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*This brochure has been prepared to provide information about special assessment funding options for roads under the jurisdiction of the SJCRC.*

*If you have further questions or concerns, we invite you to call us, visit our office or website.*

**Hours**  
Monday - Thursday  
6:00 a.m. to 4:00 p.m.

[www.stjoeroads.com](http://www.stjoeroads.com)

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**Keeping St. Joseph  
County Roads Safe for  
Over 100 Years**



**St. Joseph County  
Road Commission**

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**Your Local Road Professionals**

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*All programs, activities and services are provided equally without regard to race, color, religion, sex, national origin or handicap.*

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# ***SPECIAL ASSESSMENT PROCEDURES FOR FUNDING LOCAL ROAD IMPROVEMENTS***

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**St. Joseph County  
Road Commission**

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*A preliminary guide for the special assessment of roads under the jurisdiction of the St. Joseph County Road Commission by petition*

Michigan Common Law; Act 246 of 1931

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Funding for rural transportation improvements continues to decline in recent years. As a result, local funding options are becoming increasingly important. Special Assessments provide an important mechanism for property owners to take charge in improving roads abutting their properties.

The St. Joseph County Road Commission does not have taxing authority: other than the countywide road millage approved by our voters, we cannot independently act to raise property taxes to supplement state collected revenues.

A Special Assessment process may be proposed by LANDOWNERS or by a TOWNSHIP BOARD; but specifically *not* SJCRC. This brochure describes the processes to establish a Special Assessment District for road repairs, maintenance, and improvements.

## I. MINIMUM REQUIREMENTS FOR SPECIAL ASSESSMENT DISTRICT

The minimum requirements for a special assessment district are the same for projects initiated by landowner petition or township board resolution. At least one of the two following requirements must be met:

- A. A minimum of 75 percent of the lands along the project are subdivided into parcels, each having a frontage of not more than 300 feet, or
- B. There is an average of at least one roadside building for every 300 lineal feet of roadway.

The word "building" has been rather broadly interpreted in case law. Included are houses, garages, barns, and other . . . "edifices erected and fixed on the soil and designed for permanent use in the position in which they are so fixed." Buildings under construction may be counted.

## II. PETITION BY LANDOWNERS FOR HIGHWAY IMPROVEMENT

- A. Development of a valid petition and successful project will be aided by early coordination with the Road Commission and your township office. The Road Commission will supply petition forms and answer questions concerning special assessments. Also, it will provide a preliminary estimate of project costs. Information regarding property ownership, description, and road frontage can be obtained at your township hall. Costs assessed to benefiting landowners may be significantly affected by township board policy and the availability of township funds.

B. The petition must clearly identify the road section to be improved including the project's point of beginning and point of ending. Limits of the special assessment district are determined by the project's description.

C. All owners of land along the section of road to be improved are eligible to sign the petition. Landowners may sign the petition even if the township has exempted or otherwise excluded their property from the special assessment.

D. Signatures for each parcel must include all persons named as title holders. For example, if husband and wife are named, both must sign. In the case of property being purchased on a land contract, the buyer(s), as well as the seller(s), must sign,

E. A legal property description or parcel number and the property owner's name and mailing address must appear next to the appropriate signature.

F. Land ownership must be verified by the office of the Register of Deeds, Probate Court, or other suitable source. Typically, township records are accepted as satisfactory proof.

G. The Road Commission will consult the County Treasurer's office to determine if there are delinquent taxes or assessments against any properties listed on the petition. Should a delinquency exist, the signature for that parcel will be invalid.

H. The petition must contain valid signatures of owners of more than 51 percent of all land fronting or abutting the proposed road improvement. In calculating the percentage, it makes no difference if township board policy excludes any portion of this land from the special assessment.

- I. The Road Commission's Managing Director shall report the validity of the petition to the Board of County Road Commissioners. If valid, the Board will deem the project necessary and plans, specifications and a review of estimated costs will be made. An assessment roll will be prepared and a Public Hearing will be held. The Road Commission will advertise the hearing and distribute Public Hearing notices. At the end of the hearing, it is intended that the Board will make final determination of the lands to be assessed for benefits and the number of annual installments over which the assessment shall be spread. All

persons interested may attend the hearing to review plans and specifications and to give their reasons for or against the granting of the petition and the apportionment and schedule of payments.

## III. PETITION BY TOWNSHIP BOARD RESOLUTION FOR HIGHWAY IMPROVEMENT

A special assessment district initiated by township resolution requires two Public Hearings. The first hearing is for the purpose of determining whether a special assessment district is desirable and necessary. Following the hearing, the law allows 45 days for property owners along the improvement to submit a petition to discontinue the project. If a valid petition is submitted, the project will be discontinued. If no valid petition is received, a second Public Hearing will be held at which the Board makes final determination of the lands to be assessed and the number of annual installments over which the assessment will be spread.

## IV. PETITION FOR DISCONTINUANCE OF HIGHWAY IMPROVEMENT

A petition to discontinue a project initiated by township resolution must be signed by property owners of 51 percent or more of the land along the proposed improvement. Requirements for ownership, signatures, property descriptions, and ownership verification are the same as Sections IIC through IIF for improvements initiated by landowner petition. However, eligible petitioners for project discontinuance shall include all title holders who own property which fronts or abuts the proposed improvements. No signature shall be invalidated by delinquent payment of property taxes or assessments.

***PLEASE NOTE: A Special Assessment may take 70 or more days to process. This should be a consideration based on the limited construction season.***

**This is meant as a preliminary guide only, for additional information please refer to: PUBLIC HIGHWAY AND PUBLIC ROADS Act 283 of 1909**

**Website: [www.legislature.mi.gov](http://www.legislature.mi.gov)**