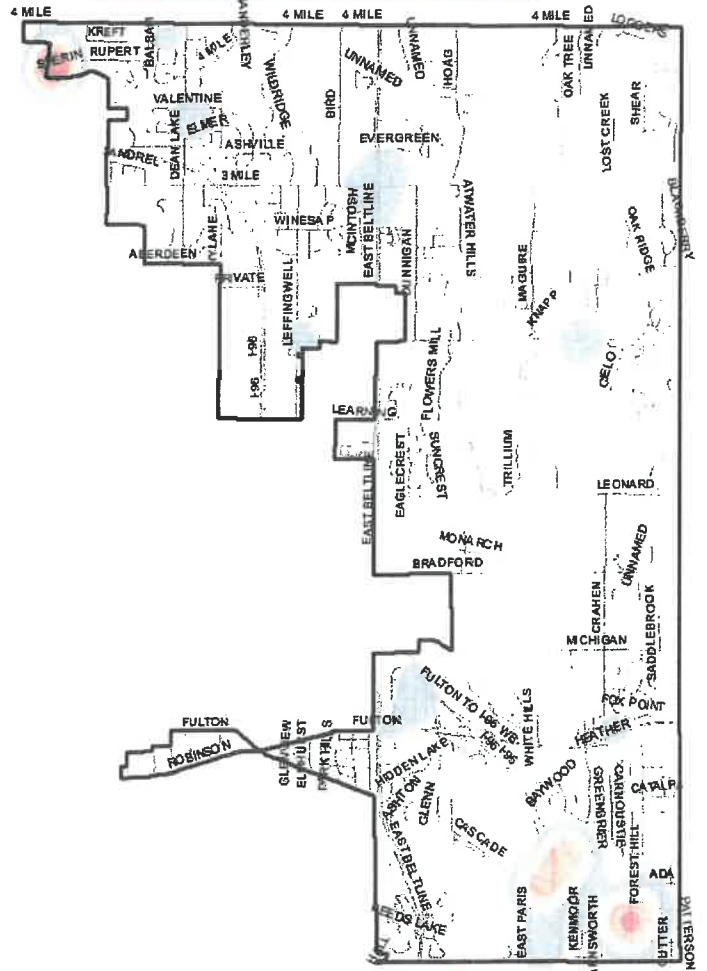
Grand Rapids Twp

4/1/20 - 6/30/20

GR Twp

- Total Calls for Service: 411 (6th) ●●●●●●●¹
- Total Traffic Stops: 23 (6th)
- Total Reported Offenses: 81 (6th)
- Top 3 Calls For Service: ●●●●●●●²
 1. Alarm (82 Calls)
 2. Suspicious Condition/Noise/Subject (39 Calls)
 3. Assist (36 Calls)
- Top 3 Repeat Call Addresses: ●●●●●●●³
 1. 600 Blk Kenmoor Ave SE (18 Calls)
 2. 3300 Blk Plainfield Ave NE (14 Calls)
 3. 1000 Blk Medical Park Dr SE (14 Calls)
- Top 3 Responding Units: ●●●●●●●⁴
 1. 4225 (95 Calls)
 2. 4423 (90 Calls)
 3. 4223 (87 Calls)
- Avg. # of Units Assigned Per Call: 1.73
- Avg. Hold Time: 6 Min, 17 Seconds ●●●●●●●⁵
- Avg Response Time: 16 Min, 41 Seconds ●●●●●●●⁶
- Top 3 Crimes ●●●●●●●⁷
 1. Fraud - ID Theft - 12
 2. Larceny - 10
 3. Domestic Simple Assault - 6
- Total Detective Bureau Time: 14 Hours (20th)

Calls for Service "Hotspot" Map

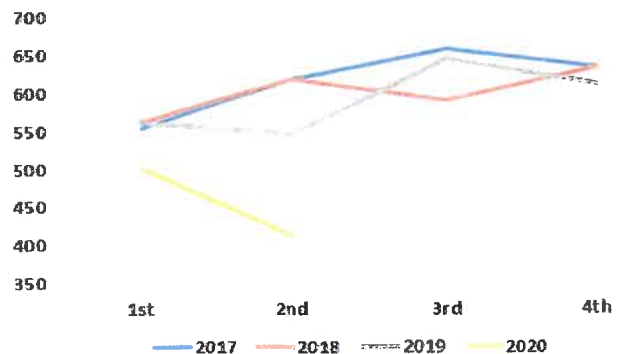
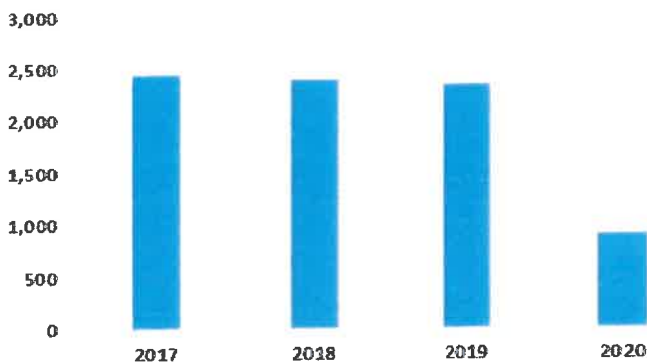


Legend

- Low Density
- Medium
- Medium High
- High Density



Click on flame for hotspot details





Kent County Sheriff's Office

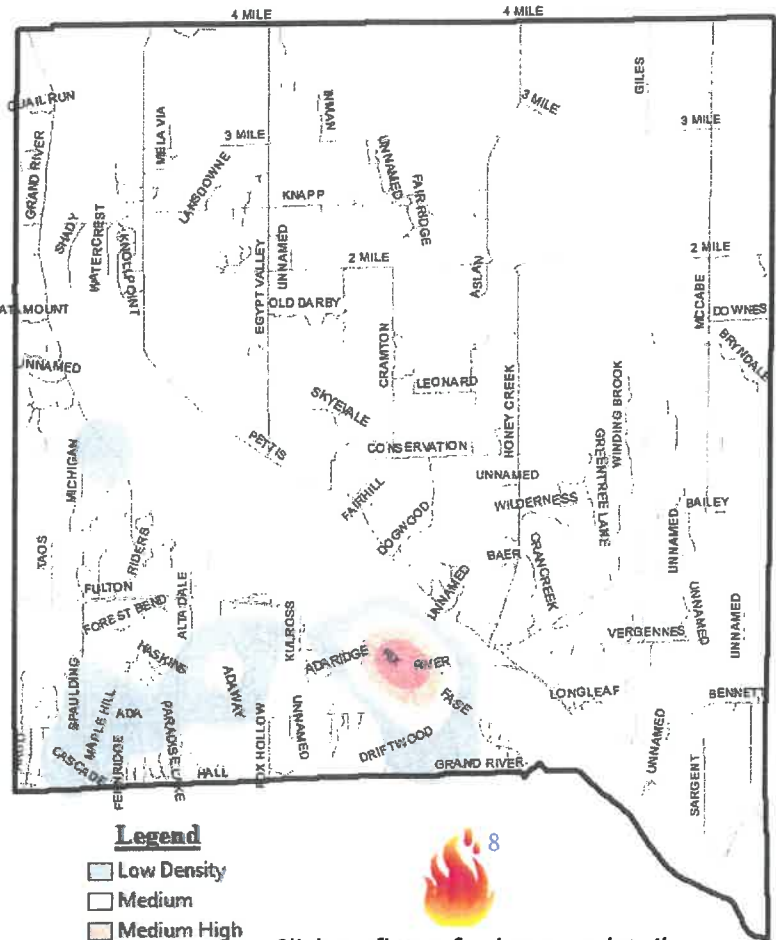
Ada Twp

4/1/20 - 6/30/20

Ada Twp

Calls for Service "Hotspot" Map

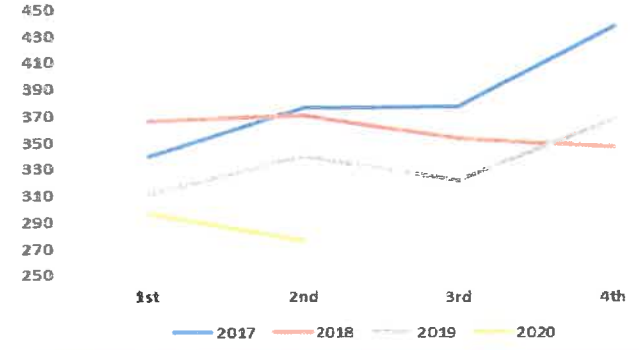
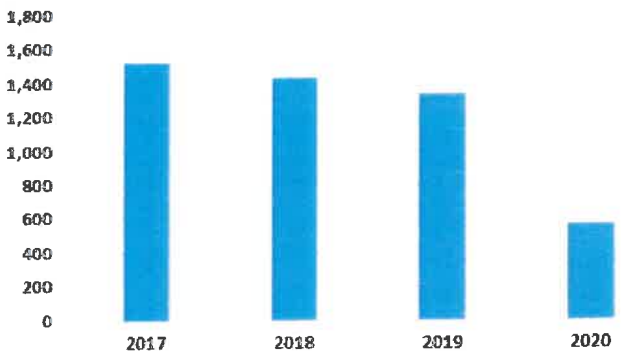
- Total Calls for Service: 275 (11th) ●●●●●¹
- Total Traffic Stops: 21 (7th)
- Total Reported Offenses: 50 (14th)
- Top 3 Calls For Service: ●●●²
 1. Alarm (53 Calls)
 2. Suspicious Condition/Noise/Subject (27 Calls)
 3. Assist (21 Calls)
- Top 3 Repeat Call Addresses: ●●●³
 1. 7100 Blk Headley St SE (8 Calls)
 2. 7100 Blk E Fulton St (8 Calls)
 3. 7400 Blk Thornapple River Dr SE (5 Calls)
- Top 3 Responding Units: ●●●⁴
 1. 4225 (76 Calls)
 2. 4223 (53 Calls)
 3. 4423 (51 Calls)
- Avg. # of Units Assigned Per Call: 1.67
- Avg. Hold Time: 6 Min, 41 Seconds ●●●●●⁵
- Avg Response Time: 18 Min, 5 Seconds ●●●●●⁶
- Top 3 Crimes ●●●⁷
 1. Fraud - Identify Theft - 17
 2. Fraud - Impersonation - 3
 3. Larceny - 3
- Total Detective Bureau Time: 24 Hours (16th)



Legend

- Low Density
- Medium
- Medium High
- High Density

 **8**
 Click on flame for hotspot details





CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

Date: August 12th, 2020
To: Supervisor Beahan and Township Board Members
From: Ben Swayze, Township Manager
Subject: Consider Resolution of “Declaration of Intent to Make Public Improvements; Tentative Designation of the Special Assessment District; Notice of Public Hearing” For Thornapple River Special Assessment District No. 1

*****REQUEST TO DELAY PREVIOUSLY SET PUBLIC HEARING TO 8/26/2020*****

FACTS:

The Township has received a petition, circulated by members of the Cascade Thornapple River Association (CTRA), to make certain improvements to the Thornapple River including weed control and removal, debris removal and safety enhancements, and silt control and removal, and for the cost of the improvements to be special assessed against each parcel of land within the district. The request is for the cost to be equally assessed against all parcels that front the Thornapple River between the dam and 60th Street, including those parcels that from Township owned property on the river.

They have requested that the special assessment district be implemented for 15 years. The total parcel count for the special assessment district is 305, and the requested work to be done is approximately \$91,500 meaning each parcel will be assessed \$300 per year during the duration of the special assessment district.

The Special Assessment District is being established pursuant to Public Act 188 of the Public Acts of Michigan of 1954, as amended (the “Act” or “Act 188”). It should be noted while the petition has been received by the CTRA, this process is being moved forward on the initiative of the Township Board and, legally, the Township Board is not compelled to carry through the Special Assessment District if it determines it is not in the best interest of the public.

Attached for your review are:

- Step Sheet to Create a Special Assessment District Pursuant to Public Act 199 of 1954 for Thornapple River - Aquatic Weed Treatment and Improvements
- Resolution of “Declaration of Intent to Make Public Improvements; Tentative Designation of the Special Assessment District; Notice of Public Hearing” For Thornapple River Special Assessment District No. 1
- Petitions for Special Assessment District for Improvement of Thornapple River
- Public Act 188 of the Public Acts of Michigan of 1954

ANALYSIS & CONCLUSIONS:

The Township have enlisted the help of attorney Clifford Bloom of Bloom Slugget to assist in the establishment of the Thornapple River Special Assessment District. Mr. Bloom has a specialty in this work and him and his firm have helped to establish similar improvement districts across Michigan. The cost of Mr. Bloom's services, as well as all other direct costs related to the establishment of the district (i.e. printing, mailing, publication) will be charged to the SAD if it is established. If the SAD is not established, the Township is responsible for those costs.

By approving the SAD Resolution tonight, the Township Board declares it's intent to make the Public Improvements as outlined in Exhibit "A" of the resolution, tentatively designates the SAD to fund the cost of said improvements, and declares a public hearing to be held at the regularly scheduled Township Board meeting on August 26th, 2020.

If the resolution is approved, Township staff will prepare the notices to be mailed and published in accordance with the act. In its entirety, the SAD process is expected to be completed by the end of September. If approved, the SAD will be collected on the Winter 2020 tax roll, and the first year of improvements will begin in Spring 2021.

If the SAD is established, it is recommended that the Township Board approve an ad-hoc committee, consisting of Township staff, officials, and residents included in the SAD, to provide direction on the expenditure of SAD dollars (...though final appropriation will be at the sole discretion of the Township Board.)

FINANCIAL CONSIDERATIONS:

It is anticipated that the establishment of the Special Assessment District will be between \$5,000 and \$10,000, primarily consisting of legal fees and printing/publication costs. If the SAD is established, these fees can be recovered through the SAD. If it is not established, the Township is responsible for these fees. The Township staff is not recommending that staff time costs or administrative overhead be recovered through the SAD.

If established, the SAD will produce \$91,500 per year. These funds are kept in a separate fund and can only be utilized for the purposes outlined in the SAD plan documents.

RECOMMENDED ACTION:

Consider approval of amended Resolution of "Declaration of Intent to Make Public Improvements; Tentative Designation of the Special Assessment District; Notice of Public Hearing" For Thornapple River Special Assessment District No. 1 with amended public hearing date

CASCADE CHARTER TOWNSHIP

STEP SHEET TO CREATE A SPECIAL ASSESSMENT DISTRICT PURSUANT TO
PUBLIC ACT 188 OF 1954
(THORNAPPLE RIVER - AQUATIC WEED TREATMENT AND MAINTENANCE)

This step sheet sets forth in outline form the procedure for establishing a Special Assessment District pursuant to Michigan Public Act 188 of 1954, for an authorized project or activity (“Public Improvements”).

<u>Dates</u>	<u>Description</u>
Prior to July 3, 2020 (Completed)	Step 1. <u>Filing of Plans</u> – The Township receives plans and estimates for the Public Improvements and the plans and estimates are filed with the Township Clerk.
Regular Township Board Mtg August 12, 2020	Step 2. <u>Resolution No. 1</u> – The Township Board adopts a resolution tentatively declaring its intent to make the Public Improvements, tentatively designating the special assessment district and setting a public hearing to hear any objections to the improvement, the costs, the plans, and the district.
	Step 3. <u>Notice of the First Public Hearing</u> – Notice of the public hearing must be given and must, among other things, include the date, time and place of the hearing, a brief description of the special assessment district, and a statement that the plans and estimates are on file with the Township Clerk for public examination. The notice must be given as follows:
<u>First Publication:</u> Aug 13, 2020 <u>Second Publication:</u> Aug 16, 2020	(a) The notice must be given by publication <u>twice</u> in a newspaper of general circulation designated by the Township, the first of which shall not be less than 10 days before the date set for the hearing.
<u>Mailing:</u> Aug 13, 2020	(b) The notice must also be given by first-class mail to all property owners of record according to Township tax rolls in the special assessment district not less than 10 days before the hearing.
Regular Township Board Mtg August 26, 2020	Step 4. <u>First Public Hearing</u> – At the hearing, the Township Board must hear any objections to the proposed improvements, the Township’s determination to proceed, and the proposed special assessment district.

<p>Regular Township Board Mtg August 26, 2020</p>	<p>Step 5. <u>Resolution No. 2</u> – After the public hearing is held (and at the same meeting if the Township Board desires), if the Township Board decides to proceed, it adopts a resolution determining to make the improvements, approving the plans and costs estimates, and the district. The resolution also directs the Township Supervisor to make the special assessment roll.</p>
<p>Regular Township Board Mtg September 9, 2020</p>	<p>Step 6. <u>Resolution No. 3</u> – When the special assessment roll is reported, the roll is filed with the Township Clerk and the Township Board adopts a resolution setting a public hearing on the roll.</p>
	<p>Step 7. <u>Notice of the Second Public Hearing</u> – Notice of the second public hearing must be given and must, among other things, include the date, time and place of the hearing, and the property owners’ right of appeal to the Michigan Tax Tribunal. The notice must be given as follows:</p>
<p><u>First Publication:</u> Sept 10, 2020</p> <p><u>Second Publication:</u> Sept 13, 2020</p>	<p>(a) The notice must be given by publication <u>twice</u> in a newspaper of general circulation designated by the Township, the first of which shall not be less than 10 days before the date set for the hearing.</p>
<p><u>Mailing:</u> Sept 13, 2020</p>	<p>(b) The notice must also be mailed to all property owners of record according to Township tax rolls in the special assessment district not less than 10 days before the hearing.</p>
<p>Regular Township Board Mtg September 23, 2020</p>	<p>Step 8. <u>Second Public Hearing</u> – At the hearing, the Township Board reviews the roll, and hears any objections to it.</p>
<p>Regular Township Board Mtg September 23, 2020</p>	<p>Step 9. <u>Resolution No. 4</u> – After the public hearing is held (and at the same meeting if the Township Board desires), the Township Board adopts a resolution confirming the roll as reported by the Township Assessor or as corrected by the Township Board, or refers it back to the Township Assessor.</p>
<p>September 24, 2020</p>	<p>Step 10. <u>Roll Endorsed</u> – After the Township Board confirms the roll, the Township Clerk endorses it.</p>

<p>October 24, 2020</p>	<p>Step 11. <u>Assessment Appeals</u> – Property owners who have protested the roll at the public hearing may appeal the roll to the Michigan Tax Tribunal within 30 days of the confirmation of the roll. After that time period has passed, the Tax Tribunal generally does not have jurisdiction to hear appeals.</p>
<p><u>Mailing:</u> October 24, 2020</p>	<p>Step 12. <u>Final Notice/Letter to Property Owners</u> – Send out the final notice/letter to property owners within 7 days.</p>

**CASCADE CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN**

RESOLUTION NO. _____

THORNAPPLE RIVER SPECIAL ASSESSMENT DISTRICT NO. 1

**DECLARATION OF INTENT TO MAKE PUBLIC
IMPROVEMENTS; TENTATIVE DESIGNATION
OF THE SPECIAL ASSESSMENT DISTRICT;
NOTICE OF PUBLIC HEARING**

Minutes of a _____ meeting of the Township Board of Cascade Charter Township, Kent County, Michigan, held via remote conferencing software ZOOM in accordance with State of Michigan Governor’s Executive Order No. 2020-129 on August 12, 2020, at 7:00 p.m., local time.

PRESENT: Members _____

ABSENT: Members _____

The following resolution was offered for adoption by Member _____ and supported by Member _____:

WHEREAS, Public Act 188 of the Public Acts of Michigan of 1954, as amended (the “Act” or “Act 188”) provides for the making of certain improvements by townships and provides the means to finance the improvements; and

WHEREAS, in the case of public improvements involving the improvement to or maintenance of a lake or other body of water, Section 3 of the Act provides that the Township Board may proceed, on its own initiative, to carry out the public improvements unless sufficient written objections are filed with the Township Board at or before the first public hearing on the special assessment district; and

WHEREAS, the Township intends to proceed to undertake certain public improvements (i.e. the control and eradication of certain aquatic weeds and river management) as described in Exhibit A attached hereto (the “Public Improvements”) with regard to the portion of the Thornapple River located between the Cascade Dam upstream to 60th Street downstream (“Covered Portion”) within Cascade Charter Township; and

WHEREAS, the nature of the Public Improvements is such that a periodic redetermination of costs may be necessary without a change in the special assessment district boundaries and, if at any time during the term of the special assessment district an actual incremental cost equals or exceeds the estimate or the prior year's costs by 10% or more, notice shall be given and a hearing afforded to the property owners and interested parties of record in the special assessment district; and

WHEREAS, there exists a need for the Public Improvements in the Township; and

WHEREAS, Act 188 provides the means to finance the Public Improvements in this matter.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. That the Township Board intends to proceed on its own initiative, and to make the Public Improvements as described in Exhibit A.

2. That the Township Board has authorized the preparation of plans showing the Public Improvements, their location, and an estimate of the costs thereof.

3. That the plans and the estimate of costs have been filed with the Township Clerk.

4. That the Township Board anticipates assessing the costs of the Public Improvements on a yearly basis beginning in 2020 based upon the estimates on file with the Township and the resolutions adopted by the Township Board pursuant to this process. Each year thereafter on or before September 30, the Township Board shall, to the extent possible, ascertain the project costs for the coming year. The Township Board shall establish the amount to be assessed based on unexpended funds, cash on hand, and the estimated project costs for that year and assesses that amount. The costs for administration and legal expenses for setting up this special assessment district shall be assessed in 2020.

5. That the Township Board hereby tentatively designates a special assessment district known as the Thornapple River Special Assessment District No. 1, consisting of certain parcels of property described as set forth in the Notice of Public Hearing attached hereto as Exhibit B, which descriptions are incorporated herein by reference for the special assessment district, and against which parcels all or a portion of the cost of said Public Improvements shall be assessed.

6. That the Township Board shall hold a public hearing on August 26, 2020, at 7:00 p.m. at the Kent District Library-Cascade Township Branch at 2870 Jacksmith Avenue SE, Grand Rapids, Michigan 49546, or via remote conferencing software ZOOM in accordance with State of Michigan Governor's Executive Order No. 2020-129 or any subsequent Executive Order, to hear and consider objections to the proposed Public Improvements, the special assessment district tentatively designated herein, and all other matters relating to said proposed Public Improvements.

7. That the Township Clerk shall cause to be published a Notice of the Public Hearing in the Grand Rapids Press, a newspaper of general circulation within the Township, at least two (2) times prior to the public hearing, with the first publication at least ten (10) days prior to the public hearing. Proofs of publication of such notice shall be filed with the Township Board.

8. That the Township Clerk, at least ten (10) days prior to the date of the public hearing, shall also send a Notice of the Public Hearing by first class mail addressed to each record owner, or party in interest, of each parcel of property to be assessed, at the address shown for each such owner or party in interest upon the last Township tax assessment records and roll for ad valorem tax purposes, as supplemented by any subsequent changes in the names or addresses of the owners or parties listed therein, except in the case of railroad companies, who shall be mailed a Notice of the Public Hearing by registered mail within five (5) days after the first publication of the notice described in Paragraph 7 above. If a record owner's name does not appear on the Township tax assessment records, then the notice required by this paragraph shall be given to the record owner at the address shown by the records of the Kent County Register of Deeds.

9. That the form of the Notice of the Public Hearing to be mailed and published, as required herein, shall be substantially as set forth in Exhibit B hereto.

10. That all actions heretofore taken by Township officials, employees, and agents with respect to the Public Improvements and proceedings under Act 188 are hereby ratified and confirmed.

11. That all resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: Members _____

NAYS: Members _____

ABSENT: Members _____

RESOLUTION DECLARED ADOPTED.

