

TUSCOLA COUNTY BOARD OF COMMISSIONERS

125 W. Lincoln Street
Suite 500

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At a regular meeting of the Board of Commissioners of the County of Tuscola held in the City of Caro, Michigan, on June 24, 2021.

PRESENT: Commissioner Thomas Yang, Commissioner
Thomas Bardwell, Commissioner Kim Vaughan,
Commissioner Douglas DeRussel, Commissioner Dan Grunshaw

ABSENT: None

The following resolution was offered by Vaughan and seconded by Grunshaw:

RESOLUTION 2021-10

RE: Murphy Lake Level Special Assessment Bonds, Series 2021

WHEREAS, the Tuscola County Circuit Court, by order dated November 26, 1958, and pursuant to Act 194, Public Acts of Michigan, 1939, as amended (the "1939 Inland Lake Levels Act"), established the normal lake levels for Murphy Lake in the County of Tuscola (the "County"); and

WHEREAS, the 1939 Inland Lake Levels Act was repealed and replaced by Act 146, Public Acts of Michigan, 1961 (the "1961 Lake Level Act"); and

WHEREAS, subsequent and pursuant to the Court's November 26, 1958 Order, and pursuant to the 1961 Lake Level Act, the Tuscola County Drain Commissioner entered a Final Order of Determination on May 8, 1962, setting forth the boundaries of and designating the special

assessment district (referred to herein as the “Special Assessment District”) as the Murphy Lake Dam Special Assessment District for purposes of establishing the lake levels for Murphy Lake; and

WHEREAS, the Tuscola County Circuit Court entered orders dated December 14, 1984 and November 8, 1985, revising the normal lake levels for Murphy Lake; and

WHEREAS the 1961 Lake Level Act was amended by Act 59, Public Acts of Michigan, 1995, which added Part 307 to Act 451, Public Acts of Michigan, 1994, as amended (“Part 307”); and

WHEREAS, the Tuscola County Circuit Court entered an Order dated February 27, 2009, further revising the normal lake levels for Murphy Lake and approving the Special Assessment District boundaries as previously determined by the Tuscola County Drain Commissioner; and

WHEREAS, by resolution adopted on March 28, 2019 (the “2019 County Resolution”), the Board of Commissioners of the County confirmed the designation of the Tuscola County Drain Commissioner (the “Drain Commissioner”) as the “delegated authority” within the meaning of Part 307, and directing the Drain Commissioner to take certain actions to maintain the levels of Murphy Lake, pursuant to Part 307; and

WHEREAS, pursuant to Part 307, the Tuscola County Circuit Court, by order dated June 22, 2020, established and designated the Special Assessment District, located in the Townships of Millington and Watertown in the County, as the Murphy Lake Level Special Assessment District, and confirmed the boundaries of the Special Assessment District; and

WHEREAS, the Drain Commissioner, acting as the “delegated authority” within the meaning of Part 307, has prepared a computation of cost of improvements necessary to maintain the normal lake level for Murphy Lake, including, without limitation, the replacement of the lake level control structure on Murphy Lake, and all related appurtenances thereto (collectively, the “Project”) in the amount of \$845,000 and has prepared a special assessment roll assessing the

amount of \$845,000 against properties and public corporations in the Special Assessment District that benefit from the Project; and

WHEREAS, pursuant to notice given as required by Part 307, the Drain Commissioner held a hearing on the cost of the Project and the special assessment roll on June 22, 2021 and, following the hearing, approved the cost of the Project and the special assessment roll; and

WHEREAS, the Drain Commissioner has proposed that the Special Assessment District issue bonds in the principal amount of not to exceed \$845,000 (the “Bonds”) to pay part of the cost of the Project; and

WHEREAS, the Bonds are to be designated “Murphy Lake Level Special Assessment Bonds, Series 2021”, and will bear interest at a rate not exceeding 4% per annum; provided that if notes are issued, pursuant to Section 30717 of Part 307, such notes shall be designated “Murphy Lake Level Special Assessment Notes, Series 2021” and such notes shall be subject to all other applicable terms of this resolution; and