Susan Slater
Township Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF _____)

I, Susan Slater, Cascade Charter Township Clerk, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Cascade Charter Township Board at a _____ meeting held on _____, 2020, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, including, in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have affixed my official signature this ____ day of _____, 2020.

Susan Slater
Township Clerk

EXHIBIT A

Description of the Public Improvements; Cost Estimates

Control and partial eradication of aquatic plants and weeds within the Covered Portion of the Thornapple River by means of chemical and/or biological means and/or weed harvesting and also river management (including, but not limited to, river studies, removal of blockages, dredging, sedimentation control and similar undertakings).

Projected/Estimated Total Cost for the Public Improvements
for the Entire Duration of the Special Assessment
(15 years)- \$ 1,372,500 total

Projected/Estimated Total Cost per Year of the Public
Improvements - \$ \$91,500

Projected/Estimated Cost per Assessed Parcel per Year - \$ \$91,500

[All costs and assessments are subject to changes and increases as provided by Act 188]

EXHIBIT B

CASCADE CHARTER TOWNSHIP
Kent County, Michigan

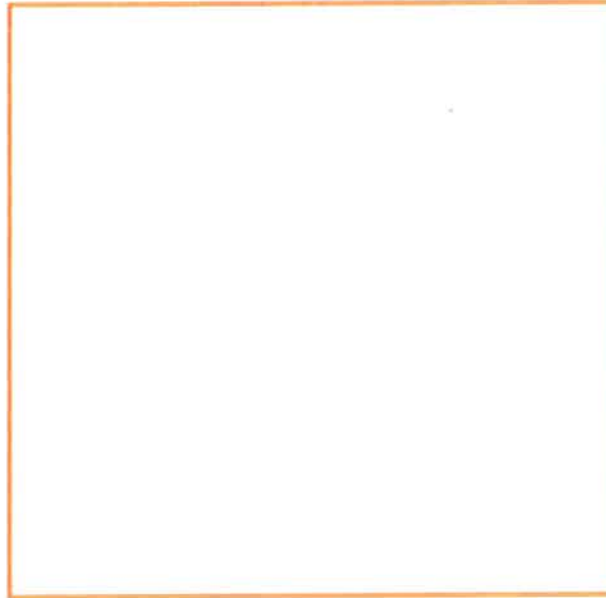
NOTICE OF PUBLIC HEARING
THORNAPPLE RIVER SPECIAL ASSESSMENT DISTRICT NO. 1

NOTICE IS HEREBY GIVEN that the Township Board of Cascade Charter Township, Kent County, Michigan, on its own initiative, intends to proceed pursuant to Act 188 of the Public Acts of Michigan of 1954, as amended, to make certain public improvements consisting of the control and partial eradication of aquatic plants and weeds within the Covered Portion of the Thornapple River by means of chemical treatment, biological agents, and/or mechanical harvesting and also river management (including, but not limited to, river studies, dredging, removal of river blockages, sedimentation control and similar undertakings) (collectively, the “Public Improvements”). The Township Board has tentatively determined that some or all of the costs of the Public Improvements shall be specially assessed against each of the following described lots and parcels of land (all of which have frontage on the Covered Portion of the Thornapple River), which are benefitted by the Public Improvements and which together comprise the proposed Thornapple River Special Assessment District No. 1, and which parcels and lots are as follows:

<u>Permanent Parcel No.</u>	<u>Street Address</u>	<u>Permanent Parcel No.</u>	<u>Street Address</u>
<u>Permanent Parcel No.</u>	<u>Street Address</u>	<u>Permanent Parcel No.</u>	<u>Street Address</u>

Map-area within the special assessment district (shaded):

[Insert map of the Covered Portion of the Thornapple River involved]



FIRST PUBLIC HEARING

TAKE NOTICE that the Township Board of Cascade Charter Township will hold a public hearing on _____, 2020 at 7:00 p.m. in the Kent District Library-Cascade Township Branch at 2870 Jacksmith Avenue SE Grand Rapids, Michigan 49546, to hear and consider any objections to the proposed Public Improvements, the proposed Special Assessment District, the proposed special assessment, and all other matters relating to the Public Improvements.

TAKE FURTHER NOTICE that a description of the Public Improvements and estimates of cost for the Public Improvements are on file with the Township Clerk for public examination.

PROPERTY SHALL NOT BE ADDED TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT AND THE ORIGINAL ESTIMATE OF COSTS SHALL NOT BE INCREASED BY 10% OR MORE PER YEAR WITHOUT FURTHER NOTICE AND PUBLIC HEARING.

Periodic redeterminations of the costs of the Public Improvements may be necessary, without a change in the Special Assessment District, and in that event, such redeterminations may be made by the Township Board without further notice to record owners or parties in interest in the lands in the Special Assessment District, in accordance with the provisions of said Act 188 (unless the amounts assessed increase by 10% or more from the prior year, in which case notice and public hearing will occur).

TAKE FURTHER NOTICE that a property owner or person in interest must either appear and object at the public hearing or submit a letter of appearance and objection to the Township prior to the public hearing in order to preserve the person's right to appeal the special assessment to the Michigan Tax Tribunal. A record owner of land may appeal a special assessment by filing a written appeal with the Michigan Tax Tribunal within 30 days after written confirmation of the special assessment roll.

Should the Township Board determine at the above-mentioned hearing to approve the proposed special assessment district, then thereafter, a second hearing will be held to confirm the tax roll for the special assessment district.

This notice was authorized by the Township Board of Cascade Charter Township.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Susan Slater
Township Clerk
Cascade Charter Township
2865 Thornhills Avenue SE
Grand Rapids, Michigan 49546
Phone: (616) 949-1508

Dated: _____, 2020

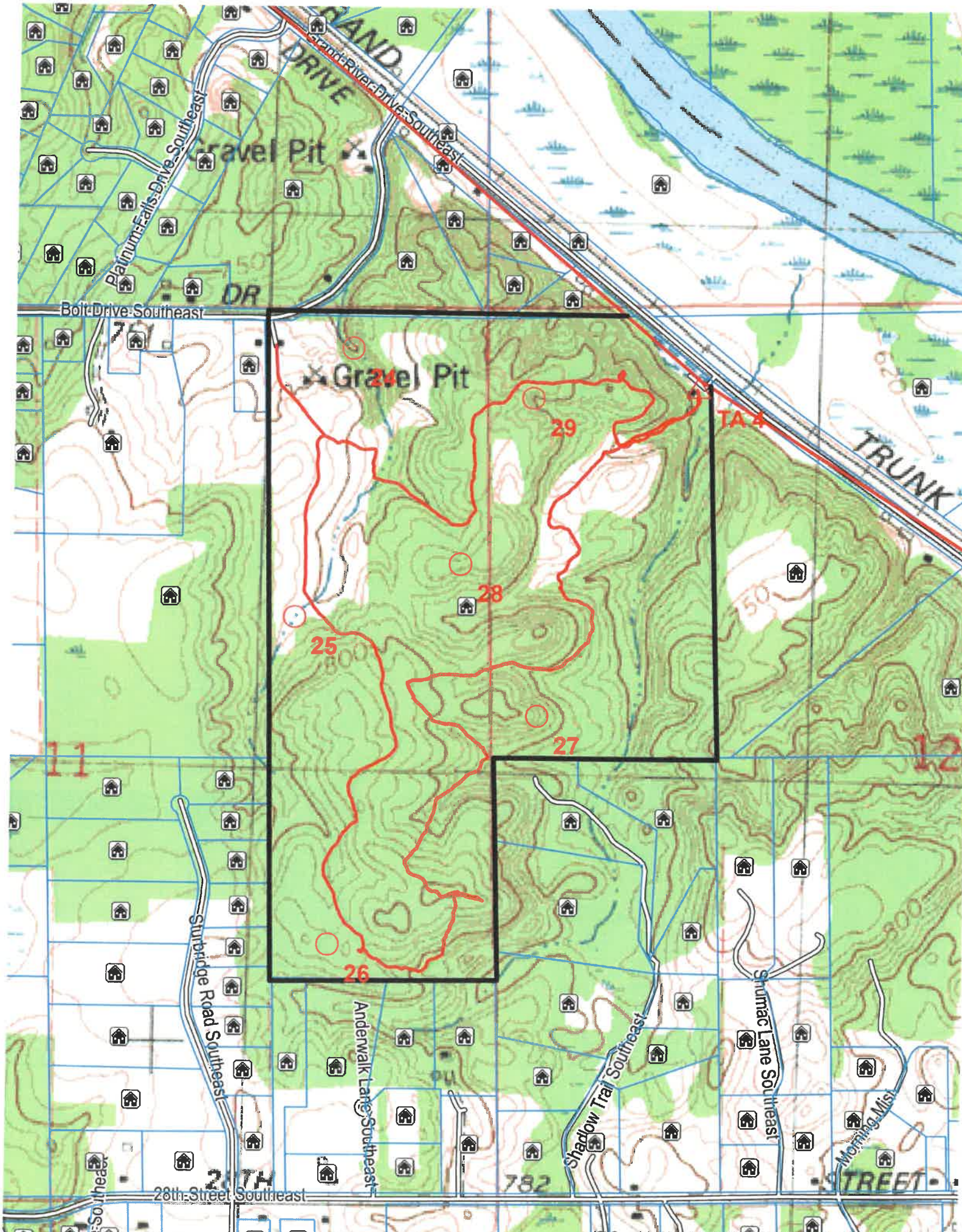
Susan Slater, Township Clerk

TOWNSHIP BOARD MEMORANDUM

To: Cascade Charter Township Board
From: Steve Peterson, Planning Director
Subject: Consider approval of adventure race in Peace Park.
Meeting Date: August 12, 2020

We have received a request from Mark Vantongeran, of Michigan Adventure racing. He will be present at our meeting to answer questions. The race is a combination of biking, running and canoeing. They will be using Peace Park for a small portion of their event. The Parks Committee has reviewed the request and recommended approval. Attached to the memo is their request that provides detail on the event. They have done this event in the past with no issue.

Attachments: Request



To: 'speterson@cascadetwp.com' <speterson@cascadetwp.com>
Subject: MI Adventure Race in Peace Park, June 13

Hi Steve,

I didn't keep emails from back in 2014 but here's what we are asking permission for.

Event: Michigan Adventure Race: Cannonsburg

Date: June 13, 2020

Timing: Teams will arrive spread out between 1 pm and 6 pm.

Location: Cascade Peace Park. Checkpoint/orienteering flag placements attached.

Activity: on foot orienteering with map and compass, same as 2014. Proposed checkpoint locations attached.

Impact: Low. About 75 people. Scattered paths. Checkpoint flags hanging from branches. Placed day before race. Taken down by day after race.
Bikes: Will be left at trailhead, guarded by volunteer. On grass. Won't block parking spots.

Insurance: Will provide certificate of insurance, \$2 million aggregate with Cascade Twp listed as additionally insured
Medical: teams will carry basic safety gear; instructed to call 911 as needed

Thanks for considering. Please let me know if you need anything else.

Mark

Mark VanTongeren
Michigan Adventure Racing
616.460.9331

[Coast to Coast Gravel Grinder](#)

[Hurt the Dirt trail race](#)

[Michigan Adventure Races](#)

[Lord of the Springs bike race](#)

[Dirty Duel trail race](#)



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

Date: August 12, 2020
To: Supervisor Beahan & Cascade Township Board
From: Benjamin Swayze, Township Manager
Subject: Noise Ordinance Request from 5.13.20 Township Board Meeting

FACTS:

At the 5.13.2020 Township Board meeting, the Board received a request from a Township resident regarding the use of dirt bikes on residential property. The resident had filed several requests with the Township regarding the noise ordinance and its application to their neighbor who has built a dirt bike track on their property. The resident has complained that the use of the dirt bikes, and the noise it creates is in violation of the Township Noise Ordinance. I have included a copy of the noise ordinance for your review.

Assistant Township Manager Stephanie Fast, as well as KCSD Omar Dieppa, have been responsible for the investigation of the complaint. After investigation they reached an agreement with Mr. Tim Enbody, the resident that owns the residence where the dirt bikes in question were being ridden. After the investigation, Mr. Enbody voluntarily agreed to cease allowing the two larger dirtbikes, a 450 and a 250, from being ridden at the property. Deputy Dieppa confirmed that the smaller bike, the 150, did not produce a noise that was interpreted to be disallowed by the noise ordinance. Mr. Enbody also agreed to not allow anyone other than his family to ride bikes on the property, and to limit riding to 2 hours per day.

At the Township Board meeting in late May, the Township Board directed the Planning Commission to consider a Zoning Ordinance that would limit or prohibit the riding of motorcycles or dirtbikes off-road in certain Zoning districts of the Township.

Attached for your review are:

- Cascade Charter Township Noise Ordinance
- Email from Deputy Omar Dieppa Re: Dirtbikes on Goodwood
- Memo from Community Development Director Steve Peterson Re: Motorcycle Noise Complaint

ANALYSIS & CONCLUSIONS:

At the request of the Township Board, the Planning Commission discussed the option of regulating the use of offroad motorcycles in certain residential zones. After a lengthy discussion they came to the following conclusions:

- This is not a matter that should involve a Zoning amendment. It was felt that zoning ordinance enforcement was not the correct method to deal with this and that it would be difficult to enforce and could lead to other consequences.

- The we have the necessary tools on the books already with the noise ordinance and the disorderly conduct ordinance

FINANCIAL CONSIDERATIONS:

None at this time, can be evaluated if further direction from the Township Board is given

RECOMMENDED ACTION:

Consider recommendation from the Planning Commission

MEMORANDUM

To: Ben Swayze, Township Manager
From: Steve Peterson, Community Development Director
Subject: Motorcycle Noise complaint

Ben, you asked me to have the Planning Commission discuss the recent complaint about someone riding motorcycles off-street in the residential zone. Specifically, whether or not the township should adopt some sort of zoning ordinance regulation to deal with the complaint. The Planning Commission discussed this at their July 13 meeting and came to the following conclusions:

1. This is not a matter that should involve a zoning amendment. It was felt that zoning ordinance enforcement was not the correct method to deal with this and that it would be difficult to enforce and could lead to other unintended consequences.
2. That we have the necessary tools on the books already with the noise ordinance and the disorderly conduct ordinance.

Ben Swayze

From: Dieppa,Omar <omar.dieppa@kentcountymi.gov>
Sent: Tuesday, June 2, 2020 4:18 PM
To: Ben Swayze; Rob Beahan
Cc: Stephanie Fast
Subject: Dirtbikes on Goodwood

Hey,

I met with Tim Enbody about the dirtbikes today at his residence. Tim owns three dirtbikes- a 450, a 250 and 150 (pitbike). Tim agreed the 450 and 250 can be loud and has agreed to no longer ride the bikes on the property out of the respect of his neighbors. Tim however had difficulty with agreeing to no longer ride the smaller 150. Tim did start the dirtbike for me to show me how loud it was. Tim then started his riding lawnmower and I can confirm the lawn mower was much louder than the dirtbike. Tim agreed to not invite anyone from the neighborhood over to ride knowing having more than one bike riding can amplify the noise as well as agreed to not ride for more than two hours a day. With the lift of the stay at home order, Tim's son who typically rides the bikes will begin sports lessening the time he will ride and they will ride the bikes at other locations more often.

This will be documented if need be under report 20-114693. Let me know if you need anything additional.

Deputy Omar Dieppa
Community Policing- East Precinct

Kent County Sheriff's Office
701 Ball Ave NE
Grand Rapids, MI 49503
(616) 632-6435



Chapter 264

NOISE

GENERAL REFERENCES

Noise control at outdoor assemblies — See Ch. 103. Noise control at premises selling liquor — See Ch. 245.

§ 264-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AIRPORT — An area of land that is lawfully used for or incidental to the landing, take off and parking of aircraft, including buildings and facilities.

COMMERCIAL — A use of property for purposes other than residential.

CONSTRUCTION — Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar property.

EMERGENCY VEHICLE, MACHINERY OR ALARM — Any machinery, vehicle or alarm used, employed, performed or operated in an effort to protect or restore safe conditions in the community or for the citizenry or work by private or public utilities when restoring utility service.

EMERGENCY WORK — Any work performed for the purpose of preventing or alleviating the physical trauma of property damage threatened or caused by an emergency or work by private or public utilities when restoring utility services.

PERSON — Any individual, firm, association, partnership, joint venture, corporation, limited liability company or other entity.

PROPERTY LINE — The imaginary line which represents the legal limits of property, including an apartment, condominium, room or other dwelling unit, owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the property line shall be the nearest boundary of the public right-of-way.

SOLID WASTE — Any garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste; provided, however, that this definitions shall not include hazardous waste, site-separated materials, source-separated materials, human body waste, liquid or other waste regulated by statute, ferrous and nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products. **[Amended by Ord. No. 4-2005]**

SOURCE-SEPARATED MATERIALS — Any recyclable materials, including but not limited to bottles, cans, newspapers, corrugated containers, metals, grass, leaves, brush and yard trimmings that are separated from solid waste prior to the collection of solid waste from a site of generation. **[Amended by Ord. No. 4-2005]**

TOWNSHIP MANAGER — The Township Manager of Cascade Charter Township.

§ 264-2. Prohibited noises.

- A. General regulation. It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unreasonable, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any other person, resident or property owner within the Township.
- B. Specific prohibitions. The following activities and noises are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted. These regulations apply to commercial properties, activities or uses between the hours of 10:00 p.m. and 7:00 a.m. and residential properties between the hours of 11:00 p.m. and 7:00 a.m. **[Amended by Ord. No. 4-2005]**
- (1) The operation of power tools or equipment.
 - (2) The sounding of any bell, chime, siren, whistle or similar device, except:
 - (a) To alert persons to the existence of an emergency, danger or attempted crime; or
 - (b) As provided in § 264-3.
 - (3) The operation or playing of any radio, television, phonograph, audio equipment, drum or musical instrument; also, the creation or activity of music.
 - (4) Construction, repair, remodeling, demolition, drilling or excavation work Monday through Sunday, except as permitted in § 264-3.
 - (5) The operation or use of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds indoors or outside the premises.
 - (6) The creation of any loud, unnecessary noise in connection with the loading or unloading of any vehicle or the opening and closing or destruction of bales, boxes, crates or other containers.
 - (7) The use of any drums, loudspeakers, musical devices or other instruments or devices for the purposes of attracting attention by

the creation of noise to any performance, show or sale or display of merchandise.

- (8) The collection of solid waste and source-separated materials on any property that has a commercial and/or industrial use that is adjacent to a residential use.
- C. Special prohibitions. It shall be unlawful for any person to own, harbor or keep any dog which shall cause annoyance or disturbance at any time (24 hours a day) to people in the neighborhood or people on the streets of the neighborhood by loud or frequent or habitual barking, howling or yelping. **[Amended by Ord. No. 7-2003]**

§ 264-3. Exemptions.

The following activities and noises are exempted from the requirements of § 264-2:

- A. Otherwise lawful regular or permitted activities or operations of governmental units or agencies.
- B. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster or to restore public utilities, or to protect persons or property from an imminent danger.
- C. Devices or activity creating sound made to alert persons to the existence of an emergency, danger or attempted crime.
- D. Regular activities or operations of an airport.
- E. Any vehicle or equipment designed and used for the purpose of snow and/or ice removal when in use for such purposes. **[Amended by Ord. No. 4-2005]**
- F. Other activities as approved by the Township as specified in § 264-4.

§ 264-4. Application for license to exceed noise limits.

- A. An application for a license to engage in any activity, noise or use which would otherwise violate § 264-2 of this chapter must be made in writing and submitted to the Township Clerk. Application shall be made at least 30 days prior to the date of the proposed use or event. The applicant requesting the license must be the taxpayer of record for the property on which the use or event will take place. The application shall contain all of the following information:
- (1) Name and mailing address of the person making the application.
 - (2) A statement of the type of event to take place which will require the license.
 - (3) The address and legal description of the property the event is to be held on.

- (4) The date and hours during which the event will be conducted.
- (5) An estimate of the maximum number of attendants expected at the event.
- B. Upon receipt of the application by the Township Clerk, copies of the application shall be forwarded to the Kent County Sheriff's Department and the Fire Chief serving the subject area, and to such other appropriate agencies as the Township Clerk shall deem necessary. Such officers and officials shall review matters relevant to the application, and, within 10 days of receipt thereof, shall report their findings and recommendations to the Township Manager.
- C. Within 20 days of the filing of the application, the Township Manager shall issue or deny a license. The Township Manager may attach reasonable conditions to the issuance of a license. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within five days of such action, notice thereof must be mailed to the applicant, and in the case of denial, the reasons therefor shall be stated in the notice. A denial (or condition attached to an approval) may be appealed to the Township Board if the applicant files a written notice of appeal with the Township Clerk within 10 days of the date of the Township Manager's decision.

§ 264-5. Complaints; violations and penalties.¹

- A. Complaints. Complaints by a resident or property owner in the Township regarding any violations of this chapter shall be filed with the Township Manager or his/her designee. Complaints may be investigated after two complaints for the same violation on the same date are filed from residents who reside at different households.
- B. Violations and penalties. Any person who violates any provision of this chapter shall be responsible for a municipal civil infraction, subject to the penalties in Chapter 40, Article IV, Penalties for Misdemeanors and Municipal Civil Infractions.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

Date: August 12, 2020
To: Supervisor Beahan & Cascade Township Board
From: Benjamin Swayze, Township Manager
Subject: Amendment to the 2020 Local Road Improvements

FACTS:

At an April Township Board meeting the Township Board passed the FY2020 local road improvements program. The program, was passed as follows:

<u>Work Type</u>	<u>Miles</u>	<u>Total Cost</u>	<u>Twp. Share</u>
Caraville Village Mill and Fill	2.29	\$848,000	\$424,000
Linda/Irene Mill-and Fill	0.45	\$117,000	\$58,500
Totals	2.74	\$965,000	\$482,500

Once passed by the Township Board, the Kent County Road Commission bid out the work. After receiving bids, the KCRC has realized nearly \$149,450 in savings over the original estimates provided. The KCRC has recommended the Township consider one of three options:

- Reduce the 2020 Local Road Improvements appropriation to match the bids received by the Kent County Road Commission. This would result in approximately \$75,000 less cost to the Township, as well as \$75,000 less cost for the KCRC in FY2020.
- Increase the streets to be improved in FY2020 in order to increase the workload to the dollar amount approved by the Township Board and the Kent County Road Commission. This would be accomplished by taking improvements planned for FY2021 and move them to FY2020. This would include approximately 0.50 miles of full depth mill-and-fill work on Tallgrass Ave. and Talltimber St. in the Tall Timber Subdivision.
- Increase the streets to be improved in FY2020 to include the entire Tall Timber subdivision. This would include an additional 0.92 miles of mill and fill work. This would require an additional \$85,000 appropriation from the Township and the Road Commission. The Road Commission has indicated they are willing to make this investment.

Attached for your review are:

- Previous Staff Report regarding the FY2020 Local Road Improvements Program
- Optional proposal estimates for Tall Timber subdivision street repairs.
- PASER map of the Cascade Township Local Road System

ANALYSIS & CONCLUSIONS:

Each alternative provided represents a set of pros and cons for the Township.

Option 1 – Reduce 2020 Local Road Work Appropriation

This option would lessen the financial burden on the Township in a fiscal year where the COVID 19 pandemic has created unstable revenue streams. By reducing the appropriation, we can help to absorb any resulting revenue reductions. However, in this scenario we are delaying an inevitable repair to the roads in this subdivision, and also leaving KCRC investment in our community on the table.

Option 2 – Approve Additional Work up to Previous Appropriation.

In this scenario we are able to increase the number of roads being repaired without adjusting the financial commitment already made by the Township. However, we would be completing the roads in only half of a subdivision, subjecting the local residents to two years of construction activities. Costs of repairs may increase in FY2021 as well, as the remaining subdivision roads will still need to be repaired.

Option 3 – Increase 2020 Local Road Work Appropriation

In this scenario we would be able to maximize the number of roads being approved in the Township, complete the subdivision roads in one construction season and maximize KCRC investment in our community. However, the Township would have to increase the financial commitment to roads in a FY when the COVID impact on revenues and expenses is still unclear.

FINANCIAL CONSIDERATIONS:

The FY2020 budget was originally approved with a \$400,000 contribution for local roads. Previously the Township Board approved an amendment up to \$82,500 for additional local road work, which was to come from unallocated revenues from FY2020, estimated at approximately \$233,000.

Option A – Would essentially eliminate the previously approved budget amendment

Option B – No change from previous approval

Option C – An additional budget amendment, up to \$85,000, would be needed from the \$233,000 unallocated revenues.

RECOMMENDED ACTION:

To select and approve an amendment to the FY2020 Local Road Program.



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

Date: April 22, 2020
To: Supervisor Beahan & Cascade Township Board
From: Benjamin Swayze, Township Manager
Subject: Approval of 2020 Local Road Improvements

COPY

FACTS:

Each year, Cascade Township budgets general fund dollars to go towards the improvement of local roads. The process for identifying local roads for improvement typically begins in early spring when a list for potential road improvements is developed by Cascade Township staff, and provided to the KCRC for further investigation. The initial list of roads compiled by the Township is developed utilizing resources such as road PASER ratings supplied by the KCRC, complaints and requests by Township resident and businesses, and visual inspections by the Township staff.

The KCRC then takes the possible project list and provides recommendations to the Township on maintenance/repair activities and cost estimates. This list is further reviewed by Township staff to select the highest priority projects, considered within the construct of the budgeted allocation for road repair, and is presented to the Infrastructure Committee and ultimately the Township Board for approval.

Township staff have addressed several areas that will need to be addressed in the next few years with a complete mill and fill (3.5" depth). This includes several residential areas north of 28th Street as well as the Centennial Park business/residential areas and the commercial/industrial area of the Foremost Industrial plat (in and around 33rd/36th Street).

Attached for your review are:

- PASER map of the Cascade Township Local Road System
- Multi-year local road maintenance recommendations and cost estimates from KCRC based on Township Staff recommendations
- Proposed work order for the 2020 Local Road Improvements Program

ANALYSIS & CONCLUSIONS:

Cascade Township has 73.92 miles of local paved roads. The local paved roads include both neighborhood roads and section-line roads. These are the roads that Cascade Township typically contributes funding towards (the KCRC does do 2-3 miles per year of section line roads that the Township does not contribute towards.) In addition to the local paved roads network, the Township has 40.92 miles of primary roads (federal aid eligible, typically fully funded by the KCRC) and 4.91 miles of local gravel roads.

Of the 73.92 miles of local paved roads, the roads can be divided into 3 categories based on the roads PASER ratings. Before the beginning of the 2018-19 two-year program, the Township had

10.9 miles of local roads rated “GOOD” (10-8 PASER rating), 28.9 miles of local roads rated “FAIR” (7-5 PASER rating), and 34 miles of local roads rated “POOR” (4-1 PASER rating). The KCRC has several repair options that are available for the local paved road system. The repairs range from a full-depth mill and fill (\$300,000 per centerline mile) to micro-surfacing (\$50,000 per centerline mile). Certain treatments are appropriate for certain road conditions. Roads that are in the “Good “ or “Fair” category may be eligible for less intensive treatments, while “Poor” roads often need full depth mill and fill or similar work. It should be noted that there is also diminishing return on investments for certain treatments when they have been applied multiple times. For example, a road that is micro-surfaced may have 7 years added to its useful life. The second time that same treatment is applied to the same road, it may only extend the useful life of the road 3-4 years.

The Township staff have identified 11.16 miles of roads that have rated poor on the PASER scale that will need to be addressed over the next several years. The cost of the work is approximately \$5,055.00 of which the Township would be responsible for \$2,527,500.

After initial review by the Infrastructure Committee and Personnel & Finance Committee, the original recommendations included:

- For 2020 complete the Caravelle Village residential work (including Irene Ave. and Linda Ave.) utilizing General Fund budgeted allocation
- For 2020 complete the Centennial Park and Foremost Industrial Park work utilizing Bond proceeds to be issued in 2020, payable over 10 years
- Consider remaining residential work for 2020 if bond borrowing rate is advantageous, otherwise consider completion in 2021.

Before these recommendations could be presented to the Township Board, the Covid-19 pandemic hit Michigan and the rest of the United States, causing issues that may negatively affect the previous recommendations made by the Infrastructure and Personnel and Finance Committees. These issues included:

- Chaos in the Municipal Bond marketplace that could result in poor interest rates on bonds
- Unknown Township revenue issues due to diminishing state sales tax receipts and housing market deterioration

The Personnel and Finance Committee met again at their April meeting to revisit the recommendation based on the new climate. The committee has recommended that the Township not bond at this time due to the unknown financial effects of the Covid-19 pandemic and unstable municipal bond market. They did confirm their recommendation to complete the Caravelle Village work utilizing General Fund funds.

FINANCIAL CONSIDERATIONS:

The projected cost to the Township for the proposed local road program as recommended is \$482,500. In the FY2020 budget, the Township has budgeted \$400,000 for local road maintenance, therefore a budget amendment will be needed for this work. Additional funds will be taken from the General Fund unallocated revenues, which was estimated above \$233,000. The final budget amendment will be recommended once the true cost of the proposed program is known.

RECOMMENDED ACTION:

To approve the FY 2020 Cascade Township local road program as recommended by the Infrastructure Committee and Personnel and Finance Committee.

2020 Cascade Township Local Road Estimates
(Full Depth Mill and Fill)

<u>Length</u>	<u>Road</u>
---------------	-------------

1015' Irene Ave: Burton St to end

1385' Linda Ave: Burton St to end

2400' SUB-TOTAL

615' San Marie Drive: Burton St to Capitan Dr

305' Pinta Court: San Marie Dr to end

1670' Del Cano Drive: San Marie to Capitan

1790' Capitan Drive: Patagonia Dr to end

1105' Patagonia Drive: Capitan Dr to Bechalla Dr

1130' Bechalla Drive: Patagonia To Santiago Dr

1890' Santiago Ave: Burton St to Magellan Dr

550' Magellan Drive: San Antonio to Santiago Ave

310' San Antonio Drive: Magellan to Santiago Ct

965' Santiago Court: Santiago Ave to end

1735' Wendell Street: Cascade Rd to end

12,065' SUB-TOTAL

14,465' TOTAL

Below is a list of possible Add-ons for Local Roads in Cascade Township.

Contract # 20-35

Work Order- 489-MO 1930

\$965,000.00

Low bid went to Superior for
Leaving a **BALANCE** of

\$815,550.00

\$149,450.00

ADD-ON 3 1/2" Mill/Fill

LOCATION	SYD	HMA 3C	HMA 5E1	MH	LSUM(S)	Total
Candlewick Court	3600	455	342	9	\$3,918	\$73,000
Candlestick Ave.	2700	342	256	7	\$3,918	\$56,000
Talltimber Dr.	5650	715	536	13	\$3,918	\$114,000
Tallgrass Ave.	2550	323	242	4	\$3,918	\$51,000
Talltimber Court	2817	356	267	3	\$3,918	\$55,000
Total	17317	2191	1643	36		
COST	\$17,317	\$146,797	\$118,296	\$18,000	\$19,590	\$320,000

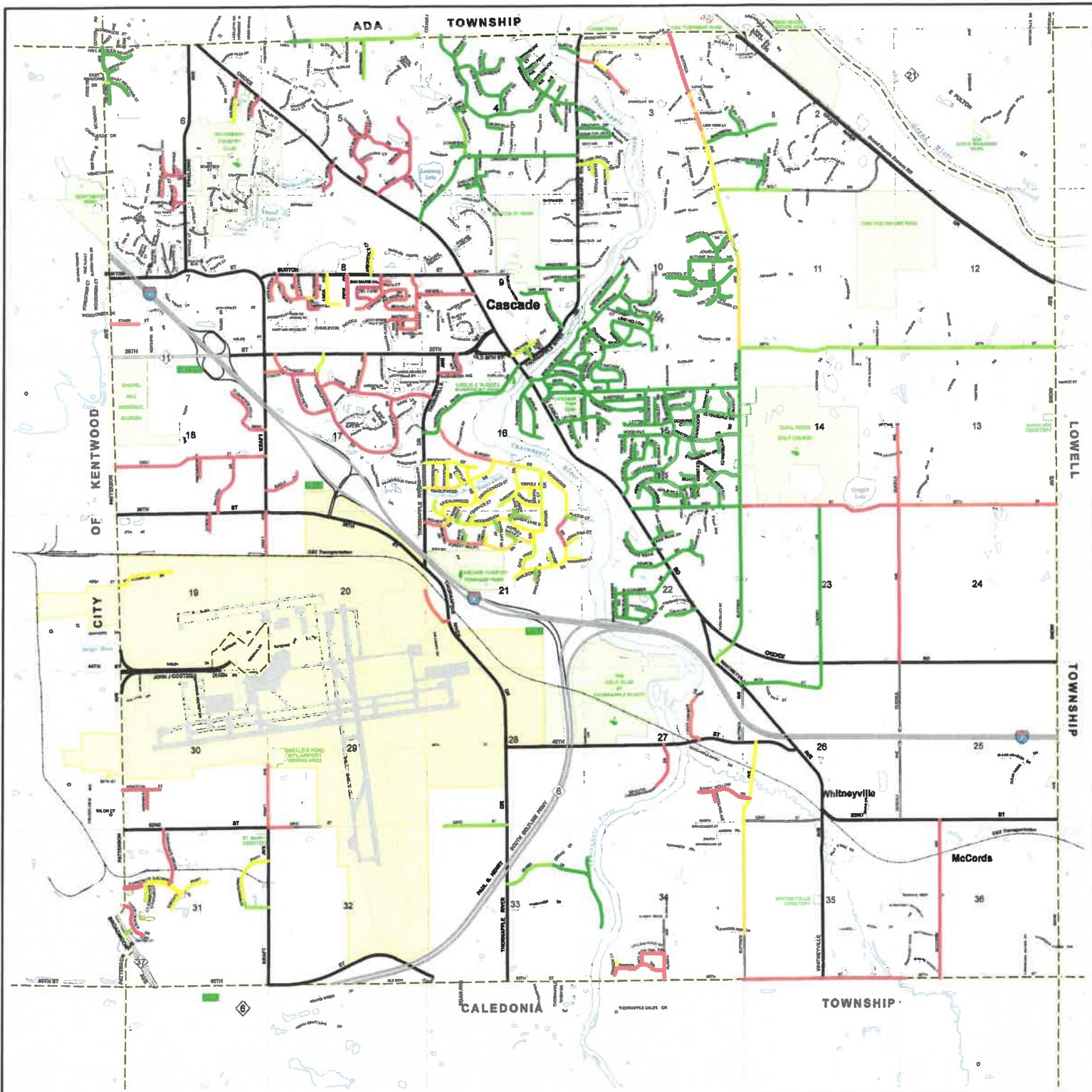
Kent County Web Map

July 20, 2020



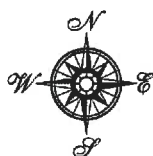
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ROAD CONDITION

- POOR (1 OR 2)
- POOR (3)
- POOR (4)
- FAIR (5)
- FAIR (6)
- FAIR (7)
- GOOD (8-10)



Updated: 11/14/2019



CASCADE CHARTER TOWNSHIP
 KENT COUNTY, MICHIGAN
2019 LOCAL PASER MAP





CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

Date: August 12th, 2020
To: Supervisor Beahan and Township Board Members
From: Ben Swayze, Township Manager
Subject: Consider Resolution of “Declaration of Intent to Make Public Improvements; Tentative Designation of the Special Assessment District; Notice of Public Hearing” For Laraway Lake Special Assessment District No. 1

FACTS:

The Township has received a petition, circulated by property owners on Laraway Lake, to make certain improvements to Laraway Lake, including weed control and removal and for the cost of the improvements to be special assessed against parcels of land within the district. The request is for the cost to be equally assessed against all parcels that front Layaway Lake, with the exception of vacant parcels owned by duplicate homeowners.

They have requested that the special assessment district be implemented for 10 years. The total parcel count for the special assessment district is 23, and the requested work to be done is approximately \$11,575 meaning each parcel will be assessed \$504 per year during the duration of the special assessment district.

The Special Assessment District is being established pursuant to Public Act 188 of the Public Acts of Michigan of 1954, as amended (the “Act” or “Act 188”). It should be noted while the petition has been received by the Laraway Lake property owners, this process is being moved forward on the initiative of the Township Board and, legally, the Township Board is not compelled to carry through the Special Assessment District if it determines it is not in the best interest of the public.

Attached for your review are:

- Step Sheet to Create a Special Assessment District Pursuant to Public Act 199 of 1954 for Laraway Lake - Aquatic Weed Treatment and Improvements
- Resolution of “Declaration of Intent to Make Public Improvements; Tentative Designation of the Special Assessment District; Notice of Public Hearing” For Laraway Lake Special Assessment District No. 1
- Estimated Costs for Laraway Lake Improvements
- Petitions for Special Assessment District for Improvement of Laraway Lake
- Public Act 188 of the Public Acts of Michigan of 1954

ANALYSIS & CONCLUSIONS:

The Township have enlisted the help of attorney Clifford Bloom of Bloom Sluggert to assist in the establishment of the Laraway Lake Special Assessment District. Mr. Bloom has a specialty in this work and him and his firm have helped to establish similar improvement districts across

Michigan. The cost of Mr. Bloom's services, as well as all other direct costs related to the establishment of the district (i.e. printing, mailing, publication) will be charged to the SAD if it is established. If the SAD is not established, the Township is responsible for those costs.

By approving the SAD Resolution tonight, the Township Board declares it's intent to make the Public Improvements as outlined in Exhibit "A" of the resolution, tentatively designates the SAD to fund the cost of said improvements, and declares a public hearing to be held at the regularly scheduled Township Board meeting on August 26th, 2020.

If the resolution is approved, Township staff will prepare the notices to be mailed and published in accordance with the act. In its entirety, the SAD process is expected to be completed by the end of September. If approved, the SAD will be collected on the Winter 2020 tax roll, and the first year of improvements will begin in Spring 2021.

If the SAD is established, it is recommended that the Township Board approve and ad-hoc committee, consisting of Township staff, officials, and residents included in the SAD, to provide direction on the expenditure of SAD dollars (...though final appropriation will be at the sole discretion of the Township Board.)

FINANCIAL CONSIDERATIONS:

It is anticipated that the establishment of the Special Assessment District will be between \$2,500 and \$5,000, primarily consisting of legal fees and printing/publication costs. If the SAD is established, these fees can be recovered through the SAD. If it is not established, the Township is responsible for these fees. The Township staff is not recommending that staff time costs or administrative overhead be recovered through the SAD.

If established, the SAD will produce \$11,575 per year. These funds are kept in a separate fund and can only be utilized for the purposed outlined in the SAD plan documents.

RECOMMENDED ACTION:

Consider approval of amended Resolution of "Declaration of Intent to Make Public Improvements; Tentative Designation of the Special Assessment District; Notice of Public Hearing" For Laraway Lake Special Assessment District No. 1.

CASCADE CHARTER TOWNSHIP

STEP SHEET TO CREATE A SPECIAL ASSESSMENT DISTRICT PURSUANT TO
PUBLIC ACT 188 OF 1954
(LARAWAY LAKE - AQUATIC WEED TREATMENT)

This step sheet sets forth in outline form the procedure for establishing a Special Assessment District pursuant to Michigan Public Act 188 of 1954, for an authorized project or activity (“Public Improvements”).

<u>Dates</u>	<u>Description</u>
DONE	Step 1. <u>Filing of Plans</u> – The Township receives plans and estimates for the Public Improvements and the plans and estimates are filed with the Township Clerk.
Regular Board Meeting 8/12/2020	Step 2. <u>Resolution No. 1</u> – The Township Board adopts a resolution tentatively declaring its intent to make the Public Improvements, tentatively designating the special assessment district and setting a public hearing to hear any objections to the improvement, the costs, the plans, and the district.
	Step 3. <u>Notice of the First Public Hearing</u> – Notice of the public hearing must be given and must, among other things, include the date, time and place of the hearing, a brief description of the special assessment district, and a statement that the plans and estimates are on file with the Township Clerk for public examination. The notice must be given as follows:
<u>First Publication:</u> 8/13/2020 <u>Second Publication:</u> 8/13/2020	(a) The notice must be given by publication <u>twice</u> in a newspaper of general circulation designated by the Township, the first of which shall not be less than 10 days before the date set for the hearing.
<u>Mailing:</u> 8/13/2020	(b) The notice must also be given by first-class mail to all property owners of record according to Township tax rolls in the special assessment district not less than 10 days before the hearing.
Regular Board Meeting 8/26/2020	Step 4. <u>First Public Hearing</u> – At the hearing, the Township Board must hear any objections to the proposed improvements, the Township’s determination to proceed, and the proposed special assessment district.

<p align="center">Regular Board Meeting 8/26/2020</p>	<p>Step 5. <u>Resolution No. 2</u> – After the public hearing is held (and at the same meeting if the Township Board desires), if the Township Board decides to proceed, it adopts a resolution determining to make the improvements, approving the plans and costs estimates, and the district. The resolution also directs the Township Supervisor to make the special assessment roll.</p>
<p align="center">Regular Board Meeting 9/9/2020</p>	<p>Step 6. <u>Resolution No. 3</u> – When the special assessment roll is reported, the roll is filed with the Township Clerk and the Township Board adopts a resolution setting a public hearing on the roll.</p>
	<p>Step 7. <u>Notice of the Second Public Hearing</u> – Notice of the second public hearing must be given and must, among other things, include the date, time and place of the hearing, and the property owners’ right of appeal to the Michigan Tax Tribunal. The notice must be given as follows:</p>
<p><u>First Publication:</u> 9/10/2020 <u>Second Publication:</u> 9/13/2020</p>	<p>(a) The notice must be given by publication <u>twice</u> in a newspaper of general circulation designated by the Township, the first of which shall not be less than 10 days before the date set for the hearing.</p>
<p><u>Mailing:</u> 9/13/2020</p>	<p>(b) The notice must also be mailed to all property owners of record according to Township tax rolls in the special assessment district not less than 10 days before the hearing.</p>
<p align="center">Regular Board Meeting 9/23/2020</p>	<p>Step 8. <u>Second Public Hearing</u> – At the hearing, the Township Board reviews the roll, and hears any objections to it.</p>
<p align="center">Regular Board Meeting 9/23/2020</p>	<p>Step 9. <u>Resolution No. 4</u> – After the public hearing is held (and at the same meeting if the Township Board desires), the Township Board adopts a resolution confirming the roll as reported by the Township Assessor or as corrected by the Township Board, or refers it back to the Township Assessor.</p>
<p align="center">9/24/2020</p>	<p>Step 10. <u>Roll Endorsed</u> – After the Township Board confirms the roll, the Township Clerk endorses it.</p>

<p style="text-align: center;">10/24/20</p>	<p>Step 11. <u>Assessment Appeals</u> – Property owners who have protested the roll at the public hearing may appeal the roll to the Michigan Tax Tribunal within 30 days of the confirmation of the roll. After that time period has passed, the Tax Tribunal generally does not have jurisdiction to hear appeals.</p>
<p><u>Mailing:</u> 10/24/20</p>	<p>Step 12. <u>Final Notice/Letter to Property Owners</u> – Send out the final notice/letter to property owners within 7 days.</p>

**CASCADE CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN**

RESOLUTION NO. _____

LARAWAY LAKE SPECIAL ASSESSMENT DISTRICT NO. 1

**DECLARATION OF INTENT TO MAKE PUBLIC
IMPROVEMENTS; TENTATIVE DESIGNATION
OF THE SPECIAL ASSESSMENT DISTRICT;
NOTICE OF PUBLIC HEARING**

Minutes of a _____ meeting of the Township Board of Cascade Charter Township, Kent County, Michigan, held via remote conferencing software ZOOM in accordance with State of Michigan Governor’s Executive Order No. 2020-129 on August 12, 2020, at 7:00p.m., local time.

PRESENT: Members _____

ABSENT: Members _____

The following resolution was offered for adoption by Member _____ and supported by Member _____:

WHEREAS, Public Act 188 of the Public Acts of Michigan of 1954, as amended (the “Act” or “Act 188”) provides for the making of certain improvements by townships and provides the means to finance the improvements; and

WHEREAS, in the case of public improvements involving the improvement to or maintenance of a lake or other body of water, Section 3 of the Act provides that the Township Board may proceed, on its own initiative, to carry out the public improvements unless sufficient written objections are filed with the Township Board at or before the first public hearing on the special assessment district; and

WHEREAS, the Township intends to proceed to undertake certain public improvements (i.e. the control and eradication of certain aquatic weeds) as described in Exhibit A attached hereto (the “Public Improvements”) with regard to Laraway Lake located within Cascade Charter Township; and

WHEREAS, the nature of the Public Improvements is such that a periodic redetermination of costs may be necessary without a change in the special assessment district boundaries and, if at any time during the term of the special assessment district an actual incremental costs equals or exceeds the estimate or the prior year's costs by 10% or more, notice shall be given and a hearing afforded to the property owners and interested parties of record in the special assessment district; and

WHEREAS, there exists a need for the Public Improvements in the Township; and

WHEREAS, Act 188 provides the means to finance the Public Improvements in this matter.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. That the Township Board intends to proceed on its own initiative, and to make the Public Improvements as described in Exhibit A.

2. That the Township Board has authorized the preparation of plans showing the Public Improvements, their location, and an estimate of the costs thereof.

3. That the plans and the estimate of costs have been filed with the Township Clerk.

4. That the Township Board anticipates assessing the costs of the Public Improvements on a yearly basis beginning in 2020 based upon the estimates on file with the Township and the resolutions adopted by the Township Board pursuant to this process. Each year thereafter on or before September 30, the Township Board shall, to the extent possible, ascertain the project costs for the coming year. The Township Board shall establish the amount to be assessed based on unexpended funds, cash on hand, and the estimated project costs for that year and assesses that amount. The costs for administration and legal expenses for setting up this special assessment district shall be assessed in 2020.

5. That the Township Board hereby tentatively designates a special assessment district known as the Laraway Lake Special Assessment District No. 1, consisting of certain parcels of property described as set forth in the Notice of Public Hearing attached hereto as Exhibit B, which descriptions are incorporated herein by reference for the special assessment district, and against which parcels all or a portion of the cost of said Public Improvements shall be assessed.

6. That the Township Board shall hold a public hearing on August 26, 2020, at 7:00 p.m. at the Kent District Library-Cascade Township Branch at 2870 Jacksmith Avenue SE, Grand Rapids, Michigan 49546, or via remote conferencing software ZOOM in accordance with State of Michigan Governor's Executive Order No. 2020-129 or any subsequent Executive Order, to hear and consider objections to the proposed Public Improvements, the special assessment district tentatively designated herein, and all other matters relating to said proposed Public Improvements.

7. That the Township Clerk shall cause to be published a Notice of the Public Hearing in the Grand Rapids Press, a newspaper of general circulation within the Township, at least two (2) times prior to the public hearing, with the first publication at least ten (10) days prior to the public hearing. Proofs of publication of such notice shall be filed with the Township Board.