WHEREAS, the Drain Commissioner deems it advisable and necessary to obtain from this Board a resolution consenting to the pledge of the full faith and credit of the County on the Bonds; and

WHEREAS, part 307 requires that the County Board of Commissioners approve the cost of the Project and the special assessment roll by resolution and also approve the issuance of the Bonds by the Special Assessment District; and

WHEREAS, the Project is necessary to protect and preserve the public health and therefore it is in the best interest of the County that the Bonds be sold.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF TUSCOLA, as follows:

1. The designation of the Special Assessment District, as established and confirmed by order of the Tuscola County Circuit Court dated June 22, 2020, as the “Murphy Lake Level Special Assessment District” is hereby confirmed.

2. The appointment of the Drain Commissioner as “delegated authority” within the meaning of Part 307 to take such actions as are necessary to maintain the normal lake level of Murphy Lake is hereby ratified and confirmed.

3. The cost of the Project in the amount of \$845,000 and the special assessment roll for the Special Assessment District in the amount of \$845,000, in the forms presented at this meeting, are hereby approved. Said assessment roll shall apply all necessary interest for financing the project through the issuance of the Bonds, as described herein.

4. The special assessment roll with the assessments listed shall be final and conclusive unless appealed in a court within 15 days of the adoption of this resolution, pursuant to Section 30714 of Part 307.

5. The Board of Commissioners hereby approves the issuance of the Bonds by the Special Assessment District pursuant to Part 307 to pay part of the cost of the Project, the Bonds to be payable from the special assessments for the Project, and authorizes the Drain Commissioner to take all actions on behalf of the Special Assessment District as are necessary to issue and sell the Bonds as provided in Part 307. The special assessment roll shall be payable in installments in amounts sufficient to pay the principal of and interest on the Bonds.

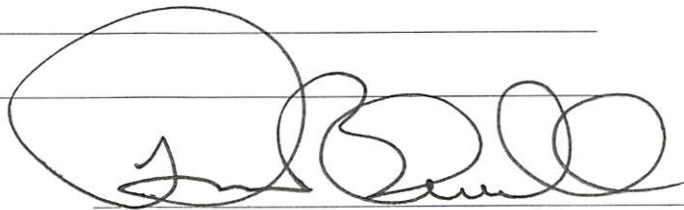
6. Pursuant to the authorization provided in Section 30705 of Part 307, provided that the Bonds are issued in a principal amount not to exceed \$845,000, the Board of Commissioners, by a two-thirds (2/3) vote of its members elect, does hereby irrevocably pledge the full faith and credit of the County of Tuscola for the prompt payment of the principal of and interest on the Bonds, and does hereby agree that in the event that property owners or public corporations in the Special Assessment District shall fail or neglect to account to the County Treasurer of the County of Tuscola for the amount of any such special assessment installment and interest (in anticipation of which the Bonds are issued) when due, then the amount thereof shall be immediately advanced from County funds, and the County Treasurer is directed to immediately make such advancement to the extent necessary.

6. In the event that, pursuant to said pledge of full faith and credit, the County of Tuscola advances out of County funds, all or any part of said installment and interest, it shall be the duty of the County Treasurer, for and on behalf of the County of Tuscola, to take all actions and proceedings and pursue all remedies permitted or authorized by law for the reimbursement of such sums so paid.

7. All resolutions and part of resolutions, insofar as the same may be in conflict with the provisions of this resolution, be and the same hereby are rescinded.

ADOPTED: Yeas: Mrimshaw, Young, Vaughan, DuRussel,
Bardwell
Nays: None

Resolution declared adopted.



Thomas Bardwell
Chairman of the Tuscola County Board of Commissioners

STATE OF MICHIGAN)
) SS
COUNTY OF TUSCOLA)

I, the undersigned, the duly qualified and acting County Clerk of the County of Tuscola, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Tuscola County Board of Commissioners at a regular meeting of said Board of Commissioners held on June 24, 2021, the original of which is on file in my office.

I, further certify that notice of the meeting was given in accordance with the Open Meetings Act.