8. That the Township Clerk, at least ten (10) days prior to the date of the public hearing, shall also send a Notice of the Public Hearing by first class mail addressed to each record owner, or party in interest, of each parcel of property to be assessed, at the address shown for each such owner or party in interest upon the last Township tax assessment records and roll for ad valorem tax purposes, as supplemented by any subsequent changes in the names or addresses of the owners or parties listed therein, except in the case of railroad companies, who shall be mailed a Notice of the Public Hearing by registered mail within five (5) days after the first publication of the notice described in Paragraph 7 above. If a record owner's name does not appear on the Township tax assessment records, then the notice required by this paragraph shall be given to the record owner at the address shown by the records of the Kent County Register of Deeds.

9. That the form of the Notice of the Public Hearing to be mailed and published, as required herein, shall be substantially as set forth in Exhibit B hereto.

10. That all actions heretofore taken by Township officials, employees, and agents with respect to the Public Improvements and proceedings under Act 188 are hereby ratified and confirmed.

11. That all resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: Members _____

NAYS: Members _____

ABSENT: Members _____

RESOLUTION DECLARED ADOPTED.

Susan Slater
Township Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF _____)

I, Susan Slater, Cascade Charter Township Clerk, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Cascade Charter Township Board at a meeting held on _____, 2020, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, including, in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have affixed my official signature this ____ day of _____, 2020.

Susan Slater
Township Clerk

EXHIBIT A

Description of the Public Improvements; Cost Estimates

Control and partial eradication of aquatic plants and weeds within Laraway Lake by means of chemical and/or biological means and/or weed harvesting.

Projected/Estimated Total Cost for the Public Improvements
for the Entire Duration of the Special Assessment - \$ 115,750 total

Projected/Estimated Total Cost per Year of the Public
Improvements - \$ 11,575

Projected/Estimated Cost per Assessed Parcel per Year - \$ 504

[All costs and assessments are subject to changes and increases as provided by Act 188]

Map-area within the special assessment district (shaded):

[Insert map of Laraway Lake]



FIRST PUBLIC HEARING

TAKE NOTICE that the Township Board of Cascade Charter Township will hold a public hearing on _____, 2020 at 7:00 p.m. in the Kent District Library-Cascade Township Branch at 2870 Jacksmith Avenue SE Grand Rapids, Michigan 49546, to hear and consider any objections to the proposed Public Improvements, the proposed Special Assessment District, the proposed special assessment, and all other matters relating to the Public Improvements.

TAKE FURTHER NOTICE that a description of the Public Improvements and estimates of cost for the Public Improvements are on file with the Township Clerk for public examination.

PROPERTY SHALL NOT BE ADDED TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT AND THE ORIGINAL ESTIMATE OF COSTS SHALL NOT BE INCREASED BY 10% OR MORE PER YEAR WITHOUT FURTHER NOTICE AND PUBLIC HEARING.

Periodic redeterminations of the costs of the Public Improvements may be necessary, without a change in the Special Assessment District, and in that event, such redeterminations may be made by the Township Board without further notice to record owners or parties in interest in the lands in the Special Assessment District, in accordance with the provisions of said Act 188 (unless the amounts assessed increase by 10% or more from the prior year, in which case notice and public hearing will occur).

TAKE FURTHER NOTICE that a property owner or person in interest must either appear and object at the public hearing or submit a letter of appearance and objection to the Township prior to the public hearing in order to preserve the person's right to appeal the special assessment to the Michigan Tax Tribunal. A record owner of land may appeal a special assessment by filing a written appeal with the Michigan Tax Tribunal within 30 days after written confirmation of the special assessment roll.

Should the Township Board determine at the above-mentioned hearing to approve the proposed special assessment district, then thereafter, a second hearing will be held to confirm the tax roll for the special assessment district.

This notice was authorized by the Township Board of Cascade Charter Township.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Susan Slater
Township Clerk
Cascade Charter Township
2865 Thornhills Avenue SE
Grand Rapids, Michigan 49546
Phone: (616) 949-1508

Dated: _____, 2020

Susan Slater, Township Clerk

Tom Koster

From: Zachary Berry B.S. <zach@aquaticdoctors.com> on behalf of Zachary Berry B.S.
Sent: Thursday, July 9, 2020 11:14 PM
To: Tom Koster
Subject: Laraway Lake Cost estimates for 2021

Hi Tom,

Here's what I've come up with in regards to an annual cost for 2021:

As we discussed, we will want to be very aggressive with the treatments to regain control of the lake.

\$4275 for 3 emergent/Lily Pad treatments (@ \$285/acre treating 5 acres/treatment)

\$1050 for 5 Alage treatments (@ \$42/acre treating 5ac/treatment)

\$5000 for 5 Submersed weed treatments (@ \$200/acre treating 5ac/treatment)

TOTAL FOR 2021: \$10,325

Please let me know if you have any other questions.

Have a great weekend!

Zach

--



Zach Berry B.S.
General Manager/Aquatic Biologist

P: 616.365.1698
F: 501.647.3041

P.O. Box 150247
Grand Rapids, MI 49515-0247

www.aquaticdoctors.com

Tom Koster

From: Zachary Berry
Sent: Friday, September 27, 2019 3:59 PM
To: TLKOSTER@realvesco.com
Subject: Laraway Lake Proposal 2020
Attachments: Laraway Lake.pdf

Good afternoon Tom,

I'd like to thank you for your interest in Aquatic Doctors! Attached is a quote/proposal for Laraway Lake for the 2020 season. Just to note, not all prices provided on the proposal will be charged, they are simply options you have to treat your lake. It was a pleasure meeting you yesterday and I look forward to working with you in the future. I think we can get Laraway Lake looking a lot better in due time!

Aquatic Doctors is a local business to Grand Rapids. We treat many of the ponds and lakes all over the State of Michigan with spectacular results. We hope to add your lake to that list! If you have any other questions, feel free to call/email me here at the office. Our number here is (616)-365-1698. If everything looks good, just sign the back page of the proposal and send it my way and we can get the ball rolling! Again, thank you so much for your time.



Zach Berry
Assistant General Manager/Sales Manager

P: 616.365.1698
F: 501.647.3041

P.O. Box 150247
Grand Rapids, MI 49515-0247

www.aquaticdoctors.com



AQUATIC DOCTORS LAKE MANAGEMENT, INC. ("Aqua Docs") of P.O. Box 150247, Grand Rapids, Michigan 49515 and Laraway Lake Association of Cascade, Michigan agree:

Aqua Docs will provide a professional aquatic program for the control of weeds and/or algae in Laraway Lake. The program will consist of the following:

May/June: Weed and Algae treatment applying restrictive products such as Navigate (2,4-D), Diquat, Triclopyr, Aquathol K, Hydrothol 19, Glyphosate and non-water restrictive products such as copper sulfate, Cutrine-Plus, Cutrine-Ultra, Cygnet Plus, and shade as a tracer.
 **3-4 weeks after initial treatment- spot treat weed beds and algae treatment.

July and August: Algae treatments applying non-water restrictive products such as copper sulfate, Cutrine-Plus, Cutrine-Ultra, Cygnet Plus and shade as a tracer. Spot weed treatment for EWM and other nuisance plant growth.

Cost per Acre:

Navigate: Granular systemic 2,4-D herbicide to control Eurasian Watermilfoil	\$ 325.00
Triclopyr: Granular systemic herbicide to control Eurasian	\$ 560.00
Triclopyr: Liquid systemic herbicide to control EWM	\$ 315.00
Diquat: Liquid herbicide to control EWM, Curlyleaf, and Pondweeds	\$ 205.00
Aquathol K-Hydrothol 191: Liquid herbicide to control Pondweeds	\$ 195.00
Glyphosate: Liquid herbicide for Lily pad control	\$ 285.00
Algaecides: Granular products to control Chara	\$ 65.00
Algaecides: Granular and liquid products to control algae	\$ 42.00

Cost per Pound:

Muck Treatment using Muck RemoveRX Pellets:	\$ 10.00/lb
Enzyme Treatment using organic materials:	\$ 14.50/lb
Water Quality Program:	\$ 50.00/sample

Description and Optional Services:

Weed Treatment: Milfoil, Curly-leaf, Coon-tail, Chara, and various pondweed treatments applying restrictive products such as granular Navigate (2,4-D), Aquathol K, Hydrothol 191, Diquat, Triclopyr, Komeen, Glyphosate, and Cygnet Plus.

Algae treatment: Non-water restrictive algaecides such as Copper Sulfate, Curtain-Plus, Cutrine-Ultra, Chelated Copper, Earthtech, Greenclean, and shade as a tracer. Treatments should occur monthly to prevent existing growth and prevent re-growth. Surrounding conditions (i.e. sunlight, temperature, nutrient concentration, etc...) may require additional treatments.

Muck/Enzyme Treatment: Designed to decrease levels of organic sediment in lakes and ponds while reducing odors and improving water clarity. The pellets sink quickly, targeting 'muck' on the bottom. Muck Remover does not contain pathogenic bacteria and it is fish and wildlife friendly. Contains 3 billion CFU/gram (Colony-forming units).

Water Quality Program: Water quality program consists of lake samples taken and sent to an independent laboratory (Prein&Newhof). The samples can be tested for a variety of things including; fecal bacteria (E. coli), dissolved oxygen, conductivity, total dissolved solids, pH and alkalinity. Primarily E. coli is the focus.

- Specific treatment dates will be set by Aqua Docs, in cooperation with Tom Koster Lake Board.
- Please be aware Aqua Docs can only treat weeds and algae present at the time of treatment. We have no control over future weed or algae growth based on the current chemicals registered for aquatic use in Michigan.
- Unless otherwise stated in the program, all other aquatic pest control will require a separate program (i.e. cattails, duckweed, largeleaf pondweed, lily pads, purple loosestrife, watermeal, etc...)

Aqua Docs will obtain the DEQ "Aquatic Nuisance Control permit" and post restriction signs as required. Any facility or location related permits/requirements, for example, "Discharge or Retention" permits will be the responsibility of the customer, association, resident or facility. It is your association's/group's responsibility to notify each resident within one hundred (100) feet of the treatment area at least seven (7) days in advance of the first treatment that chemicals will be applied. This notification requirement must be provided to every property owner who has consented to have their property treated. Lake boards and townships who assess the lake property owners are exempt from individual consent documentation. The property owner is responsible for removing any restriction signs ten (10) days after the conclusion of water use restrictions.

Aqua Docs carries a general liability policy of insurance for workmans comp, bodily injury and property damage with limits of \$1,000,000.00 per occurrence. Certificates of insurance will be provided upon request.

The State of Michigan requires a minimum fee of \$75.00 and increases the fee to \$1500.00 for treatment areas of 100 acres or more. Please make check to the State of Michigan. Application for the DEQ "Aquatic Nuisance Control permit" shall occur promptly after the fee is received from the customer.

Special Notes & Conditions of Treatments

- #1 - Our office must be notified of any inlets/outlets to meet specific permit requirements with the Michigan DEQ.
- #2 - If the water body is being used as a source of irrigation, please notify our office prior to any treatments.
- #3 - To minimize the possible effects on health and the environment, the treated waters MAY be restricted for such uses as swimming, bathing, irrigation, fish consumption and/or livestock.
- #4 - If an access site has not been determined or established prior to services rendered, then an access site must be determined at the discretion of the applicator at the time of treatment.

Payment in full is due within fifteen (15) days of each application. Any amount remaining unpaid when due shall accrue a penalty of 1.5% per month.

All materials utilized by Aqua Docs shall be of the highest quality and are registered with the U.S. Environmental Protection Agency and the Michigan Department of Agriculture.

The accumulation of dying and decomposing plants and algae can deplete the dissolved oxygen supply in the water, which may result in fish mortality. Please note that such occurrences are minimal, however, the possibility does exist. Due to their level of sensitivity, Goldfish, Coy, and Trout are more susceptible to a treatment than other fish species. During Late Spring and Summer, many NATURAL fish kills occur due to an increase in water temperature and spawning habits, primarily.

Three or five year treatment program: As an incentive to establish a multiple year agreement we will treat your lake or pond at the same price structure as 2020 for 2021! The remaining years (2022-2024) will have cost increases of three percent or less. If total chemical costs exceeds 10% from the previous year a new agreement will have to be mutually acceptable. If during the life of the contract the DNR or other regulatory agencies significantly change the approved treatment procedures or the client finds the manner in which the work is performed less than satisfactory, either party may terminate this agreement upon giving ninety (90) days advance written notice thereof.

Contract:

Signature Page for "Laraway Lake"

Program Option for Laraway Lake:

One (1) Year Program- _____
Three (3) Year Program- _____
Five (5) Year Program- _____
(Just initial your choice)

Aquatic Doctors Lake Management, Inc.

By: MT Ryan Schauland B.S.
President

Signature

Date

For Laraway Lake Representative:

Name (Print) _____

Title _____

Address: _____

Phone: _____

(Day): _____

(Eve): _____

Signature

Date

email: _____


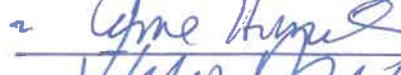






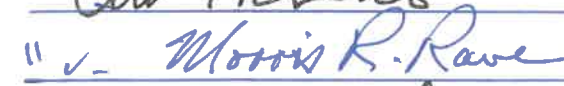

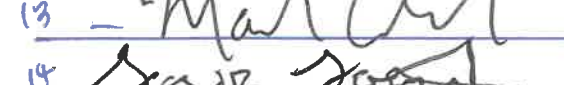
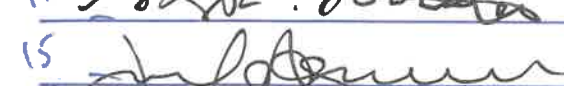

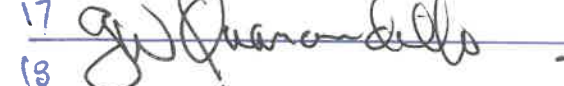



Tom Koster
1930 Boxthorn

540-2625
2019

9/10-11/2019

I'm in agreement regarding future maintenance and weed control on Laraway Lake.

NAME	ADDRESS	EMAIL	PHONE
1 	830 Beard	remcobergsma@hotmail.com	
2 	910 1860 Beard	ahorv0513@comcast.net	
3 	910 1874 Beard	ballou49@	
4 	910 1930 Boxthorn Ct	+1 koster@realwest.com	
5 	910 1944 Boxthorn Ct	Dusend@ConcordCapital.com	
6	2025 Laraway Lk		
7 	2019 Laraway Lk		
8	1995 Laraway Lk		
9 	910 1981 Laraway Lk	jwaller2@gmail.com	
10 	1975 Laraway Lk		
11 	910 1955 Laraway Lk		
12 -	1943		
13 - 	1931		
14 	1960 Laraway Lk D.O.S.K.		
15 	1915		
16 -	1891		
17 	→ 1865		
18 	→ 1875		
19 			the 6400 bonnigal Lk.
20			
21			
22			
23			
24			

Laraway Lake Property Owners				
Property	PP#	Owners Name & Address	Phone #	Email
1	301-024	Kassouni & Lyubov Van 6400 Donnegal Lane, SE Grand Rapids, MI 49546	616-794-0989 616-734-9781	van@roofmelt.com
2	301-030	Richard H. Benninger 6484 Donnegal Lane, SE Grand Rapids, MI 49546	No listing	beybenger@yahoo.com
3	301-031	Drew & Caroline Tilton 6500 Donnegal Lane, SE Grand Rapids, MI 49546		carolinetilton@yahoo.com drewtilton@gmail.com
4	301-014	Gary Maximiuk 1855 Laraway Lake Dr. SE Grand Rapids, MI 49546	616-340-4759 (for sale)	maximiuk@voyager.net
5	301-032	Robert Price (Kathy) 1859 Laraway Lake Dr. SE Grand Rapids, MI 49546	940-8166 698-0300	r.price@comcast.net
6	301-033	Tom & Gwen Heetderks 1861 Laraway Lake Dr., SE Grand Rapids, MI 49546	502-744-5393	ggheetderks@aol.com
7	351-001	William Quarandillo (Mary) 1865 Laraway Lake Dr., SE Grand Rapids, MI 49546	940-4067	mlguar@sbcglobal.net
7	351-014	William Quarandillo (Mary) 1865 Laraway Lake Dr., SE Grand Rapids, MI 49546	940-4067	mlguar@sbcglobal.net
8	351-015	John Brann (single) 1891 Laraway Lake Dr. SE Grand Raids, MI 49546		
9	351-003	Steve & Jane DeGood 1915 Laraway Lake Dr., SE Grand Rapids, MI 49546 (Mailing: 7611 Limehollow Dr SE)	616-299-3517 616-975-5410	sdegood@comcast.net
10	351-004	Mark & Melissa Elenbaas 1931 Laraway Lake Dr., SE Grand Rapids, MI 49546	616-481-0563 616-818-5432	melissaelenbaas@icloud.com
11	351-005	Krista Price (single) 1943 Laraway Lake Dr. SE Grand Rapids, MI 49546	616-648-2441	kristadawnprice@gmail.com
12	351-006	Kassouni & Lyubov Van 1955 Laraway Lake Dr., SE Grand Rapids, MI 49546 (Mail: 815 Front St., Belding, MI 48809)	616-734-9781 616-794-0989	van@roofmelt.com

7 signed
2 verbal
9 (3)

13	351-007	Gary & Linda Foerster 1969 Laraway Lake Dr., SE Grand Rapids, MI 49546	616-443-7734	GRFoerster1@msn.com
14	351-008	Chris & Barb Ritsema 1975 Laraway Lake Dr. SE – Vacant Grand Rapids, MI 49546	616-916-6354	critsema@lifeprocesscenter.org
15	351-009	Justin & Jennifer Waller 1981 Laraway Lake Dr. SE Grand Rapids, MI 4956	616-490-6926	Jwaller2@gmail.com
16	351-013	Seung Ho Han (Janice) (Jenny) 1995 Laraway Lake Dr. SE Grand Rapids, MI 49546	940-3778 364-8107	5271 Northland Drive Grand Rapids, MI (use U.S. Mail)
17	351-012	James Kusmierski (Lauren) 2019 Laraway Lake Dr., SE Grand Rapids, MI 49546	956-6160	jkart@altelco.net
18	351-011	James Kusmierski (Lauren) 2019 Laraway Lake Dr., SE Grand Rapids, MI 49546	956-6160	
19	351-016	Joyce Thomet (single) 2025 Laraway Lake Dr. SE Grand Rapids, MI 49546	949-0356 616-260-5560	jpgthomet@aol.com
20	480-009	Owen Pyle (single) 1944 Boxthorn Ct., SE Grand Rapids, MI 49546	Wk: 949-0121	owen@concordcapitalmanagement.com
21	480-010	Thomas Koster (Beth) 1930 Boxthorn Ct., SE Grand Rapids, MI 49546	540-2625	tlkoster@realvesco.com
22	480-012	Beverly Heyne (Bill) 1874 Beard Dr., SE Grand Rapids, MI 49546	949-8682	Wheyne14@gmail.com
23	480-013	Richard Horvitz (Ann) 1860 Beard Dr., SE Grand Rapids, MI 49546	957-1576	Rhorv1117@comcast.net
24 23	480-014	William Currie (Janice) 1830 Beard Dr., SE Grand Rapids, MI 49546	942-4561	janicecurrie@att.net bcurrie@ufpi.com
25				
26				
27				
28				

10 written
1 verbal

(1)



Parcel Number	Property Address
1	41-19-05-480-014
2	1830 BEARD DR SE
3	1860 BEARD DR SE
4	1874 BEARD DR SE
5	1930 BOXTHORN CT SE
6	1944 BOXTHORN CT SE
7	2025 LARAWAY LAKE DR SE
8	2019 LARAWAY LAKE DR SE
9	2011 LARAWAY LAKE DR SE
10	1995 LARAWAY LAKE DR SE
11	1981 LARAWAY LAKE DR SE
12	1975 LARAWAY LAKE DR SE
13	1969 LARAWAY LAKE DR SE
14	1955 LARAWAY LAKE DR SE
15	1943 LARAWAY LAKE DR SE
16	1931 LARAWAY LAKE DR SE
17	1915 LARAWAY LAKE DR SE
18	1891 LARAWAY LAKE DR SE
19*	1875 LARAWAY LAKE DR SE
20	1865 LARAWAY LAKE DR SE
21	1861 LARAWAY LAKE DR SE
22	1859 LARAWAY LAKE DR SE
23	1855 LARAWAY LAKE DR SE
24	6500 DONNEGAL LN SE
25	6484 DONNEGAL LN SE
	6400 DONNEGAL LN SE

Laraway Lake Proposed Special Assessment District boundary map.

*Data obtained from the Kent County Graphic Information System displays Parcel Number 19 as extending into the Laraway Lake.

PUBLIC IMPROVEMENTS
Act 188 of 1954

AN ACT to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds.

History: 1954, Act 188, Imd. Eff. May 5, 1954;—Am. 1974, Act 143, Imd. Eff. June 5, 1974;—Am. 1995, Act 139, Imd. Eff. July 10, 1995.

The People of the State of Michigan enact:

41.721 Public improvements by township board; bonds; special assessments to defray costs.

Sec. 1. The township board has the power to make an improvement named in this act, to provide for the payment of an improvement by the issuance of bonds as provided in section 15, and to determine that the whole or any part of the cost of an improvement shall be defrayed by special assessments against the property especially benefited by the improvement. The cost of engineering services and all expenses incident to the proceedings for the making and financing of the improvement shall be deemed to be a part of the cost of the improvement.

History: 1954, Act 188, Imd. Eff. May 5, 1954;—Am. 1974, Act 143, Imd. Eff. June 5, 1974;—Am. 1986, Act 180, Imd. Eff. July 8, 1986.

41.721a "Record owner" defined.

Sec. 1a. As used in this act, "record owner" means a person, sole proprietorship, partnership, association, firm, corporation, or other legal entity, possessed of the most recent fee title or a land contract vendee's interest in the land as shown by the records of the county register of deeds.

History: Add. 1986, Act 180, Imd. Eff. July 8, 1986.

41.722 Types of improvements authorized; approval; conditions.

Sec. 2. (1) The following improvements may be made under this act:

- (a) The construction, improvement, and maintenance of storm or sanitary sewers or the improvement and maintenance of, but not the construction of new or expanded, combined storm and sanitary sewer systems.
- (b) The construction, improvement, and maintenance of water systems.
- (c) The construction, improvement, and maintenance of public roads.
- (d) The acquisition, improvement, and maintenance of public parks.
- (e) The construction, improvement, and maintenance of elevated structures for foot travel over roads in the township.
- (f) The collection and disposal of garbage and rubbish.
- (g) The construction, maintenance, and improvement of bicycle paths.
- (h) The construction, maintenance, and improvement of erosion control structures or dikes.
- (i) The planting, maintenance, and removal of trees.
- (j) The installation, improvement, and maintenance of lighting systems.
- (k) The construction, improvement, and maintenance of sidewalks.
- (l) The eradication or control of aquatic weeds and plants.
- (m) The construction, improvement, and maintenance of private roads.
- (n) The construction, improvement, and maintenance of a lake, pond, river, stream, lagoon, or other body of water or of an improvement to the body of water. This subdivision includes, but is not limited to, dredging.
- (o) The construction, improvement, and maintenance of dams and other structures that retain the waters of this state for recreational purposes.
- (p) The construction, improvement, and maintenance of sound attenuation walls, pavement, or other sound mitigation treatments unless a written objection is filed in the same manner as provided under section 3 by the record owners of land constituting more than 20% of the total area in the proposed special assessment district. If a written objection is filed, then the township board shall not proceed with the improvement until a petition signed by the record owners of land constituting more than 50% of the total land area in the special assessment district as finally established is filed with the board.

(2) A road under the jurisdiction of either the state transportation department or the board of county road commissioners shall not be improved under this act without the written approval of the state transportation

department or the board of county road commissioners. As a condition to the granting of approval, the state transportation department or the board of county road commissioners may require 1 or more of the following:

(a) That all engineering with respect to the improvement be performed by the state transportation department or the board of county road commissioners.

(b) That all construction, including the awarding of contracts for construction, in connection with the improvement be pursuant to the specifications of the state transportation department or the board of county road commissioners.

(c) That the cost of the engineering and supervision be paid to the state transportation department or the board of county road commissioners from the funds of the special assessment district.

(3) A lake, pond, river, stream, lagoon, or other body of water under the jurisdiction of a county drain commissioner shall not be improved under this act without the written approval of the county drain commissioner of the county in which the lake, pond, river, stream, lagoon, or other body of water is located.

History: 1954, Act 188, Imd. Eff. May 5, 1954;—Am. 1958, Act 163, Eff. Sept. 13, 1958;—Am. 1964, Act 30, Imd. Eff. May 1, 1964;—Am. 1966, Act 116, Imd. Eff. June 22, 1966;—Am. 1974, Act 143, Imd. Eff. June 5, 1974;—Am. 1976, Act 148, Imd. Eff. June 16, 1976;—Am. 1986, Act 180, Imd. Eff. July 8, 1986;—Am. 1995, Act 139, Imd. Eff. July 10, 1995;—Am. 2002, Act 585, Imd. Eff. Oct. 14, 2002.

41.723 Written objections; petition; filing; signatures; determining record owners; determining sufficiency of petition; supplement to petition; validity of signatures.

Sec. 3. (1) The township board may proceed to carry out an improvement as provided in this act unless written objections to the improvement are filed with the township board at or before the hearing provided in section 4 by property owners as follows:

(a) For an improvement under section 2(1)(a), (b), (d), (e), (f), (h), (i), (j), (l), (n), or (o) by the record owners of land constituting more than 20% of the total land area in the proposed special assessment district.

(b) For an improvement under section 2(1)(c), (g), (k), or (m), by the record owners of land constituting more than 20% of the total frontage upon the road, bicycle path, or sidewalk.

(2) A township board may require the filing of a petition meeting the requirements of subsection (3) before proceeding with an improvement under this act.

(3) If written objections are filed as provided in subsection (1), or if the township board requires a petition before proceeding, the township board shall not proceed with the improvement until there is filed with the board a petition signed as follows:

(a) For an improvement under section 2(1)(a), (b), (d), (e), (f), (h), (i), (j), (l), (n), or (o) by the record owners of land constituting more than 50% of the total land area in the special assessment district as finally established by the township board.

(b) For an improvement under section 2(1)(c), (g), (k), or (m), by the record owners of land constituting more than 50% of the total frontage upon the road, bicycle path, or sidewalk.

(4) Record owners shall be determined by the records in the register of deeds' office as of the day of the filing of a petition, or if written objections are filed as provided in subsection (1), then on the day of the hearing. In determining the sufficiency of the petition, lands not subject to special assessment and lands within a public highway or alley shall not be included in computing frontage or an assessment district area. A filed petition may be supplemented as to signatures by the filing of an additional signed copy or copies of the petition. The validity of the signatures on a supplemental petition shall be determined by the records as of the day of filing the supplemental petition.

History: 1954, Act 188, Imd. Eff. May 5, 1954;—Am. 1957, Act 187, Imd. Eff. June 4, 1957;—Am. 1961, Act 143, Eff. Sept. 8, 1961;—Am. 1976, Act 113, Imd. Eff. May 14, 1976;—Am. 1976, Act 148, Imd. Eff. June 16, 1976;—Am. 1976, Act 332, Imd. Eff. Dec. 15, 1976;—Am. 1986, Act 180, Imd. Eff. July 8, 1986;—Am. 1995, Act 139, Imd. Eff. July 10, 1995.

41.724 Plans; cost estimate; resolution; designation of special assessment district; hearing; notice; periodic redeterminations of cost; objections; adding property to special assessment district; supplemental petition; filing by railroad companies; additional notice; affidavit of service.

Sec. 4. (1) Upon receipt of a petition or upon determination of the township board if a petition is not required under section 3, the township board, if it desires to proceed on the improvement, shall cause to be prepared plans describing the improvement and the location of the improvement with an estimate of the cost of the improvement on a fixed or periodic basis, as appropriate. Upon receipt of the plans and estimate, the township board shall order the same to be filed with the township clerk. If the township board desires to proceed with the improvement, the township board shall tentatively declare by resolution its intention to make the improvement and tentatively designate the special assessment district against which the cost of the

improvement or a designated part of the improvement is to be assessed.

(2) The township board shall fix a time and place to meet and hear any objections to the petition, if a petition is required, to the improvement, and to the special assessment district, and shall cause notice of the hearing to be given as provided in section 4a. The notice shall state that the plans and estimates are on file with the township clerk for public examination and shall contain a description of the proposed special assessment district. If periodic redeterminations of cost will be necessary without a change in the special assessment district, the notice shall state that such redeterminations may be made without further notice to record owners or parties in interest in the property.

(3) At the hearing, or any adjournment of the hearing which may be without further notice, the township board shall hear any objections to the petition, if a petition is required, to the improvement, and to the special assessment district. The township board may revise, correct, amend, or change the plans, estimate of cost, or special assessment district.

(4) Property shall not be added to the district unless notice is given as provided in section 4a, or by personal service upon the record owners of the property in the entire proposed special assessment district, and a hearing afforded to the record owners. If a petition is required because property is added to the special assessment district which makes the original petition insufficient, then a supplemental petition shall be filed containing sufficient additional signatures of record owners. If the nature of the improvement to be made is such that a periodic redetermination of costs will be necessary without a change in the special assessment district boundaries, the township board shall include in its estimate of costs any projected incremental increases. If at any time during the term of the special assessment district an actual incremental cost increase exceeds the estimate therefor by 10% or more, notice shall be given as provided in section 4a and a hearing afforded to the record owners of property to be assessed.

(5) Railroad companies shall file in writing with the secretary of state the name and post office address of the person upon whom may be served notice of any proceedings under this act. After the name and address has been filed, notice in addition to the notice by publication shall be given to the person by registered mail, or personally, within 5 days after the first publication of the notice. An affidavit of the service shall be filed by the township board with the proof of publication of the notice.

History: 1954, Act 188, Imd. Eff. May 5, 1954;—Am. 1974, Act 143, Imd. Eff. June 5, 1974;—Am. 1986, Act 180, Imd. Eff. July 8, 1986.

41.724a Notice of hearings in special assessment proceedings.

Sec. 4a. (1) If special assessments are made against property, notice of hearings in the special assessment proceedings shall be given as provided in this section.

(2) Notice of hearings in special assessment proceedings shall be given to each record owner of, or party in interest in, property to be assessed whose name appears upon the last township tax assessment records by first-class mail addressed to the record owner or party in interest at the address shown on the tax records, at least 10 days before the date of the hearing. The last township tax assessment records means the last assessment roll for ad valorem tax purposes that was reviewed by the township board of review, as supplemented by any subsequent changes in the names or the addresses of the owners or parties listed on that roll. If a record owner's name does not appear on the township tax assessment records, then notice shall be given by first-class mail addressed to the record owner at the address shown by the records of the county register of deeds at least 10 days before the date of the hearing. Notice shall also be published twice before the hearing in a newspaper circulating in the township. The first publication shall be at least 10 days before the date of the hearing. If a published notice includes a list of the property identification numbers of the property to be assessed, that list may provide either the individual property identification number for each parcel of property to be assessed or 1 or more sequential sets of property identification numbers, which include each parcel of property to be assessed. If a published notice includes a list of the property identification numbers of the property to be assessed, that published notice shall also include either a map depicting the area of the proposed special assessment district or a written description of the proposed special assessment district.

(3) If a person whose name and correct address do not appear upon the last township tax assessment records claims an interest in real property, that person shall immediately file his or her name and address with the township supervisor. This filing is effective only for the purpose of establishing a record of the names and addresses of those persons entitled to notice of hearings in special assessment proceedings. The supervisor shall immediately enter on the tax assessment records any changes in the names and addresses of record owners or parties in interest filed with the supervisor and at all times shall keep the tax assessment records current, complete, and available for public inspection.

(4) A township officer required to give notice of a hearing in special assessment proceedings may rely upon the last township tax assessment records in giving notice of the hearing by mail. The method of giving

notice by mail as provided in this section is declared to be the method that is reasonably certain to inform those to be assessed of the special assessment proceedings.

(5) Failure to give notice as required in this section shall not invalidate an entire assessment roll, but only the assessment on property affected by the lack of notice. A special assessment shall not be declared invalid as to any property if the owner or the party in interest of that property actually received notice, waived notice, or paid any part of the assessment. If an assessment is declared void by court decree or judgment, a reassessment against the property may be made.

(6) A special assessment hearing held before June 5, 1974 is validated, insofar as any notice of hearing is concerned, if notice was given by mail to the owners or parties in interest whose names appeared at the time of mailing on the last township tax assessment records. Any such special assessment hearing is validated as to any owner or party in interest who actually received notice of hearing, waived the notice, or paid any part of the special assessment.

History: Add. 1974, Act 143, Imd. Eff. June 5, 1974;—Am. 1986, Act 180, Imd. Eff. July 8, 1986;—Am. 2000, Act 331, Imd. Eff. Dec. 14, 2000.

41.725 Approval or determination by township board; levy of special assessment.

Sec. 5. (1) If, after the hearing provided for in section 4, the township board desires to proceed with the improvement, the township board shall approve or determine by resolution all of the following:

- (a) The completion of the improvement.
- (b) The plans and estimate of cost as originally presented or as revised, corrected, amended, or changed.
- (c) The sufficiency of the petition for the improvement if a petition is required. After this determination, the sufficiency of the petition is not subject to attack except in an action brought in a court of competent jurisdiction within 30 days after the adoption of the resolution determining the sufficiency of the petition.
- (d) The special assessment district including the term of the special assessment district's existence. If the nature of the improvement to be made is such that a periodic redetermination of cost will be necessary without a change in the special assessment district boundaries, the township board shall state that in the resolution and shall set the dates when the redeterminations shall be made. After finally determining the special assessment district, the township board shall direct the supervisor to make a special assessment roll in which are entered and described 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, which amount shall be the relative portion of the whole sum to be levied against all parcels of land in the special assessment district as the benefit to the parcel of land bears to the total benefit to all parcels of land in the special assessment district. When the supervisor completes the assessment roll, the supervisor shall affix to the roll his or her certificate stating that the roll was made pursuant to a resolution of the township board adopted on a specified date, and that in making the assessment roll the supervisor, according to his or her best judgment, has conformed in all respects to the directions contained in the resolution and the statutes of this state.

(2) After December 31, 1998, an ad valorem special assessment levied under this act shall be levied on the taxable value of the property assessed.

(3) If the levy of an ad valorem special assessment on the property's taxable value is found to be invalid by a court of competent jurisdiction, the levy of the ad valorem special assessment shall be levied on the property's state equalized value.

(4) As used in this section and section 15b, "taxable value" means that value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

History: 1954, Act 188, Imd. Eff. May 5, 1954;—Am. 1974, Act 143, Imd. Eff. June 5, 1974;—Am. 1986, Act 180, Imd. Eff. July 8, 1986;—Am. 1998, Act 544, Imd. Eff. Jan. 20, 1999.

41.726 Filing and review of special assessment roll; hearing; notice; adjournments; objections; confirmation, referral, or annulment; endorsement; finality; action contesting assessment.

Sec. 6. (1) When a special assessment roll is reported by the supervisor to the township board, the assessment roll shall be filed in the office of the township clerk. Before confirming the assessment roll, the township board shall appoint a time and place when it will meet, review, and hear any objections to the assessment roll. The township board shall give notice of the hearing and the filing of the assessment roll as required by section 4a.

(2) A hearing under this section may be adjourned from time to time without further notice. A person objecting to the assessment roll shall file the objection in writing with the township clerk before the close of the hearing or within such further time as the township board may grant. After the hearing the township

board, at the same or at a subsequent meeting, may confirm the special assessment roll as reported to the township board by the supervisor or as amended or corrected by the township board; may refer the assessment roll back to the supervisor for revision; or may annul it and direct a new roll to be made.

(3) If a special assessment roll is confirmed, the township clerk shall endorse on the assessment roll the date of the confirmation. After the confirmation of the special assessment roll, all assessments on that assessment roll shall be final and conclusive unless an action contesting an assessment is filed in a court of competent jurisdiction within 30 days after the date of confirmation.

History: 1954, Act 188, Imd. Eff. May 5, 1954;—Am. 1974, Act 143, Imd. Eff. June 5, 1974;—Am. 1986, Act 180, Imd. Eff. July 8, 1986.

41.727 Payment of special assessments in installments; amount of installment; extension; due dates; interest on unpaid installments; lien; limitation; statement of amount; payment of future due installments; delinquent installment; penalty.

Sec. 7. (1) The township board may provide that special assessments are payable in 1 or more installments, but the amount of an installment shall not be less than 1/2 of any subsequent installment. The amount of each installment, if more than 1, shall not be extended upon the special assessment roll until after confirmation of that assessment roll. Subject to the provisions of section 4(4), the amount of installments for improvements subject to periodic cost revision may be extended upon the special assessment roll by the township board without additional public hearings or public notice, provided that additional property is not added to the special assessment roll.

(2) The first installment of a special assessment is due on or before the time after confirmation of that special assessment roll as determined by the township board. Subsequent installments are due at intervals of 12 months from the due date of the first installment or from a date determined by the township board.

(3) All unpaid installments, prior to their transfer to the township tax roll as provided by this act, shall bear interest, payable annually on each installment due date, at a rate to be set by the township board, not exceeding 1% above the average rate of interest borne by special assessment bonds issued by the township in anticipation of all or part of the unpaid installments; or not exceeding 1% above the average rate of interest borne by bonds issued by a county, drainage district, or authority if the unpaid installments are to be applied to the payment of a contract obligation of the township to the county or authority or to the payment of an assessment obligation of the township to the drainage district; or, if bonds are not issued by the township, a county, a drainage district, or an authority, not exceeding 8% per annum, commencing in each case from a date fixed by the township board.

(4) Future due installments of an assessment against any parcel of property may be paid to the township treasurer at any time in full, with interest accrued through the month in which the final installment is paid.

(5) If the township board provides that a special assessment is payable in installments under subsection (1), the amount of any lien on the parcel of property assessed for that special assessment is limited to each individual installment and shall not attach to the property assessed until that individual installment is due as provided in subsection (2).

(6) Upon written request, the township treasurer shall provide a statement of the amount of any lien under subsection (1) and (2) on the property, with interest accrued through the end of the month in which the statement is provided.

(7) If an installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of not more than 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the township board for reassessment upon the township tax roll.

History: 1954, Act 188, Imd. Eff. May 5, 1954;—Am. 1957, Act 187, Imd. Eff. June 4, 1957;—Am. 1974, Act 143, Imd. Eff. June 5, 1974;—Am. 1979, Act 173, Imd. Eff. Dec. 13, 1979;—Am. 1981, Act 57, Imd. Eff. June 4, 1981;—Am. 1986, Act 180, Imd. Eff. July 8, 1986;—Am. 2014, Act 429, Eff. Jan. 15, 2015.

41.728 Special assessments to constitute lien; limitation; character and effect.

Sec. 8. (1) Except as otherwise provided in subsection (2), all special assessments contained in any special assessment roll shall, from the date of confirmation of that roll, constitute a lien upon the respective parcels of property assessed.

(2) If the township board provides that a special assessment is payable in installments under section 7(1), the amount of any lien on the parcel of property assessed for that special assessment is limited to each individual installment and shall not attach to the property assessed until that individual installment is due as provided in section 7(2).

(3) A lien for a special assessment under this act shall be of the same character and effect as a lien created

for township taxes and shall include accrued interest and penalties.

(4) No judgment or decree or any act of the township board vacating a special assessment shall destroy or impair a lien of the township upon the property assessed for the amount of the assessment that may be equitably charged against that property, or through a regular mode of proceeding may be lawfully assessed on that property.

History: 1954, Act 188, Imd. Eff. May 5, 1954;—Am. 2014, Act 561, Imd. Eff. Jan 15, 2015.

41.729 Special assessments; collection by township treasurer, report of delinquencies.

Sec. 9. When any special assessment roll shall be confirmed the township board shall direct the assessments made therein to be collected. The township clerk shall thereupon deliver to the township treasurer such special assessment roll, to which he shall attach his warrant commanding the township treasurer to collect the assessments therein in accordance with the directions of the township board in respect thereto. Said warrant shall further require the township treasurer on the 1st day of September following the date when any such assessments or any part thereof have become due to submit to the township board a sworn statement setting forth the names of the persons delinquent, if known, a description of the parcels of land upon which there are delinquent assessments and the amount of such delinquency, including accrued interest and penalties computed to September 1 of such year. Upon receiving such special assessment roll and warrant the treasurer shall proceed to collect the several amounts assessed therein as the same shall become due.

History: 1954, Act 188, Imd. Eff. May 5, 1954.

41.729a Deferred assessment; application; evidence of hardship; ordinance; deferred assessment as recorded lien.

Sec. 9a. (1) An owner of property who by reason of hardship is unable to contribute to the cost of an assessment for an improvement authorized in section 2(1)(a), (b), (c), (g), (h), or (n) may have the assessment deferred by application to the assessing officer. Upon receipt of evidence of hardship, the township may defer partial or total payment of the assessment.

(2) The township board may enact an ordinance to define hardship and to permit deferred or partial payment of an assessment pursuant to this section. As a condition of granting the deferred or partial payment of an assessment, the township board shall require that any deferred assessment constitute a recorded lien against the property, subject to section 8(2).

History: Add. 1976, Act 148, Imd. Eff. June 16, 1976;—Am. 1995, Act 139, Imd. Eff. July 10, 1995;—Am. 2014, Act 561, Imd. Eff. Jan. 15, 2015.

41.730 Special assessments; delinquencies, reassessment.

Sec. 10. In case the treasurer shall, as above provided, report as delinquent any assessment or part thereof, the township board shall certify the same to the supervisor, who shall reassess on the annual township tax roll of such year in a column headed "special assessments" the sum so delinquent, with interest and penalties to September 1 of such year, and an additional penalty of 6% of the total amount. Thereafter the statutes relating to township taxes shall be applicable to such reassessments.

History: 1954, Act 188, Imd. Eff. May 5, 1954.

41.731 Division of lands; apportionment of uncollected assessments.

Sec. 11. Should any parcel of land be divided after a special assessment thereon has been confirmed, and before the collection thereof, the township board may require the supervisor to apportion the uncollected amounts between the several divisions thereof and the report of such apportionment when confirmed by the township board shall be conclusive upon all parties: Provided, That if the interested parties do not agree in writing to such apportionment, then before such confirmation notice of hearing shall be given to all the interested parties, either by personal service or by publication as above provided in case of an original assessment roll.

History: 1954, Act 188, Imd. Eff. May 5, 1954.

41.732 Special assessment roll; insufficiency, additional pro rata assessments; surplus, refunds.

Sec. 12. Should the assessments in any special assessment roll prove insufficient for any reason, including the noncollection thereof, to pay for the improvement for which they were made or to pay the principal and interest on the bonds issued in anticipation of the collection thereof, then the township board shall make additional pro rata assessments to supply the deficiency, but the total amount assessed against any parcel of land shall not exceed the value of the benefits received from the improvement. Should the total amount

collected on assessments prove larger than necessary by more than 5% of the original roll, then the surplus shall be prorated among the properties assessed in accordance with the amount assessed against each and applied toward the payment of the next township tax levied against such properties, respectively, or if there be no such tax then it shall be refunded to the persons who are the respective record owners of the properties on the date of the passage of the resolution ordering such refund. Any such surplus of 5% or less may be paid into the township contingent funds disposed of as above provided.

History: 1954, Act 188, Imd. Eff. May 5, 1954.

41.733 Illegal special assessment; reassessment proceedings.

Sec. 13. Whenever any special assessment shall, in the opinion of the township board, be invalid by reason of irregularities or informalities in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the township board shall, whether the improvement has been made or not, whether any part of the assessment has been paid or not, have power to proceed from the last step at which the proceedings were legal and cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever an assessment or any part thereof levied upon any premises has been so set aside, if the same has been paid and not refunded, the payment so made shall be applied upon the reassessment.

History: 1954, Act 188, Imd. Eff. May 5, 1954.

41.734 Exempt corporations; agreement to pay assessment.

Sec. 14. The governing body of any public or private corporation whose lands are exempt by law may, by resolution, agree to pay the special assessments against such lands, and in such case the assessment, including all the installments thereof, shall be a valid claim against such corporation.

History: 1954, Act 188, Imd. Eff. May 5, 1954.

41.734a Assessment on platted corner lots; payment of portion by governing body.

Sec. 14a. The governing body of any township, by resolution, may agree to pay up to 1/3 of the cost of the special assessment levied against any platted corner lot for the payment of public improvements authorized under the provisions of this act.

History: Add. 1959, Act 196, Eff. Mar. 19, 1960.

41.735 Bonds.

Sec. 15. The township board may borrow money and issue the bonds of the township in anticipation of the collection of special assessments to defray all or any part of the cost of any improvement made under this act after the special assessment roll is confirmed. Bonds issued under this section shall not exceed the amount of the special assessments in anticipation of the collection of which they are issued. Bonds may be issued in anticipation of the collection of special assessments levied in respect to 1 or more public improvements, but no special assessment district shall be compelled to pay the obligation of any other special assessment district. The township board may pledge the full faith and credit of the township for the prompt payment of the principal of and interest on the bonds authorized under this section. The issuance of bonds under this section is subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1954, Act 188, Imd. Eff. May 5, 1954;—Am. 1974, Act 143, Imd. Eff. June 5, 1974;—Am. 2002, Act 229, Imd. Eff. Apr. 29, 2002.

41.735a Township improvement revolving fund; advances; interest.

Sec. 15a. As an alternate method of defraying the cost of an improvement made under this act, after the special assessment roll for the improvement is confirmed, the township board may pay the cost of the improvement from the township improvement revolving fund. The amount advanced shall not exceed the amount the board anticipates will be collected by the special assessments. The amount advanced by the township shall bear interest at a rate not exceeding 5% per annum.

History: Add. 1956, Act 109, Eff. Aug. 11, 1956;—Am. 1986, Act 180, Imd. Eff. July 8, 1986.

41.735b Township improvement revolving fund; transfer of funds; amount.

Sec. 15b. The township board of any township by resolution may create and designate a fund to be known as the township improvement revolving fund. Before January 1, 1999, the township board may transfer to the township improvement revolving fund from the general fund of the township in any 1 year an amount not exceeding 2 mills of the state equalized valuation of the real and personal property in the township and in each subsequent year may transfer from the general fund to the township improvement revolving fund until

that fund equals 5 mills of the state equalized valuation of the real and personal property in the township. After December 31, 1998, the township board may transfer to the township improvement revolving fund from the general fund of the township in any 1 year an amount not exceeding 2 mills of the taxable value of the real and personal property in the township and in each subsequent year may transfer from the general fund to the township improvement revolving fund until that fund equals 5 mills of the taxable value of the real and personal property in the township. All interest charges collected are a part of the township improvement revolving fund. The township board may transfer funds from the township improvement revolving fund to the general fund when, in the judgment of the board, funds should be transferred.

History: Add. 1956, Act 109, Eff. Aug. 11, 1956;—Am. 1998, Act 544, Imd. Eff. Jan. 20, 1999.