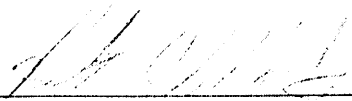

Jodi Fetting, Tuscola County Clerk

ORDER APPROVING PROJECT COST AND SPECIAL ASSESSMENT ROLL
FOR MURPHY LAKE LEVEL SPECIAL ASSESSMENT DISTRICT

The following order is entered by the Tuscola County Drain Commissioner, as "delegated authority" of the County of Tuscola, Michigan (the "County"), in accordance with Part 307 of the Natural Resources and Environment Protection Act, Act 451, Public Acts of Michigan, 1994, as amended ("Part 307"). Pursuant to the directive of the Board of Commissioners of the County and in accordance with Part 307, the Drain Commissioner has prepared (1) an estimate of the cost of improvements necessary to maintain the normal level of Murphy Lake (the "Project"), and (2) a special assessment roll (the "Special Assessment Roll") assessing the cost of the Project against property in the Murphy Lake Level Special Assessment District (the "Special Assessment District"). The Drain Commissioner held a hearing on the cost of the Project and the Special Assessment Roll on June 22, 2021 in accordance with Part 307 and after considering the matters presented at the hearing, desires to approve the cost of the Project and the Special Assessment Roll as contemplated by Part 307.

IT IS HEREBY ORDERED:

1. The cost of the Project and the Special Assessment Roll, each in the forms attached hereto, are approved.
2. All orders and parts of orders, insofar as the same may be in conflict herewith are hereby rescinded.



Robert Mantey
Tuscola County Drain Commissioner,
as Delegated Authority

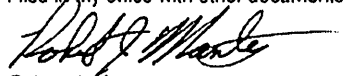
Dated: June 23, 2021

TUSCOLA COUNTY DRAIN COMMISSIONER

Be it known that I Robert Mantey, Tuscola County Drain Commissioner, in accordance with the statute in such a case made and provided, did on the 13 day of June, 2021 make the following computation of the entire cost of said drain to wit:
 Murphy Lake - Lake Level Control Structure - Computation of Cost

Engineering Costs		
Preliminary Engineering Review		\$11,012.50
Special Assessment District		\$6,498.25
Circuit Court Hearing Assistance		\$3,389.50
Preliminary Design		\$35,996.00
Final Design and Bidding		\$50,802.00
Soils Investigation & Report		\$3,000.00
EGLE Permil		\$2,040.00
Construction Administration (estimated)		\$35,000.00
	Total Engineering Expenses	\$147,738.25
Construction Contracts		
Fisher Contracting Co.		\$511,516.00
	Total Construction Expenses	\$511,516.00
Administrative Costs		
Legal Expenses		\$37,667.00
Appeals (estimated)		\$2,500.00
Mailing, Publication, Administrative Costs, Advertising		\$2,436.00
Land Rights, Landowner Compensation, Attorney, Appraisal Fees & Title Searches: Total Land Rights		\$1,224.00
Bond Interest (capitalized interest - 1 year @ 3.50%)		\$29,575.00
Bond Counsel Fees		\$10,000.00
Municipal Advisor Fees		\$10,000.00
Municipal Advisory Council of Michigan fee		\$400.00
Michigan Department of Treasury filing fee		\$270.00
	Total Administrative Costs	\$94,072.00
	Subtotal	\$753,326.25
	Percent Contingency	12.169%
		\$91,673.75
	Total Computed Cost for Constructing Drain	\$845,000.00
Less Prepayments		
At-Large		
County		
Land Owners		
AMOUNT OF BOND ISSUE		\$845,000.00

Filed in my office with other documents pertaining to the Murphy Lake - Lake Level Control Structure on June 13 2021


 Robert J. Mantey
 Tuscola County Drain Commissioner

Murphy Lake
2021 Assessment Roll

PROJECT COST BREAKDOWN			
Total Project Cost (Excludes)		\$	843,000.00
Supplemental Demers		\$	-
Project Cost Assessed to District		\$	843,000.00
Yoccoa County At Large	30.00%	\$	252,900.00
Highway Township	18.00%	\$	151,740.00
Waterdown Township	8.00%	\$	67,440.00
Landowners	44.00%	\$	370,920.00
TOTAL	100.00%	\$	843,000.00