41.735c Special assessments to defray certain obligations.

Sec. 15c. The township board may determine that the whole or any part of an obligation of the township assessed or contracted for pursuant to Act No. 342 of the Public Acts of 1939, as amended, being sections 46.171 to 46.187 of the Michigan Compiled Laws; Act No. 185 of the Public Acts of 1957, as amended, being sections 123.731 to 123.786 of the Michigan Compiled Laws; Act No. 40 of the Public Acts of 1956, as amended, being sections 280.1 to 280.623 of the Michigan Compiled Laws; and Act No. 233 of the Public Acts of 1955, as amended, being sections 124.281 to 124.294 of the Michigan Compiled Laws, shall be defrayed by special assessments against the property specially benefited thereby and in such case, the special assessments may be levied and collected in accordance with this act except as herein provided. The requirements of section 3 with respect to requiring a petition and section 4 with respect to the hearing therein required shall not apply to any special assessments levied and collected in accordance with this section and the above described acts.

History: Add. 1974, Act 143, Imd. Eff. June 5, 1974.

41.736 Public improvements; powers granted to townships.

Sec. 16. The powers herein granted may be exercised by any township and shall be in addition to the powers granted by any other statute.

History: 1954, Act 188, Imd. Eff. May 5, 1954;—Am. 1961, Act 14, Imd. Eff. May 9, 1961.

41.737 Scope of act.

Sec. 17. The provisions of this act shall not apply to any obligations issued or assessments levied except in accordance with the provisions of this act after the effective date thereof, and shall not validate any proceedings or action taken by any township prior to the effective date of this act.

History: 1954, Act 188, Imd. Eff. May 5, 1954.

41.738 Use of interest earned from investments, money from bond proceeds, or money from interest and penalties on unpaid special assessment.

Sec. 18. Interest earned from the investment of money collected under a special assessment under this act or of money received as bond proceeds from a bond issued under this act, or money from interest or penalties charged and collected on an unpaid special assessment under this act shall only be used for the following:

- (a) To pay for the improvement for which the special assessment is assessed.
- (b) To pay the principal and interest of bonds that are issued for the improvement for which the special assessment is assessed.
- (c) To pay the principal and interest of an advance from the township that is used for the improvement for which the special assessment is assessed.

History: Add. 1986, Act 180, Imd. Eff. July 8, 1986.



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

Date: August 12, 2020
To: Supervisor Beahan and Township Board Members
From: Ben Swayze, Township Manager
Subject: Hope Network Transportation Services Contract

FACTS:

Cascade Township contracts with Hope Network West Michigan to provide door-to-door and door-through-door specialized transportation service to senior citizens aged 60 years and above and individuals with disabilities to Cascade Township residents. Funding for this service comes from two sources, an allocation from the CDBG funds available to the Township, and general fund support. Attached for your review is:

- Proposed contract between Cascade Charter Township and Hope Network West Michigan (with highlighted changes)

ANALYSIS & CONCLUSIONS:

The way CDBG funds are distributed changes significantly as of July 1, 2019 which has allowed for Cascade Township to capture a greater amount of those funds. Prior to 7/1/2019, the limit of CDBG funds available to Township residents, as a whole, was just over \$7,100. Now, each eligible rider in the Township is allocated 20 CDBG funded rides. Per the terms of the contract, for each of those rides the rider is responsible for \$4.00 fare and the Township is responsible for \$1. For each ride over 20 rides, the rider is responsible for \$4.00 and the Township is responsible for \$18.15.

The changes have resulted in significant savings for the Township. Prior to July 2019, the Township averaged a \$3,500 monthly cost for the Hope Network service. After the new funding formula was implemented, the averaged cost for the Township dropped to around \$750. During the pandemic rides have been negligible, with an average monthly cost to the Township around \$40

The proposal from Hope Network was reviewed by the Personnel/Finance Committee at their June meeting and the committee has recommended the contract be approved by the Township Board.

FINANCIAL CONSIDERATIONS:

For the FY 2020, the Township has budgeted \$36,000 for this service. This amount is approximately \$8,000 less than was budgeted the previous year and \$41,000 less than was budgeted prior to the implementation of the 28th Street Rapid service. This is due to the fact that all residents that live within $\frac{3}{4}$ of a mile of The Rapid service are now eligible to take the Go!Bus

rather than the Hope Network service, which the Township subsidizes at a much lower per ride rate. Removing the pandemic months, the Township averages \$750 a month in costs. The FY2021 budget will be prepared accordingly.

RECOMMENDED ACTION:

Approve the *Contract between Cascade Charter Township and Hope Network West Michigan* and as recommended by the Personnel/Finance Committee, and authorize the Township Manager to execute the contract on behalf of the Township.

**CONTRACT BETWEEN
CASCADE CHARTER TOWNSHIP
AND
HOPE NETWORK WEST MICHIGAN**

THIS CONTRACT entered into this ____ day of _____, 2020, effective from July 1, 2020, through June 30, 2021, by and between Cascade Charter Township (hereinafter called the "Township"), and Hope Network West Michigan, (hereinafter called the "Agency").

WITNESSETH THAT:

WHEREAS, the Township, desires to engage the Agency to perform certain Services and Activities; and

WHEREAS, the Agency agrees to perform such Services and Activities in a lawful, satisfactory, and proper manner, and in accordance with all policies, procedures, and requirements which have been or, from time to time, may be prescribed by the Township;

NOW, THEREFORE, the Township, and the Agency do mutually agree as follows:

ARTICLE I - PROJECT OBJECTIVES

The project objectives of this Contract are herein established as the standards to be used by the Township to determine the impact and effectiveness of the Services and Activities to be performed by the Agency under Article 2 below. The objectives are:

The Township desires to provide door-to-door and door-through-door specialized transportation service to senior citizens aged 60 years and above and individuals with disabilities during the period covered by this contract. The Agency shall arrange for the desired service to be provided to eligible Township residents under the terms and conditions of this Contract. The Township shall compensate the Agency for the desired Services and Activities as specified herein.

ARTICLE II- SCOPE OF SERVICES AND ACTIVITIES

In order to accomplish the project objectives defined in Article 1 above, the Agency shall perform in a lawful, satisfactory, and proper manner, the following Services and Activities:

- a.) Advance reservation door-to-door and door-through-door transportation service shall be furnished to individuals meeting the Agency's eligibility criteria. The service will be offered solely to eligible township residents in which the origin or destination is to or from the township. Trips requested by eligible Cascade residents which do not have an origin or destination in the Township are considered a special case and will need approval by the township manager or supervisor. Eligible Cascade Township residents may travel to and from any point within Kent County, Michigan.
- b.) Any Cascade resident living in the Go!Bus geographical boundaries (within 3/4 miles from The Rapid's city bus line), will be referred to the Go!Bus service and will be required to schedule their rides with them with the exception of trips to areas in which Go!Bus does not travel but is part of this contract. Hope Network will provide trips to these areas.
- c.) These transportation services will be furnished from 6:00a.m. to 6:00 p.m., Sunday through Saturday, The beginning time of service is the earliest time at which passengers will be scheduled to be picked up. The ending time of service is the latest time at which passengers will be scheduled to be picked up for return trips. No transportation service will be provided on, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
- d.) Passenger eligibility shall be limited to Cascade Charter Township residents. Persons desiring to use the service shall be required to complete a registration procedure and proof to verify eligibility as a

nondisabled senior citizen aged 60 years or more, or have a qualifying disability. Registration of eligible individuals shall be carried out by the Agency using Agency's procedures and operational requirements.

- e.) A passenger fare of \$4.00 per one-way trip shall be charged to eligible persons and \$1.00 to the township. These fares shall apply to all service provided under this contract. Fare revenues shall be retained by the Agency as partial reimbursement for service expenses.
- f.) Wheelchair-accessible vehicles with lifts or ramps plus wheelchair securement equipment shall be made available and operated as needed to meet the travel needs of persons using wheelchairs who request service.
- g.) The Agency shall provide, at no charge, copies of public information brochures and other materials developed for purposes of marketing Agency service. Agency personnel shall assist the Township in developing appropriate public information for Services and Activities under this Contract. The Agency and the Township shall coordinate an effective public information program.
- h.) The Agency shall prepare and submit to the Township a quarterly report on the Services and Activities undertaken to fulfill its obligations under the contract.

ARTICLE III - TIME OF PERFORMANCE

- a.) On July 1, 2020, the Agency shall commence performance of the Services and Activities required under this Contract.
- b.) The Agency shall continue to perform such Services and Activities until the expiration of this Contract on June 30, 2021, unless otherwise terminated pursuant to the terms of this Contract.

ARTICLE IV - COMPENSATION AND METHOD OF PAYMENT

- a.) As full compensation for the Contractor's satisfactory performance under, and completion of, this contract, the Township hereby agrees to pay the Agency the amount of \$17.15 per one-way trip for all trips beyond 20 rides per month per person performed under this contract. The County of Kent will reimburse for the first 20 rides per month per person. It is agreed that the above-specified amounts shall be the maximum amounts to be charged by the Agency during the term of the contract. Should the Agency's net cost of providing the specified Services and Activities be reduced due to an increase in the fare(s) paid by passengers, the above-specified amounts shall be adjusted as of the effective date(s) of any such changes.
- b.) At the end of each month of service, the Agency shall prepare and provide to the Township a statement of charges due for service provided during the prior month, supported and accompanied by detailed documentation of the basis for the charges shown. The Township shall determine whether or not the charges are acceptable for processing and payment. Invoices shall be due and payable within thirty (30) days of the date of the invoice.

ARTICLE V - CONTINUED FUNDING

The Township makes no implied or explicit guarantee, offer, or representation of future funding from the Township beyond the termination of this Contract.

ARTICLE VI - CONTRACT MODIFICATIONS

The Township, from time to time, may expand, diminish, or otherwise modify the Project Objectives, the Scope of Services and Activities, or any other Contract provisions related thereto, which the Agency is required to perform pursuant to Articles I and II of this Contract; provided, however, such modifications are mutually agreed upon by the Township, and the Agency. The Township and the Agency agree that this Contract sets forth, in the entirety, all agreements between the parties hereto.

ARTICLE VII - TERMINATION OF CONTRACT

- a.) If, through any cause, the Agency fails to fulfill its obligations under this Contract or if Agency violates any of the covenants, agreements, or stipulations of this contract, the Township shall have the right to terminate this Contract in whole, or in part, by giving (60) calendar days written notice by certified United States mail to Agency specifying the effective termination date.

- b.) In the event the Agency fails to perform, in a timely and proper manner, any of the Services or Activities required under this Contract, the Township shall notify the Agency and allow the Agency ten (10) days to cure any such failure to perform the Services or Activities in a timely manner.
- c.) In the event the Agency fails to cure the unsatisfactory or untimely work or performance pursuant to this Contract, the Township may take any other action permitted by law or this Contract, including but not limited to termination of the contract.
- d.) In the event this Contract is terminated, the Agency shall receive just and equitable compensation for any work which the Agency satisfactorily completed pursuant to this Contract.
- e.) The Agency, for adequate cause, may terminate this Contract at any time by giving written notice by United States certified mail at least sixty (60) calendar days before the effective date of such termination and specifying the effective date.

ARTICLE VIII - ELIGIBLE COSTS OF THE AGENCY

Under this Contract, a cost incurred or expenditure made by or pursuant to this Contract shall be fully documented and shall be in conformance with any limitations or exclusions of applicable federal, state, and local laws, rules, and regulations, and conditions mandated by the Township, including OMB Circular A-122, entitled "Cost Principles for Nonprofit Organizations".

ARTICLE IX - RECORDS AND DOCUMENTATION

- a.) The Agency shall establish and maintain all necessary records concerning any matter covered by this Contract which, from time to time, may be required by the Township.
- b.) Unless otherwise expressly authorized by the Township, the Agency shall maintain all records related to this Contract, including financial records and accounts, for a period of six (6) years after receipt of final payment under this Contract.
- c.) If any litigation, claim, or audit regarding the services described in this Contract is started before the expiration of the six (6) year period, the records shall be retained by the Agency until all litigation, claims, or audit findings involving the records have been resolved.

ARTICLE X - AUDITS AND INSPECTIONS

At anytime during normal business hours and as often as the Township may deem necessary to ensure proper accounting for all project funds, the Agency shall:

- a.) Make available to the Township all checks, payrolls, time records, invoices, contracts, vouchers, orders and other data, information, and material concerning any matter covered by this Contract.
- b.) Permit the Township to audit, examine, excerpt, or transcribe all checks, payrolls, time records, invoices, contracts, vouchers, orders, or other data, information, and material concerning any matter covered by this Contract.
- c.) Allow the Township to review such documents that are considered as backup to the operation of the Agency, related to this Contract.

ARTICLE XI - CONFLICT OF INTEREST

- a.) The Agency covenants that no conflict of interest exists and no person having any conflicting interest in this Contract shall be employed for the purpose of performing the Services and Activities set forth in the Scope of Services and Activities (Article II) of this Contract or fulfilling the terms, conditions, obligations, covenants, agreements, or stipulations herein.
- b.) The Agency shall establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

ARTICLE XII - ASSIGNMENT AND TRANSFER OF INTEREST; SUBCONTRACTING

The Agency shall not assign or transfer, whether by assignment or novation any interest in this Contract, or subcontract any performance or portion hereof pursuant to the Contract without the prior written consent of the Township; provided, however, that claims for money due or to become due the Agency from the Township pursuant to this Contract may be assigned or transferred to a bank, trust company, or other

financial institution without such consent, and the Agency shall promptly notify the Township of any such assignment or transfer.

ARTICLE XIII - INDEMNIFICATION

To the extent permitted by law, the Agency will indemnify and save harmless the Township against any and all damages to property or injuries to or death of any person or persons, including the property and employees or agents of the Township, and the Agency shall defend, indemnify and save harmless the Township from any and all claims, demands, suits, liabilities and/or payments, actions or proceedings of any kind or nature, including workers compensation claims, of or by anyone whomsoever, in any way resulting from or arising out of the Agency's operations in connection with this Contract, including the operations of the Agency's subcontractors, and the acts or omissions of employees or agents of the Agency or its subcontractors. To the extent permitted by law, the Township will indemnify and save harmless the Agency against any and all damages to property or injuries to or death of any person or persons, including the property and employees or agents of the Agency, and the Township shall defend, indemnify and save harmless the Agency from any and all claims, demands, suits, liabilities and/or payments, actions or proceedings of any kind or nature, including workers compensation claims, of or by anyone whomsoever, in any way resulting from or arising out of the Township's operations in connection with this Contract, including the operations of the Township's subcontractors, and the acts or omissions of employees or agents of the Township or its subcontractors. In the event of a suit or action filed to enforce this Contract or with respect to this Contract, the prevailing party shall be reimbursed by the other party for all costs and expenses incurred in connection with the suit or action, including without limitation reasonable attorneys' fees.

ARTICLE XIV - INSURANCE

The Agency will procure and maintain, at its own cost and expense, and as long as it is providing services to the Township, the following insurance coverage:

- a.) Commercial General Liability: per occurrence form, minimum limits of \$1,000,000 per occurrence.
- b.) Automobile Liability: Michigan no-fault coverage, and residual Liability for bodily injury and property damage, minimum limits \$1,000,000.
- c.) Worker's Compensation and Employer's Liability: Statutory coverage or proof acceptable to the Township of approval as a self-insurer by the State of Michigan. Employer's Liability \$500,000.

ARTICLE XV - CIVIL RIGHTS

- a.) The Agency agrees that it will not discriminate as to provision of Services and Activities pursuant to this Contract or as to hiring or terms or conditions of employment based on race, color, religion, national origin, sex, disability, marital status, height, weight, age or other protected class against whom discrimination is prohibited by law.
- b.) The Agency shall, in all solicitations or advertisements for employees placed by or on behalf of the Agency, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, sex, disability, marital status, height, weight, age or other protected class against whom discrimination is prohibited by law.
- c.) In the event of the Agency's noncompliance with the nondiscrimination clauses of this Contract or with any of such rules, regulations or orders, this Contract may be cancelled, terminated, or suspended in whole or in part.

ARTICLE XVI - COMPLIANCE WITH LAW

In performing the Services and Activities required under this Contract and in fulfilling the terms, conditions, obligations, covenants, agreements and stipulations of this Contract, the Agency will comply with all applicable Federal, State and local laws, including but not limited to the following: the Architectural Barrier Act of 1968, as amended, 42 USC § 4151 *et seq.*; the Barrier Free Design Act, 1966 PA 1, as amended, MCL 125.1351 *et seq.*; the Davis-Bacon Act, as amended, 40 USC § 3141 *et seq.*; the Copeland Anti-Kickback Act,

as amended, 18 USC § 874, 40 USC § 3145, and as supplemented by 29 CFR Part 3; and the Federal Fair Labor Standards Act of 1938, as amended, 29 USC § 201 *et seq.*

ARTICLE XVII - SEVERABILITY

If any clauses, sections, provisions, or parts of this Contract are held invalid, or if any portion of any clause, section, provision or part of this Contract is held invalid, the remainder of this Contract shall not be affected thereby, if such remainder of this Contract would then continue to conform to the terms and requirements of applicable law. Unless otherwise specified in this Contract, all notices, duties, or rights of the Township shall be exercised by and through this Contract as specified herein.

ARTICLE VIII - WAIVER

The failure of the Township to demand compliance with any term of this Contract, or to take action when this Contract is breached in any way, shall not be considered a waiver of that contractual requirement thereafter, nor of the Township's right of action for the breach of that term.

ARTICLE XIX - DISCLOSURE OF CONFIDENTIAL MATERIAL

The parties agree not to disclose any information regarding this Contract or services provided pursuant to this Contract except as required by law or regulation.

IN WITNESS WHEREOF, the Agency and the Township have executed this Contract as of the date first above written.

CASCADE CHARTER TOWNSHIP

By: _____

Date: _____

ATTEST:

By: _____

Date: _____

HOPE NETWORK WEST MICHIGAN

By: _____

Date: _____

Steven Hartman, Executive Director



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

Date: August 12, 2020
To: Supervisor Beahan & Cascade Township Board
From: Benjamin Swayze, Township Manager
Subject: COVID 19 Hazard Pay for Certain Township Employees

FACTS:

Since mid-March the Township has significantly altered the operation plan for employees several times due to the COVID 19 pandemic. During mid-March in-person work was significantly reduced, and then in late March reduced even further due to Executive Orders issued by Governor Whitmer. In-person work partially resumed in June, though the Township is still encouraging and, in some cases, requiring at-home work to be in compliance with the latest Executive Orders.

Throughout the previous 5 months, many employees have experienced a disproportionate risk in their employment in regards to COVID exposure. This risk was necessary to maintain services to our residents and businesses. Departments that experienced disproportionate risk included the Fire Department, Buildings and Grounds Department and Building Inspections Department. Employees in these departments were required to continue in-person work while other employees were able to minimize their risk by working at home or, in some cases, in facilities otherwise closed to the public. Because of the additional risk assumed by these employees, I am asking the committee to consider recommending the Township Board a one-time Hazard pay stipend.

ANALYSIS & CONCLUSIONS:

Fire Department – Fire Department operations have remained unchanged during the pandemic, though significant COVID-19 safety protocols have been put in place. The firefighters are first responders for medical emergencies in the Township related to COVID and continue to respond to presumptive cases multiple times per day.

Request - \$2,000 per firefighter that has worked regular shifts during the pandemic.
\$1,000 per firefighter that has not worked regular shifts but responded to emergencies as needed/required.

Cost - \$57,000. Money will be paid from Fire Department Fund, though is entirely eligible for reimbursement through various CARES Act funds. Currently the Township has requested over \$500,000 in payroll reimbursement for firefighters for April, May and June.

Buildings and Grounds – Throughout the pandemic, the Governor has recommended that recreation areas remain open. While many employees were able to work from home during

portions of the pandemic, the Buildings and Grounds staff reported to work to ensure outdoor public areas were safe, sanitized and accessible to the public. As facilities reopened, Building and Grounds employees served as front-line staff in ensuring facilities were safe and sanitized for returning employees, and have continued to do so on a daily basis.

Request - \$1,000 per employee

Cost - \$7,000. Money will be paid form the General Fund. We will apply for reimbursement, but eligibility for reimbursement through CARES act funds remains unclear.

Building Inspectors – While many departments ramped down operations as the pandemic ramped up in March, the Building Department continued to conduct inspections as required by law, putting some employees at risk as construction companies were slow to put safety protocols in place. Construction was eventually halted by the Governor’s executive order, but was also one of the first industries to reopen. During reopening Inspectors returned to constructions sites, and the risks associated with them, while other Township employees were still able to reduce their risk exposure by working from home.

Request - \$1,000 per employee

Cost - \$9,000. Money will be paid from the Building Inspections Fund. We will apply for reimbursement, but eligibility for reimbursement through CARES act funds remains unclear.

At their August meeting the Personnel and Finance Committee had an opportunity to review the proposal and have recommended that the Township Board approve the request.

FINANCIAL CONSIDERATIONS:

The total request for additional hazard pay comes to \$73,000.

General Fund - \$7,000

Fire Fund - \$57,000

Building Fund - \$9,000

Reimbursement will be sought for all hazard pay with high probability that the fire fund amount will be fully reimbursable.

RECOMMENDED ACTION:

To approve COVID 19 Hazard Pay proposal as recommended be the Township Board.

STAFF REPORT

TO: Cascade Charter Township Board
FROM: Steve Peterson, Community Development Director
REPORT DATE: July 31, 2020
MEETING DATE: August 12, 2020
CASE: #18-3450/ Honeysuckle Hill

GENERAL INFORMATION

- A. Applicant: Dykema LP
1730 Three Mile Rd NE
Grand Rapids MI 49505
Telephone: 363-6895
Email: mberg@dykemaexcavators.com
- B. Status of Applicant: Owner/developer
- C. General Location: The property is located on the south side of 48th st just west of Whitneyville Ave.
- D. Requested Action: Rezone approximately 17 Acres to PUD to allow for 13 single family home sites.
- E. Existing Zoning on Subject Parcels: R1, Residential
- F. Zoning on Adjoining Parcels: R1, Residential
- G. Parcel Size: two properties totaling Approximately 17 acres
- H. Existing Land Use on Subject Parcel: Vacant
- I. Adjacent Area Land Uses:
- | | | |
|-------|---|-------------|
| North | - | I-96 |
| East | - | Residential |
| South | - | Railroad |
| West | - | Residential |

STAFF ANALYSIS

- A. The applicant is requesting Final Approval in order to rezone approximately 17 acres for a Planned Unit Development called Honeysuckle Hill. This request would allow for a total of 13 single-family home sites.
- B. The property is zoned R1, single-family, and is Master Planned Suburban Residential, which is essentially the same.
- C. The applicant has drawn a test plan showing how the property could be developed with 13 lots using a combination of six lot splits and PUD rezoning for seven lots.
- D. After review by the Planning Commission, the Township required that they rezone the entire project as one site condominium rather than have a combination of lot splits and site condominium lots. We also required that the plan be revised to remove any storm water detention system from lots and place it in the common open space.
- E. The development is designed using the 25% open space method. This requires a minimum lot size of 40,000 sq ft. However, because lots 1,2 and 5 have been revised to eliminate the detention system from the lot area they are under the 40,000 sq ft.
- F. The lots range in size from 35,813 sq ft to 38,605. This is the only exception that they are asking for and if not approved they could simply include the detention areas in the lots and meet the requirement.
- G. The development will be served by wells and septic. The applicant has received approval from the KCHD. The property is located in the sewer water service area so an agreement to participate in the SAD would be appropriate to include the PUD ordinance.
- H. The open space that is being provided is located along the railroad and in the NE corner of the project adjacent to the nearest homes which are off from Whitney Pines (a small private drive on from 48th st).
- I. The developer has received approval for the street name and location of the curb cut from the KCRC. The engineer has approved the design of the road.
- J. Access for all of the lots will be from the private street only, no access will be granted to Buttrick or 48th st.
- K. No sidewalks are planned for the project, and would not connect to any planned or future pathways.
- L. This area is zoned R1 but does not include any street lights and the Planning Commission is not recommending them given the location of the subdivision.
- M. The developer has not indicated the minimum size for the homes. In the R1 zone we require a minimum of 1,300 sq ft for a one story and a 1,600 sq ft for a two story. 5700 an
- N. Traffic counts on Buttrick ave and 48th are 918 and 5,700 respectively. According to the KCRC a two lane road has the capacity for about 10,000 cars. A 13 unit single family subdivision would add about 130 trips to the current traffic count.