INTEREST FOR YEARLY PAYMENT ESTIMATIONS	
Percentage Rate	4.50%
Number of Years	18

LANDOWNER Base Assessment - Factor		
Code		Lot Factor Coefficient
2	Back Lot Parcel - First Parcel	0.33
22	Back Lot Parcel - Additional Parcel	0.125
1	Front Lot Parcel - First Parcel	1.00
11	Front Lot Parcel - Additional Parcel	0.25

# of Front Lot Parcels with Base Benefit	100
# of Front Lot Parcels without Base Benefit	26
# of Backlot Parcels with Base Benefit	20
# of Backlot Parcels without Base Benefit	18
Total Parcels	170
Total Base Assessment	\$87,175
Total Base Apportionment %	10.34%

Landowner Contribution Breakdown	
Base Assessment Factor	23.00%
Frontage Factor	10.00%
Public Boat Launch Factor	17.00%
Total	50.00%

Parcel ID #	Parcel Owner	Assessable (# of Hs, 1 = Yes)	Parcel Frontage	Base Assessment Code	Base Assessment Factor	Base Assessment Apportionment %	Public Boat Launch Factor	Public Boat Launch Apportionment %	Frontage Apportionment %	TOTAL APPORTIONMENT	TOTAL ASSESSMENT	ESTIMATED ANNUAL PAYMENT
017-001-000-0200-00	STIVER-YEAGER RICHARD STIVER-YEAGER KAREN	1	80	1	1.00	0.18684%	0	0.00000%	0.01341%	0.20025%	\$1,682.11	\$157.56
017-001-000-0300-00	HELISTED WILLIAM J SLOANE KATHRYN & SLOANE SARAH	1	102	1	1.00	0.18684%	0	0.00000%	0.02735%	0.21416%	\$1,808.81	\$168.83
017-001-000-0400-00	COBB RICHARD J JR	1	83	1	1.00	0.18684%	0	0.00000%	0.01394%	0.20076%	\$1,696.59	\$157.56
017-001-000-0500-00	DUNTON RALPH L & DUNTON MARY A HALL PAMELA J (ET AL)	1	1110	1	1.00	0.18684%	0	0.00000%	0.25765%	0.48450%	\$4,064.05	\$381.21
017-001-000-0600-00	ALLISON WALTER V JR - TRUST ALLISON BARBARA A - TRUST	1	53	1	1.00	0.18684%	0	0.00000%	0.01394%	0.20076%	\$1,696.59	\$157.56
017-001-000-0700-00	STRANICH DEBRA TRUST	1	90	1	1.00	0.18684%	0	0.00000%	0.01341%	0.20025%	\$1,682.11	\$157.56
017-001-000-0800-00	ELLSWORTH GARY ELLSWORTH THERESA	1	100	1	1.00	0.18684%	0	0.00000%	0.02682%	0.21366%	\$1,805.43	\$168.11
017-001-000-1000-00	CRONINS KEENA CRONINS CASEY	1	95	11	0.25	0.04671%	0	0.00000%	0.02548%	0.07219%	\$618.01	\$58.00
017-001-000-1100-00	MORRIS MARK MORRIS SHERRY	1	100	1	1.00	0.18684%	0	0.00000%	0.02682%	0.21366%	\$1,805.43	\$168.11
017-001-000-1200-00	MASCHKE EDWYN R MASCHKE PEGGY A	1	832	1	1.00	0.18684%	0	0.00000%	0.22311%	0.40993%	\$3,484.08	\$322.56
017-001-000-1300-00	MARDIARDI RANDY J MARDIARDI SUZANNE	1	80	1	1.00	0.18684%	0	0.00000%	0.01800%	0.20025%	\$1,714.78	\$159.87
017-001-000-2000-01	KAGER CAROL R - TRUST	1	188.86	1	1.00	0.18684%	0	0.00000%	0.04486%	0.23150%	\$1,956.13	\$182.15
017-001-000-2300-00	ESSA TERESA R ESSA PETER P	1	410.07	1	1.00	0.18684%	0	0.00000%	0.10977%	0.29981%	\$2,508.04	\$230.53
017-001-000-2400-00	MORRIS SHERRY L	1	424.08	1	1.00	0.18684%	0	0.00000%	0.11377%	0.33026%	\$2,838.73	\$230.43
017-001-000-2500-00	ALEXANDER LOUIS EDWARD III	1	70	11	0.25	0.04671%	0	0.00000%	0.01677%	0.05449%	\$453.31	\$51.82
017-001-000-2600-00	ALEXANDER LOUIS EDWARD III	1	106.83	1	1.00	0.18684%	0	0.00000%	0.02119%	0.20025%	\$1,752.83	\$163.66
017-001-000-2700-00	GORDON TERESA	1	101.85	1	1.00	0.18684%	0	0.00000%	0.02263%	0.21549%	\$1,820.69	\$168.56
017-001-000-2800-00	KAGER RICHARD J - TRUSTEE KAGER CAROL R - TRUSTEE	1	171.50	11	0.25	0.04671%	0	0.00000%	0.02281%	0.07932%	\$670.25	\$62.41
017-001-000-2900-00	BEYERLEIN JENNIFER BEYERLEIN JOHN W	1	100.00	11	0.25	0.04671%	0	0.00000%	0.02682%	0.07254%	\$621.41	\$57.86
017-001-000-3000-00	BEYERLEIN JOHN W BEYERLEIN JENNIFER	1	90.35	1	1.00	0.18684%	0	0.00000%	0.02423%	0.21107%	\$1,783.84	\$168.07
017-001-000-3100-00	LEY STEPHEN J LEY TAMARA M	1	1277.58	1	1.00	0.18684%	0	0.00000%	0.34200%	0.53964%	\$4,473.77	\$418.37
017-001-000-3200-07	LEY STEVEN J LEY TAMARA M	1	0	22	0.13	0.02233%	0	0.00000%	0.00000%	0.02233%	\$187.31	\$18.37
017-001-000-3300-08	FALL ROBERT E FALL DONRKE	1	844.7	1	1.00	0.18684%	0	0.00000%	0.25334%	0.44018%	\$3,715.52	\$348.34