- O. The Planning Commission has recommended approval of the PUD rezoning and the attached PUD Ordinance as written.

P. Standards

Section 16.03 of the Zoning Ordinance requires that a Planned Unit Development must demonstrate that:

Standard	Staff Comment
Granting of the Planned Unit Development rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.	The property is already zoned R1 and the developer has shown how they could meet our requirement for 13 lots as a combination of a subdivision and lot splits. Allowing a couple of smaller lots to avoid issues with the detention system and having it all under one subdivision would make for a much cleaner subdivision.
In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment	The type of use and density is consistent with the master plan would not result in a material increase in the need for public services.
The proposed development shall be compatible with the General Development Plan of the Township, and shall be consistent with the intent and spirit of this Chapter	The project is consistent with the master plan
In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties	The development is very similar to the surrounding projects and being consistent with the underlying zoning would not result in an unreasonable negative economic impact
The proposed development shall contain at least as much green area and usable open space as would otherwise be required by this Ordinance with respect to the most dominant use in the development	met.
The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control, upon due notice to the Planning Director of the Township	met

Staff Recommendation

Staff recommends approval of the plan.

Attachments

Site plan
PUD Ordinance



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan
49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Dykema LP (owner of 41-19-26-300-005)

Address: 1730 Three Mile Road, NE

City & Zip Code Grand Rapids, MI 49505

Telephone: 616-363-6895

Email Address: mberg@dykemaexcavators.com

OWNER: * (If different from Applicant)
 Name: Eugene Raab (owner of 41-19-26-300-007)

Address: 4612 Poinsettia Ave SE

City & Zip Code: Grand Rapids, MI 49508

→ Telephone: 616-534-6014

→ Email Address: _____

NATURE OF THE REQUEST: (Please check the appropriate box or boxes)

<input type="checkbox"/> Administrative Appeal	<input type="checkbox"/> Administrative Site Plan Review
<input type="checkbox"/> Deferred Parking	<input type="checkbox"/> P.U.D. – Rezoning *
<input checked="" type="checkbox"/> P.U.D. – Site Condominium *	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Site Plan Review *	<input type="checkbox"/> Sign Variance
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Subdivision Plat Review *
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Other: _____ *

** Requires an initial submission of 5 copies of the completed site plan*

BRIEFLY DESCRIBE YOUR REQUEST:**

(**Use Attachments if Necessary)
-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

See site plan

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 -26-300-005 & 41-19-26-300-007

ADDRESS OF PROPERTY: 4862 and 4870 Buttrick

PRESENT USE OF THE PROPERTY: Vacant

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR
EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) also agree to reimburse the Cascade Charter Township for all costs, including consultant costs, to review this request in a timely manner. I (we) understand that these costs may also include administrative reviews which may occur after the Township has taken action on my (our) request.

I (we) the undersigned also acknowledge that the proposed project does not violate any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.)

Eugene Raab

Owner – Print or Type Name
(*If different from Applicant)

* Eugene Raab 3/7/2018

Owner's Signature & Date
(*If different from Applicant)

James A. Dykema

Applicant – Print or Type Name

James A. Dykema

Applicant's Signature & Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU

Rev. 7/24/14

Steve

From: Strunk, John <jstrunk@kentcountyroads.net>
Sent: Friday, April 20, 2018 8:37 AM
To: Steve
Subject: Buttrick Ave

Steve – The proposed Dykema Exc. private street development on the east side of Buttrick Ave. south of 48 th Street has an approved location by the KCRC, and an approved name of “Honeysuckle Hill Court – PVT”.



KCRC

John R. Strunk
Certification Engineer, Commercial Driveways
(616) 242.6901 ext. 6913
jstrunk@kentcountyroads.net

Kent County Road Commission
1500 Scribner Avenue NW, Grand Rapids, MI 49504-3299
kentcountyroads.net

GENERAL NOTES:

1. PARCEL 41-15-36-0005 (AREA BUTTRICK)
 Part of the Township of Cascade, Kent County, Michigan, described as:
 All of part of the North Six hundred thirty six (366) sq. ft. (P & J) of the Southwest one
 quarter (SW 1/4) of Section twenty six (26), Township 35 (35) North, Range 12 (12) East,
 Cascade Twp., Kent County, Michigan, containing therein the East three hundred feet (300').
 PARCEL 41-15-36-0007 (AREA BUTTRICK)

2. Section One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) being
 the portion of the Southeast one-quarter (SE 1/4) of the Southwest one
 quarter (SW 1/4) of Section twenty six (26), Township 35 (35) North, Range 12 (12) East,
 Cascade Twp., Kent County, Michigan, containing therein the East three hundred feet (300').
 and Eastern half of the centerline of Buttrick Avenue and the North Six hundred
 (600) feet of the centerline of Honeyuckle Hill Drive.

3. Slopes are based on available information.
4. Vertical contour ground contours and topographic features are based
 on a 5-foot contour interval.
5. Utilities are based on available records and field observations.

6. Existing zoning: R-1 Single Family Residential

7. Proposed lot lines:

30' Contour Lines
 15' (PL) - 30' (PL) - 45' (PL) - 60' (PL) - 75' (PL) - 90' (PL) - 105' (PL) - 120' (PL) - 135' (PL) - 150' (PL)
 15' (PL) - 30' (PL) - 45' (PL) - 60' (PL) - 75' (PL) - 90' (PL) - 105' (PL) - 120' (PL) - 135' (PL) - 150' (PL)
 15' (PL) - 30' (PL) - 45' (PL) - 60' (PL) - 75' (PL) - 90' (PL) - 105' (PL) - 120' (PL) - 135' (PL) - 150' (PL)
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 15' (PL) - 30' (PL) - 45' (PL) - 60' (PL) - 75' (PL) - 90' (PL) - 105' (PL) - 120' (PL) - 135' (PL) - 150' (PL)

8. 12.33 acres
 minus 0.85 acres for proposed 100' x 100' parking lot
 minus 0.18 acres for proposed 100' x 100' parking lot
 minus 100% of steep slopes greater than 25% (3.11 acres)
 Net developable area: 3.11 acres

9. 0.71 acres
 minus 0.18 acres for proposed 100' x 100' parking lot
 minus 100% of steep slopes greater than 25% (0.18 acres)
 Net open space: 0.35 acres

10. Percent of open space provided: 3.15 ac / 11.1 ac = 28.3%

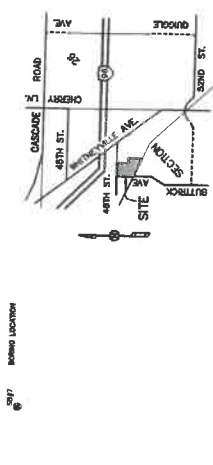
11. This acreage refers to the east side of the Honeyuckle Hill Drive as set of the base plan dated 10/20/17. Per
 4/16/18 planning commission review with staff support, the development to the east will be developed as a
 common area.

12. Proposed Improvements:
 a) Private streets to be constructed to meet Cascade Township standards.
 b) Private streets to be serviced by individual wells and Septic tanks for each lot subject to approval by Kent County Health
 Department.
 c) Drainage - detention design will conform to Cascade Township and Kent County Drain Commission regulations.
 d) Erosion Control - detention basins and open areas in proximity to residential structures.
 e) Sedimentation Control - National Pollutant Discharge Elimination Act (NPDES) - 304 (Erosion and
 Sedimentation Control) - National Pollutant Discharge Elimination Act (NPDES) - 403 (Erosion and
 Sedimentation Control).

SLOPES IN PROPOSED SITE CONDO AREA

- MODERATE SLOPES BETWEEN 10% AND 25%
- STEEP SLOPES GREATER THAN 25%

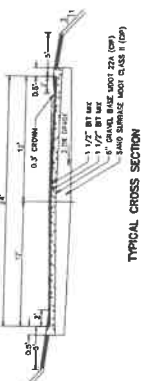
◉ PROPOSED LOT LOCATION



PROPOSED SITE CONDOMINIUM PUD
HONEYUCKLE HILL
 FOR: DYREHA EXCAVATIONS
 1730 THREE MILE ROAD
 ATRIMORE BEER
 SPOONERSVILLE, PA 19385
 IN: PART OF THE SECTION 26, TWP. 35N.,
 CASCADE TOWNSHIP, KENT COUNTY, MICHIGAN

stetelengineering, inc.
 4100 RIVERVIEW AVENUE, SUITE 100
 GRAND RAPIDS, MI 49508
 PHONE: 616-943-2232
 FAX: 616-943-2233
 WWW: WWW.STETEL.COM

APPROVED BY: [Signature]
 TITLE: [Title]
 DATE: 10/20/17
 SHEET 1 OF 1



REVISION	DATE	DESCRIPTION
1	10/20/17	Initial Design
2	11/01/17	Final Design
3	12/01/17	As-Built
4	01/01/18	Revised
5	02/01/18	Revised
6	03/01/18	Revised
7	04/01/18	Revised
8	05/01/18	Revised
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97	10/01/25	Revised
98	11/01/25	Revised
99	12/01/25	Revised
100	01/01/26	Revised

CASCADE CHARTER TOWNSHIP
Ordinance # of 2020
AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP
ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE
HONEYSUCKLE
PLANNED UNIT DEVELOPMENT PROJECT.

Cascade Charter Township (the “Township”) Ordains:

Section I. An Amendment to the Cascade Charter Township Zoning Ordinance.

The application received from HH LLC (hereinafter referred to as the “Developer”) for Planned Unit Development designation for the proposed Honeysuckle Planned Unit Development Project (hereinafter referred to as the “Project”) was recommended by the Cascade Charter Township Planning Commission for approval at the _____, 2020 Planning Commission meeting. The Project is recommended for rezoning from R1, Single Family Residential to PUD, Planned Unit Development, thus permitting a site condominium development. This action requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission’s recommendations and the Cascade Charter Township Board of Trustees’ action on the _____, 2020.

Section II. Legal Description.

The legal description of the Project is made up of the following:

4862 Buttrick Ave - N 660 FT OF THAT PART NW 1/4 SW 1/4 LYING E OF CL OF BUTTRICK AVE EX E 300 FT * SEC 26 T6N R10W 9.08 ACRES.

4870 Buttrick Ave - THAT PT NW 1/4 SW 1/4 LYING NLY OF PM RR R/W & ELY OF CL OF BUTTRICK AVE EX N 660 FT * SEC 26 T6N R10W 8.50 A.

Section III. General Provisions.

The following provisions shall hereby apply to the Project, in addition to those provisions outlined in Chapter 16 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended).

Section IV. Purpose.

The Project occupies approximately 17 acres of land in the Township. The Project will be a site condominium development containing 13 single-family site condominium units. Approximately 25% of the property is to be preserved as open space. This technique has been chosen by the

Developer to give it and the eventual owners of each unit more control over the Project's aesthetics and appearance. This development technique provides the Developer with the ability to develop the Project in a manner to meet market expectations where more traditional mechanisms such as creating subdivision plats do not.

The regulations contained herein are established to define the procedures necessary to ensure high quality development in the Project. Additionally, they are designed to achieve integration of this development with adjacent land uses.

Section V. Approval Limitations.

- A. The provisions of this Ordinance/Ordinance amendment ("this Ordinance") are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the Township, except as otherwise expressly provided herein. In the event that a development issue or site plan element is not expressly addressed by this Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall apply. Furthermore, all other applicable Cascade Charter Township ordinances shall still govern the Project where applicable.
- B. Except as expressly otherwise provided herein, the Developer and his assigns must meet all applicable provisions, ordinance requirements, and regulations of Cascade Charter Township, as well as federal and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for construction, operation, or use.
- C. This PUD approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition imposed herein is determined to be illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire Project under the PUD provisions of the Cascade Charter Township Zoning Ordinance, and further, to withdraw its approval of this PUD if the Township finds that, absent the effect of any condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.
- D. All conditions contained herein and in the final approved site plan shall be binding upon the Developer, as well as its successors, tenants and assigns. The conditions may be modified or amended only pursuant to a formal amendment of the PUD approval, approved site plan, and ordinance amendment. The Project must be constructed and operated, and all properties therein used, in strict compliance with the PUD approval (including this Ordinance and the final approved site plan), and no deviations can occur without prior formal written approval by the Township. So-called minor deviations shall not occur unilaterally by the Developer or its successors, tenants, or assigns. Any deviation without prior formal written approval by the Township will constitute a violation of this Ordinance and the Cascade Charter Township Zoning Ordinance.

- E. **This approval document shall be recorded with the Kent County Register of Deeds by the Developer prior to construction occurring on site and shall run with and bind the lands involved. Copies of this recorded document shall be supplied by the Developer to the Cascade Charter Township Clerk.**
- F. Failure to comply with the site plan or any condition of approval herein shall be deemed to be both a nuisance per se and a violation of the Cascade Charter Township Zoning Ordinance.
- G. **Prior to recording a copy of this document as specified in Section V(E) hereof, the Developer shall type the following statement onto the end of this document (or add an additional page to the document) as follows, and shall sign and date the same:**

“I, James Dykema, have fully read the above PUD ordinance amendment, understand its provisions and fully agree with all requirements and conditions contained in the same, on behalf of myself and my assigns, successors and transferees in and to the property involved.”

Section VI. Site Condominium Documents and Plans.

- A. Specific controls relating to architectural elements, common elements of the site condominium project, construction materials, size and space requirements, improvements and out buildings, specific prohibitions and rules of conduct shall be governed by site condominium bylaws and master deed. These restrictions shall become part of this Ordinance by reference.
- B. The Project shall be developed exactly in accordance with the site plan approved and signed by the Township. The site plan shall indicate where each building envelope will be located and shall provide appropriate measurements demonstrating compliance with Section 16.11(2) of the Zoning Ordinance. Engineering plans and documents relating to utilities, topography, drainage, and the survey of the Project shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting the requirements of Section 16.11(4) of the Zoning Ordinance and also meeting recognized, acceptable engineering standards and practices. Once it has been determined that the plans have met Township requirements, the Township Engineer shall sign and mark these plan documents as “Approved,” and forward them to the Developer. Only approved plan documents shall be recorded with the appropriate county and state agencies.
- C. The number of building sites may be reduced or consolidated within the Project only after the review by and written approval of the Township Planning Department. The proposed changes to the site/survey plan to reduce or consolidate building sites shall be reviewed by the Planning Department to ensure compliance with the Cascade Charter Township Zoning Ordinance, this PUD Ordinance, and any other requirements. Once approved by the Planning Department, the amended

site/survey shall then be recorded with the Kent County Register of Deeds Office and the appropriate state agencies by the Developer at his cost. A copy of the recorded site/survey plan shall be forwarded to the Planning Department, so that accurate files regarding the development can be maintained.

Section VII. Permitted Uses.

The permitted uses for the Honeysuckle PUD are as follows:

- A. Single Family Residences.
- B. Accessory buildings customarily incidental to a single family residence, subject to the provisions of Section 4.08 and 4.09 of the Cascade Charter Township Zoning Ordinance, as it may be amended.
- C. Signs. All signs for the Project shall conform with Section 6.02 of the Cascade Charter Township Sign Ordinance (Ordinance 14 of 1997, as amended).

Section VIII. Design Guidelines, Requirements and Limitations.

The Project shall be developed in exact accordance with the site plan approved by the Township. No alterations, expansions or additions may occur as to the Project without a formal amendment to this Ordinance, unless expressly otherwise authorized herein.

- A. Maximum Number of Residential Units - The maximum number of single-family detached site condominium units within the Project shall be limited to thirteen (13) units.
- B. Maximum Building or Structure Height - 35 feet or 2½ stories whichever is the less.
- C. Setback Requirements

All site condominium buildings and structures shall meet the following minimum setback requirements:

- 1. Front Yard Setback: 35 feet
 - 2. Side Yard Setback: minimum of 10 feet with both sides totaling at least 25 feet
 - 3. Rear Yard Setback: 25 feet.
- D. Minimum Floor Area

Each dwelling on a site condominium unit shall contain a minimum of:

- 1. One Story & Bi-Level – 1,300 square feet on the main floor, top floor of a bi-level, finished livable area above grade level, exclusive of garages, decks, porches and breezeways.

2. Two Story – 1,600 square feet, with a minimum of 800 square feet on the first floor, finished livable area above grade level, exclusive of garages, decks, porches and breezeways.
- E. All access shall be from the new private road. No individual lot shall be permitted access to Buttrick Ave or 48th St.

Section IX. Private Street Development.

- A. The Developer shall submit a street construction, maintenance, and pavement plan consistent with Section 16.11(4)(f) of the Zoning Ordinance. The Developer may establish private streets to serve the Project provided the roads are constructed in accordance with the “Cascade Charter Township Engineering Design Requirements and Standards for Private Streets” and the following specifications:
1. The road grades shall not exceed a six percent (6%) grade. All grades shall be sufficient to allow safe ingress/egress of emergency vehicles.
 2. The private streets shall be posted with signs stating the street names. These signs shall be consistent with Kent County Road Commission standards and requirements and shall be installed at the Developer’s cost.
 3. Any private street shall intersect any public road at a 90 degree angle.
 4. Copies of any permits required by the Kent County Road Commission to connect the private street to any public road shall be provided to the Township Planning Department by the Developer.
- B. In accordance with Section G of the “Cascade Charter Township Engineering Design Requirements and Standards for Private Streets,” the Developer of the Project shall provide a disclosure statement on all property deeds to all owners of the private street, all those who utilize the private street and all persons securing a building permit to construct a building or structure served by the private street, by applying for and securing a building permit for construction of a building or structure that utilizes the private street, all such persons shall use the private street at their own risk and the Township (and its employees, officials, and agents) shall not be responsible for any aspect of the private street.
- C. In accordance with Section I of the “Cascade Charter Township Engineering Design Requirements and Standards for Private Streets,” it shall be the responsibility of the Developer and its successors or the individual property owners to fully maintain and keep the private access street in good repair at all times and to ensure that snow and ice is removed in a timely fashion during the winter.

- D. No combustible building materials may be erected on the Project until a temporary access road is constructed to within 100 feet of the furthest point of a structure. Such road shall be a minimum 18 feet wide and be able to support 20 tons on a single axle with dual wheels and standard road tires.

Section X. Temporary Buildings.

No structure of a temporary nature; trailer, tent or construction shack shall be constructed, placed or maintained within the Project except accessory to and during construction of any building or infrastructure improvement.

Section XI. Utilities.

- A. Water and Septic – The individual units in the Project will be served by individual private wells and individual private septic systems. Such systems shall be designed, installed, and maintained pursuant to all applicable requirements of the Kent County Health Department and the state of Michigan.
- B. The developer has also agreed to participate in a Special Assessment District to extend sewer and water along their frontage and into their development.
- C. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer, and the Kent County Drain Commissioner's office, and the Michigan Department of Environmental Quality (if it has jurisdiction) prior to the development of the Project. The Developer shall provide the Township Planning Department with copies of all correspondence and permits received from the Kent County Drain Commissioner and the Michigan Department of Environmental Quality regarding stormwater disposal.
- D. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. Said easements shall be recorded with the Kent County Register of Deeds and be provided to each utility provider for their records.

Section XII. Soil Erosion Control Requirements.

The Developer shall submit a soil erosion control plan showing all temporary and permanent soil erosion control measures to be taken before, during, and after construction on the Project. This plan shall be reviewed and approved by the Township Engineer prior to commencing any excavation on the site.

Section XIII. Performance Guarantee.

To ensure compliance with this Ordinance and any conditions herein, the Township may require reasonable performance guarantees to ensure completion of improvements such as, but not limited to, landscaping, drainage, lighting, roads, and utilities. The Township Board, Engineer, or Planning Department may require such guarantees at any time they deem reasonably necessary to

ensure completion of the improvements. The form (including the bank or surety involved), duration, and amount of the performance guarantee as shall be approved by the Township.

Section XIV. Permanent Common Open Space.

The permanent common open space area is to remain in its present undeveloped state in perpetuity. To ensure this occurs, the following regulations shall apply to the permanent common open space area:

- A. No buildings, structures, fences, or driveways shall be erected, constructed or placed within the common open space area. All improvements shown on the approved site plan dated _____, may encroach into this area provided they are consistent with the development plan for this Project.

Section XV. The Gerald R. Ford International Airport.

Within the recorded Master Deed, the Developer shall expressly disclose in writing that the Project is located in the vicinity of the Gerald R. Ford International Airport and that there may be noise, vibration, and property valuation impacts associated with such location.

Section XVI. Consistency of the Master Deed and/or Deed Restrictions/Covenants with the PUD Approval.

If the Project will be a condominium project (in whole or in part), the master deed (and attachments) shall be reviewed and approved by the Township Attorney prior to final recording to ensure consistency with this Ordinance. If some or all of the Project will be governed by deed restrictions/restrictive covenants apart from a condominium master deed, such deed restrictions/restrictive covenants shall be reviewed and approved by the Township Attorney before recording to ensure consistency with this Ordinance.

Section XVII. Consistency With Planned Unit Development (PUD) Standards.

The rezoning to Planned Unit Development will result in a recognizable benefit to the ultimate users of the Project and to the community. Current and future residents will recognize the benefits of a residential development that offers a low-density land use.

In relation to the underlying zoning (R1) the Township finds the Project will not result in a material increase in the need for public services, facilities and utilities and will not place a material burden upon the subject property and the surrounding properties. The Project is not anticipated to cause undo impact to the stormwater drainage of the surrounding area. All stormwater and soil erosion control plans have been approved by the Township Engineer and the appropriate County and State agencies.

The Project has been determined by the Township to be compatible with the 2019 Comprehensive Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance. The Project has been determined to be a "Residential" use, which is consistent with the Cascade Township Comprehensive Plan.

The Township finds the Project will not result in an unreasonable negative economic impact upon surrounding properties.

The Township finds the Project to have at least the same amount of green areas and usable open space than would typically be required by the Township Zoning Ordinance.

Finally, the Township recognizes the Project will be under single ownership or control. The Township recognizes that the Developer or its assigns will retain ownership and control of the Premises until a majority of the site condominium units are purchased for single family residential purposes.

Section XVIII. Effective Date.

This Ordinance shall become effective seven (7) days after publication of the ordinance, or a summary thereof, in *The Grand Rapids Press*, a newspaper of general circulation within Cascade Charter Township.

The foregoing Ordinance was offered for adoption by Board Member _____, supported by Board Member _____. The roll call vote being as follows:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

Sue Slater

Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the ___th day of ___ 2020.

Sue Slater

Cascade Charter Township Clerk

“I, James Dykema, have fully read the above PUD ordinance amendment, understand its provisions and fully agree with all requirements and conditions contained in the same, on behalf of the company and its assigns, successors and transferees in and to the property involved.

By: _____

James Dykema

_____ Date

August 6, 2019
Project No. 170168

Mr. Steve Peterson
Cascade Charter Township
2865 Thornhills Avenue, SE
Grand Rapids, MI 49546-7192

Re: Honeysuckle Hill
Site Plan Review

Dear Steve:

We have reviewed the site plan for Honeysuckle Hill, prepared by Exxel Engineering, Inc. The development is located at the southeast corner of the intersection between 48th Street and Buttrick Avenue, parcel addresses 4862 and 4870 Buttrick Avenue. The current site plan and basis of this review are dated June 6, 2019. The proposed project is a 13-unit site condominium PUD project with a private road. The site is in the Thornapple River watershed, sub-drainage district Cascade Southeast.

Stormwater and Drainage

Flood Control

The Cascade Charter Township Storm Water Ordinance (SWO), Section 1.04, states the ordinance shall apply to all development that requires any permit for work which will alter the stormwater drainage characteristics of the development site. The site is located in Stormwater Management Zone A, which requires retention of the 100-year storm event and infiltration to the greatest extent possible. Where soil conditions or other factors do not allow for adequate infiltration, the SWO requires detention of the 25-year storm event with a controlled release and a direct connection for stormwater runoff for the 100-year storm event, or detention of the 100-year storm event. The SWO also requires the first 0.5-inch of stormwater runoff be detained and released over a 24-hour period (Water Quality Control) and the 2-year storm event release rate be limited to 0.05 cfs/acre (Bank Erosion Control).

The proposed stormwater management design is to collect stormwater runoff from the site in a retention basin located at the southwest corner of the site, the natural stormwater collection area of the site. The applicant provided two soil borings and two infiltration tests at the proposed retention basin location. The soil borings indicated a mix of clay and sand beneath the retention basin. The infiltration test results were 2.0 inches/hour and 12.0 inches/hour. At the location of the 12 inches/hour test result, 2-feet below the infiltration test is a 4-foot layer of clay that would hinder the basin's ability to effectively infiltrate stormwater. The applicant stated it is anticipated some infiltration will occur in the retention basin, however the clay layers throughout the basin will create longer retention times and limit the long-term performance of the basin if designed solely for infiltration. Therefore, the basin was designed as a stormwater detention basin with outlet control structure.

The detention basin is designed for the 100-year storm event with a restricted release rate of 0.13 cfs/acre for the onsite developed area. The detention basin discharges to the existing storm sewer in Buttrick Avenue. The applicant provided calculations showing the 100-year peak flow rate in the Buttrick Avenue storm sewer will not increase as a result of the proposed development.

An area of offsite drainage enters the site from the east. The offsite drainage area is approximately 15 acres. Offsite drainage should be routed around onsite stormwater facilities and detention basins when possible. However, with this site, in order to route offsite flows around the detention basin would take a large amount of earthwork and tree removal and was found to be not practical. Therefore, the applicant proposed to route offsite flows through the detention basin. The detention basin was designed to store the offsite 25-year storm event in addition to the onsite



100-year storm event. Offsite flows are conveyed to the detention basin in a drainage channel separate from the onsite storm sewer system. This is an acceptable approach to accommodate the offsite flows. The proposed stormwater management design is in accordance with the SWO.

Water Quality Control and Bank Erosion Control

The SWO requires the first 0.5 inch of stormwater runoff be detained and infiltrated where conditions permit, or released over a 24-hour period, and the 2-year storm event release rate be limited to 0.05 cfs/acre. The proposed stormwater detention basin is designed with an outlet control structure to restrict flows based on the above criteria. The applicant provided stormwater calculation for design of the outlet control structure. The proposed design is in accordance with the SWO.

Stormwater Runoff

The applicant provided stormwater calculations to size the detention basin and onsite storm sewer system. All stormwater runoff from the new private drive and developed portion of the site will drain to the detention basin. Therefore, the site will not see an increase in rate of stormwater leaving the site.

Drainage Plan

The applicant has submitted drawings, calculations and additional documentation as required in the SWO Section 2.03, Drainage Plan. Please refer to the attached checklist for items and comments on each item. Please note a maintenance agreement is required before construction begins. The agreement should be submitted to the Township for review. The maintenance agreement and plan should include at a minimum maintenance of the detention basin and cleaning of catch basin sumps.

Private Street Requirements

The proposed private street is required to meet the design standards outlined in the Township Ordinance for private streets. FTCH reviewed the proposed private road for right-of-way width, road and travel lane width, road grade, pavement cross section including aggregate base and subbase design, stormwater drainage, etc. The proposed private road was found to meet the requirements outlined in the Township Ordinance for private streets. The Kent County Road Commission (KCRC) will permit the new driveway.

Utilities

The residential lots will have onsite water wells and septic systems for each lot subject to approval by Kent County Health Department (KCHD). A permit from KCHD will be required prior to construction of the houses.

Soil Erosion and Sedimentation Control

Soil Erosion and Sedimentation Control (SESC) measures are provided on the plan drawings. The applicant has included silt fence along the limits of disturbance and inlet protection at catch basins. SESC falls under the review and approval of the Kent County Road Commission and a permit is required before construction can begin. The SESC measures indicated on the drawings appear appropriate given the expected work.

Mr. Steve Peterson
Page 3
August 6, 2019



Summary

The proposed stormwater management design meets the Township SWO requirements for new developments. The applicant will need to apply for and obtain several permits (SESC, KCHD, and KCRC) prior to construction. We recommend approval of the site plan from an engineering standpoint. If you have any questions or require additional information, please contact me at 616.464.3786 or nrtorrey@ftch.com.

Sincerely,

FISHBECK, THOMPSON, CARR & HUBER, INC.

A handwritten signature in black ink, appearing to read "N. Torrey", is positioned above the name of the signatory.

Nathan R. Torrey, PE

jlk

Attachment

By email

cc: Michael L. Berrevoets, PE – FTCH



Cascade Charter Township

Storm Water Ordinance, Ordinance 7 of 2002, as amended by Ordinance No. 2 of 2008, 5/14/2008

Reviewing Engineer Comments are Italicized

OK – Received and Acceptable

NA – Not Applicable

NR – Not Received, Needs Follow-up, See Comments

Honeysuckle Hill

Drainage Plan Checklist

- OK (1) Location of the development site and water bodies that will receive storm water runoff
All stormwater runoff from the site is collected in an onsite detention basin. The detention basin discharges to the storm sewer in Buttrick Avenue.

- OK (2) Existing and proposed topography of the development site, including the alignment and boundary of the natural drainage courses, with contours having a maximum interval of one foot (using USGS datum). The information shall be superimposed on the pertinent Kent County soil map
Existing and proposed contours have been provided.

- OK (3) Development tributary area to each point of discharge from the development
Stormwater calculations and tributary areas were provided by the applicant.

- OK (4) Calculations for the final peak discharge rates
The applicant provided calculations for design of the onsite storm sewer system, detention basins and outlet control structures.

- OK (5) Calculations for any facility or structure size and configuration
Stormwater runoff calculations were provided by the applicant.

- OK (6) Drawing showing all proposed storm water runoff facilities with existing and final grades
The applicant provided a utility plan showing all proposed stormwater runoff facilities.

- OK (7) The sizes and locations of upstream and downstream culverts serving the major drainage routes flowing into and out of the development site. Any significant off-site and on-site drainage outlet restrictions other than culverts should be noted on the drainage map
A 15-acre offsite drainage area enters the site from the east. Offsite flows will be routed through the site and detention basin.

- OK (8) An implementation plan for construction and inspection of all storm water runoff facilities necessary to the overall drainage plan, including a schedule of the estimated dates of completing construction of the storm water runoff facilities shown on the plan and an identification of the proposed inspection procedures to ensure that the storm water runoff facilities are constructed in accordance with the approved drainage plan
A construction schedule was included on the plans.



OK (9) Plan to ensure the effective control of construction site storm water runoff and sediment track-out onto roadways

The SESC measures shown on the plan appear appropriate given the expected work. SESC falls under the review and approval of the KCRC and a permit is needed before construction can begin.

OK (10) Drawings, profiles, and specifications for the construction of the storm water runoff facilities reasonably necessary to ensure that storm water runoff will be drained, stored, or otherwise controlled in accordance with this ordinance

The applicant provided calculations and design details for construction of the onsite storm sewer system and detention basins.

NR (11) Maintenance agreement, in form and substance acceptable to the Township, for ensuring maintenance of any privately owned storm water runoff facilities. The maintenance agreement shall include the developer's written commitment to provide routine, emergency, and long-term maintenance of the facilities and, in the event that the facilities are not maintained in accordance with the approved drainage plan, the agreement shall authorize the Township to maintain any on-site storm water runoff facility as reasonably necessary, at the developer's expense

Maintenance agreement was not provided and is required.

OK (12) Name of the engineering firm and the registered professional engineer that designed the drainage plan and that will inspect final construction of the storm water runoff facilities

NA (13) All design information must be compatible for conversion to Grand Valley Regional Geographic Information System (REGIS)

This is a privately owned system and will not be uploaded to REGIS.

OK (14) Other information necessary for the Township to verify that the drainage plan complies with the Township's design and performance standards for drains and storm water management systems

KENT COUNTY HEALTH DEPARTMENT



ENVIRONMENTAL HEALTH
700 Fuller Avenue N.E.
Grand Rapids, Michigan 49503-1918
Phone: 616-632-6900
Fax: 616-632-6892
Email: KCEHmail@kentcountymi.gov
Website: www.accesskent.com

Adam London, RS, MPA
Administrative Health Officer

May 17, 2019

Michael Berg
Dykema L.P.
1730 3 Mile Rd NE
Grand Rapids, MI 49505

RE: Proposed Honeysuckle Hill Site Condominium, Units 1-13
Single Family Residential
Cascade Charter Township

Dear Mr. Berg:

The Environmental Health Division of the Kent County Health Department (KCHD) has completed its review of the submittal for the Proposed Honeysuckle Hill Site Condominium. This review was conducted in accordance with Michigan Land Division Act PA 288 of 1967 Section 560.105.

Prior to issuing a final approval, we request the following statements be incorporated into the Master Deed and Bylaws. Please supply a copy of the Master Deed and Bylaws for Health Department review prior to recording.

WASTEWATER DISPOSAL SYSTEMS

- The Kent County Health Department (KCHD) will require site evaluations prior to issuing septic system permits. Applications to obtain approval from KCHD, must include a lot development plan drawn to scale that will locate the dwelling, drives and right-of-ways, utilities, unit boundary lines, building site and proposed septic location. As part of the application, KCHD may require a topographical map showing existing and proposed contours. Contour intervals shall not exceed two (2) feet. Individuals may wish to obtain site evaluation approvals prior to purchasing units.
- Utilities, buildings, drives, or other structures that may interfere with the installation and operation of the on-site sewage disposal system shall not be permitted within the designated initial and replacement sewage disposal areas as indicated on the permit issued by KCHD.
- Site modification in the area of the initial and replacement wastewater disposal systems may be required by KCHD. Site modification would typically include soil removal and backfill with approved washed sand (2NS) otherwise known as "cut-down" type sewage disposal systems or the addition of sand fill above the existing ground surface otherwise known as a "low pressure dose mound".
- Designated initial and replacement sewage disposal areas shall not be located within any drainage way and must be isolated a minimum of 100 feet from any perennial surface water drains, 50 feet from any water well, 25 feet from foundation walls containing subsurface drains, 25 feet from storm sewer catch basins, 10 feet from solid storm sewers and open drains, 10' from unit boundaries, easement, or right-of-way.

Continued on Page 2

WATER SYSTEMS

- Individual water supply systems will be permitted on a unit solely to provide water for domestic consumption at the residence, for irrigation purposes, swimming pools, or other nondomestic uses on the unit.
- A permit from KCHD is required prior to the installation or major repair of any on-site water supply. As part of the application, KCHD may require a site plan of the property upon which the water supply is or will be located. Required features may include property boundaries, elevations, buildings, sewage disposal system, surface water bodies, wells, underground fuel storage tanks, chemical storage areas, driveways, and other significant details.
- All wells installed for private water supply must penetrate an adequate protective continuous clay overburden of at least ten (10) feet. This overburden is to be located greater than twenty-five (25) feet below the ground surface. A test well on Unit 11, drilled to a depth of 177 feet, found a suitable clay barrier with adequate water quality and quantity.
- All wells are to be grouted in accordance with the Michigan Department of Environmental Quality water well grouting requirements.
- Except as otherwise approved by KCHD, all wells must be located on the unit being served, horizontally isolated 50 feet from sources of contamination including any component of the septic system, septic tanks, and sewage lift vaults. All wells must be 10 feet from property boundaries, buried sewers, easements, right-of-way, and building drains.
- It will be the responsibility of the co-owner to install and maintain the water supply system in good order and working condition and comply with all applicable governmental regulations and neither the developer nor the association will have any responsibility with respect to the same.
- Due to elevated levels of hardness and iron, water treatment systems may be necessary. Discharge of said water treatment system backwash cannot be directed into the building sewer, septic tanks, or disposal areas. The owner of each unit shall make provisions for a separate drainage system to properly dispose of water treatment system backwash.

KCHD requests that this portion (well/septic language) of the document not be recorded until approved and stamped by this office. Upon receipt of the approved, recorded document (well/septic language), final Health Department approval can be granted. If you have any questions, please contact me at 616-204-2375.

Sincerely,



Jason E. Buck, REHS
Sanitarian Specialist
Environmental Health Division

cc: Steve Peterson, Cascade Charter Township Planner
Jeff Van Laar, Exxel Engineering

Cascade Charter Township

Kent County, Michigan October 2018

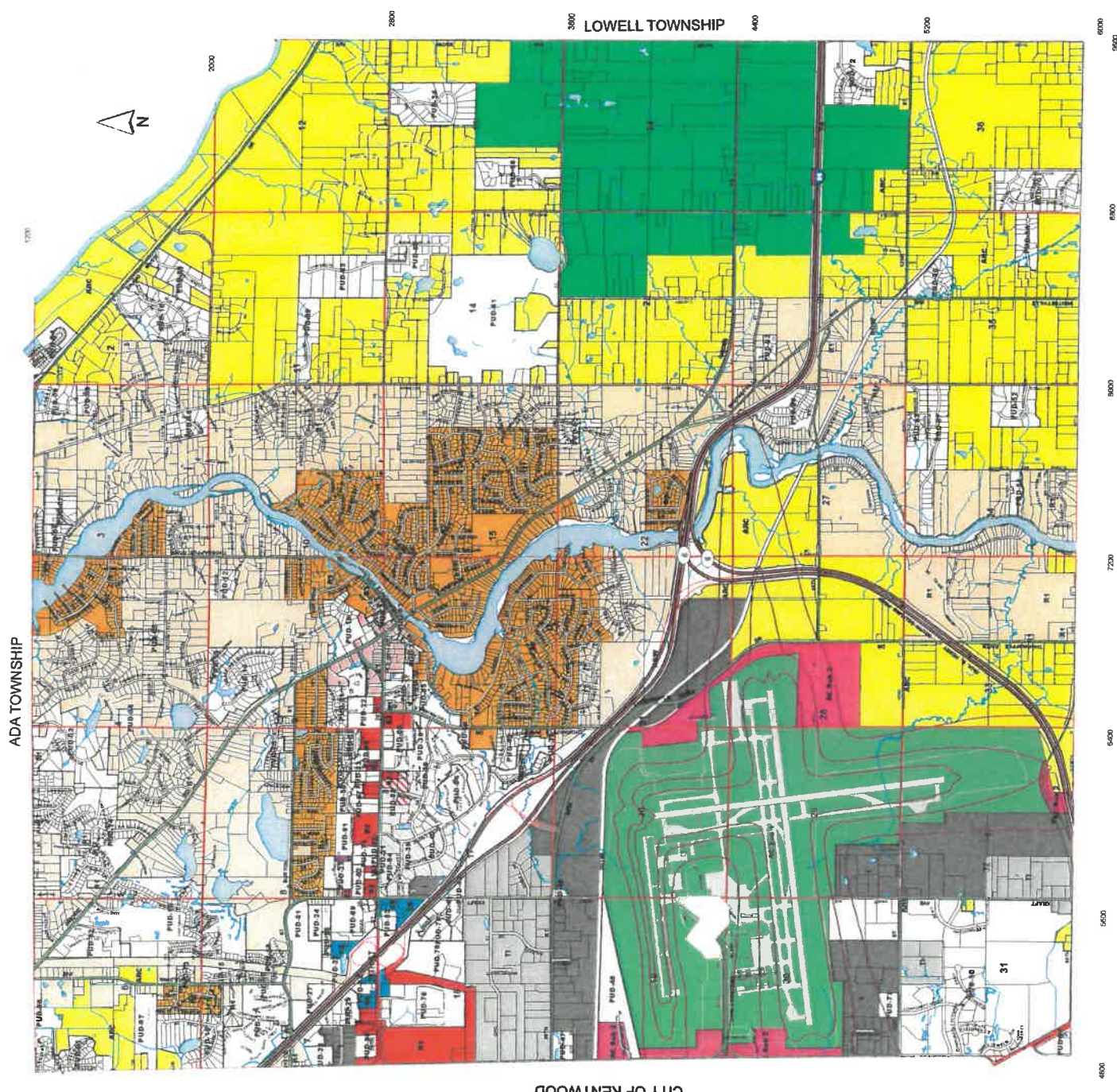
Official Zoning Ordinance Map

Legend

- Alport Noise Contours 2005
- FP, Farmland Preservation
- ARC, Agriculture Rural Conservation
- TI, Transitional Industrial
- I, Industrial
- R1
- R2
- conditional zones 2766 Orange Ave, 314719
- B2, General Business
- B1, Village Business
- ES, Expressway Service
- O, Office
- Alport Commerce Sub Zone 1
- Alport Commerce Sub Zone 2
- Centennial Park Overlay Zoning District
- Includes Underlying Zoning Districts: PUD 38, PUD 43, PUD 88 and B2

Planned Unit Development List

- 1-Eastmont Meadows - #2 of 1992, #6 of 1999
- 2-DeWitt Office Park - #9 of 1999
- 3-Tremont North - #10 of 1995, #9 of 1994
- 4-Fountain Estates - #4 of 1991
- 5-Thorsens - #2 of 1991
- 6-Blanchard Acres - #13 of 1993, #6 of 1999
- 7-Winfield - #15 of 1992
- 8-Local Pines - #9 of 1991
- 9-Old Elm - #24 of 1994
- 10-Highgrove - #23 of 1994
- 11-Timber Canyon Estates - #7 of 1991
- 12-Riverwood #10 of 1995
- 13-Cascade Lakes Pk #2 of 1996, #1 of 1997
- 14-Cascade Lakes - #10 of 1995, #10 of 1999
- 15-Watermark - #10 of 1997, #6 of 2003
- 16-Tall Pines - #26 of 1994
- 17-Quail Creek - #2 of 1993, #17 of 1995
- 18-Burton Pointe - #14 of 1990, #9 of 1996
- 19-Thomapple Centre - #3 of 1992, #1 of 2001
- 20-Cascade Christian Church - #15 of 1994
- 21-Strawfield - #9 of 1995, #9 of 2000
- 22-Cascade East - 1979
- 23-Chatham Woods - 1972
- 24-NVP - #10 of 2008
- 25-Home Design Center - #6 of 1999, #3 of 1993
- 26-Spruce Meadows - #4 of 1984, #1 of 2007
- 27-Highridge - #4 of 1990, #16 of 2000
- 28-Patterson Ice Center - #10 of 1994
- 29-186 Office Park - #11 of 1994, #12 of 1997
- 30-Sports and Recreation - #4 of 1995
- 31-Burger King - 1981
- 32-Expatado - #6 of 1990, #20 of 2000
- 33-Thomapple Land Company - 1979
- 34-Crestwood Hills - #4 of 1997
- 35-Summit - #11 of 1990, #5 of 1999
- 36-Isle - #13 of 1995
- 37-Kitchens By Stephanie - #13 of 1999
- 38-Northern Benefits - #15 of 1995
- 39-Centennial Park - 1973, #9 of 2013
- 40-Sunrise Senior Living - #12 of 2005
- 41-Glenwood Hill - #5 of 1999
- 42-Joseph Facelli - #5 of 1997
- 43-Thomapple Estates - #9 of 1999, #7 of 1998
- 44-Hearthorn - #9 of 1991
- 45-Weedwood Trails - #5 of 1999, #9 of 1999
- 46-Groenere 36th St - #14 of 1992
- 47-Patterson 36th St - #9 of 1992
- 48-KCRC Facility - #7 of 1999
- 49-LeTourneau - #6 of 1999
- 50-Meadowview Business Park - #2 of 1998, #10 of 2003
- 51-Ridgewood Creek - #2 of 1995
- 52-Burkitt Country Estates - #18 of 1990, #6 of 2001
- 53-Signature Inns - #15 of 1997
- 54-Ada Moorings - #13 of 2003
- 55-Sentinel Pointe - #6 of 1994, #1 of 2016
- 56-Ocean
- 57-Cascade Village #7 - #7 of 1995
- 58-Thomapple Manor - #2 of 1998, #2 of 2004
- 59-Platinum Falls - #11 of 1999
- 60-Whitelyville Station - #1 of 1999
- 61-Quail Ridge - #7 of 1999
- 62-Whitelyville Station - #1 of 1999
- 63-Thomapple Meadows - #8 of 1999
- 64-Hunter's Way - #10 of 2000, #1 of 2001
- 65-Laurel Ridge - #14 of 2000
- 66-Stratbridge Estates - #6 of 2001
- 67-Bloomington Hills - #7 of 2001
- 68-Earl Imposta - #1 of 2004, #6 of 2004, #6 of 2017
- 69-Carnegie Mixed Use - #2 of 2002, #18 of 2003
- 70-Meglio/Romano - #11 of 2002
- 70-Summit - #12 of 2002
- 71-Balton Automotive - #16 of 2002
- 72-Clear Meadow - #3 of 2003
- 73-Park Place Condominium - #11 of 2003
- 74-Manchester Woods/Stonehenge - #3 of 2004
- 75-Cascade Pointe - #4 of 2004
- 76-Warrior Shoppes - #6 of 2004
- 77-Spears Realty - #10 of 2004
- 78-Glenwood Hill Office Park #9 - #9 of 2004
- 79-Cascade Engineering Corp Office - #14 of 2004
- 80-Hotel Development - #2 of 2005, #7 of 2017
- 81-MCA - #7 of 2014
- 82-Kraft St Partners - #6 of 2005
- 83-Anderson Woods - #9 of 2005
- 84-Casthouse
- 85-Silverco - #2 of 2006
- 86-Oak Harbor Preserve - #6 of 2017
- 87-Anderson Woods Phase 1 and 11 - #1 of 2009
- 88-Spears #5 of 2007
- 89-Stratbridge Valley - #4 of 2007
- 90-Sabbah Valley - #2 of 2013
- 91-Ridewood - #6 of 2013
- 92-Dunry Hotel - #12 of 2014
- 93-Thomapple Hills - #1 of 2015
- 94-Panera Bread - #2 of 2015
- 95-5905 Broadmoor - #3 of 2015
- 96-Laurel Ridge - #4 of 2017
- 97-Cascade One - #10 of 2017



ADA TOWNSHIP

CALEDONIA TOWNSHIP

CITY OF KENTWOOD

July 16, 2020

Facsimile letter – 222-5206

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Please publish the enclosed Notice of Public Hearing in The Grand Rapids Press –
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This display ad is attached as a Microsoft Word document.

Please furnish my office with an affidavit of publication. Thank you for your cooperation and attention to this matter. If you have any questions, please do not hesitate to give me a call at 949-0224.

Sincerely,

Steve Peterson
Planning Director

Attachment