Parcel ID #	Parcel Owner	Assessable (D = No, 1 = Yes)	Parcel Frontage	Base Assessment Code	Base Assessment Factor	Base Assessment Apportionment %	Public Boat Launch Factor	Public Boat Launch Apportionment %	Frontage Apportionment %	TOTAL APPORTIONMENT	TOTAL ASSESSMENT	ESTIMATED ANNUAL PAYMENT
077-017-500 1800-03	JOHN'S CHARLES L JOHN'S MARY ANN	1	135.75	1	1.00	0.0000%	0	0.0000%	0.0375%	0.2243%	\$1,035.50	\$176.50
077-017-500 2100-01	SEYM DINGWELL	1	130	11	0.25	0.0167%	0	0.0000%	0.0315%	0.0815%	\$64.27	\$64.27
077-017-500 2160-02	JOHN'S CHARLES L JOHN'S MARY ANN	1	23.75	11	0.25	0.0167%	0	0.0000%	0.0197%	0.0444%	\$36.14	\$36.32
077-007-500 0100-02	DEPT OF NATURAL RESOURCES FINANCIAL SERVICES	1	1375	1	1.00	0.1844%	1	17.0000%	3.6933%	20.8774%	\$176,246.15	\$16,422.92
077-016-500-0100-09	DEPT OF NATURAL RESOURCES FINANCIAL SERVICES	1	3281	1	1.00	0.1824%	0	0.0000%	0.2385%	1.0466%	\$7,013.53	\$631.43
		173	3722.25		12.11	23.0930%	1	17.0000%	10.0000%	51.0930%	\$472,551.10	

I HEREBY CERTIFY, that all of said apportionments for parcels have been made upon the principle of benefits derived and that notice of the review of the apportionment was duly made by me as provided by law.

Given under my hand this 23rd day of June 2021

Robert County
 Robert County
 Taxable County Drain Commissioner