

**CHARTER TOWNSHIP OF COMMERCE  
REGULAR BOARD OF TRUSTEES MEETING**

*Tuesday, April 12, 2011*

2009 Township Drive

Commerce Township, Michigan 48390

**CALL TO ORDER:** Supervisor Thomas Zoner called the meeting to order at 7:00 p.m. and introduced the members of the Board.

**PLEDGE OF ALLEGIANCE TO FLAG**

**ROLL CALL:** Present: Thomas K. Zoner, Supervisor  
Daniel Munro, Clerk  
Susan Gross, Treasurer  
Debra Kirkwood, Trustee  
David Law, Trustee  
Robert Long, Trustee  
Rick Sovel, Trustee

Also Present: Phillip Adkison, Township Attorney  
Hans Rentrop, Township Attorney  
Loren Crandell, Giffels-Webster Engineers  
Jason Mayer, Giffels-Webster Engineers

**APPROVAL OF MINUTES**

**MOTION** by Gross, supported by Sovel, to approve the Regular Township Board meeting minutes of March 8, 2011, with a correction to page 3, Item 4:2-8 Board Appointments C. change "2015" to "**2014**" and D. change "2014" and 2015" to "**2013**".  
**MOTION CARRIED UNANIMOUSLY**

**PRESENTATIONS:**

**A. Joe Heffernan – Plante Moran**

Joe Heffernan was present to explain the five-year projections for the Township Budget, primarily concerning the Downtown Development Authority.

**PETITIONS:**

None

**ITEM 1:4-11 APPROVAL OF AGENDA**

**MOTION** by Gross, supported by Kirkwood, to approve the Agenda with the addition of "D. Oakland County Sheriffs Department Contract" and "E. Oakland County Sheriff's Marine Patrol Contract" under Item 5 Contract Awards and Agreements and the addition of "12F. RCOC Easement" under Item 12 New Business.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:4-11 PUBLIC COMMENTS**

No one present had any questions or comments.

**ITEM 3:4-11 PUBLIC HEARINGS**

**A. Special Projects No. 32 – Roll Resolution**

Supervisor Thomas Zoner opened the Public Hearing.

No one present had any questions or comments.

Supervisor Thomas Zoner closed the Public Hearing.

**MOTION** by Gross, supported by Kirkwood, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Special Projects No. 32. Resolution Attached.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:4-11 BOARD APPOINTMENTS**

None

**ITEM 5:4-11 CONTRACT AWARDS AND AGREEMENTS**

**A. Dodge Park No. 5 Paving**

**MOTION** by Munro, supported by Gross, to accept the recommendation of Giffels-Webster Engineers to award the Dodge Park No. 5 Parking Lot Paving including Bike Path Option Contract to the low bidder, Cadillac Asphalt for \$167,430.33.

**MOTION CARRIED UNANIMOUSLY**

**CONTRACT AWARDS AND AGREEMENT (continued)**

**B. Oakland County Tri-Party Agreement**

Supervisor Thomas Zoner explained the Tri-Party Agreement.

**MOTION** by Gross, supported by Munro, to approve the 2011 Tri-Party Program Agreement with the Road Commission for Oakland County and to proceed with a right turn lane on the corner of Oakley Park and South Commerce Roads.

**MOTION CARRIED UNANIMOUSLY**

**C. Giffels-Webster Engineering Contract**

Phillip Adkison, Township Attorney stated this is a one-year non-exclusive agreement.

**MOTION** by Long, supported by Munro, to approve the Charter Township of Commerce Non-Exclusive Engineering Consulting Agreement with Giffels-Webster Engineers, Inc.

**MOTION CARRIED UNANIMOUSLY**

**D. Oakland County Sheriffs Department Contract**

**MOTION** by Gross, supported by Munro, to direct the Township Supervisor to enter in a contract with the Oakland County Sheriffs Department for 2011 Marine Patrol Services for the lakes within Commerce Township.

**MOTION CARRIED UNANIMOUSLY**

**E. Commerce Township Agreement with Lakes**

**MOTION** by Munro, supported by Sovel, to direct the Township Supervisor to enter into a contract with Marine Patrol Services for the lakes within Commerce Township for 2011.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:4-11 INTRODUCTIONS**

None

**ITEM 7:4-11 ADOPTIONS**

- A. An Ordinance to Amend The Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.012.**

**ADOPTIONS - Amendment Ordinance No. 1.012 (continued)**

**MOTION** by Munro, supported by Gross, to Adopt an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.012. Post and publish according to law. Ordinance attached.

Long - When the ballot proposal was on the table, we were not going to take any action on this. Now that the ballot passed, why are we taking action on this if this will make it inconsistent with Federal statute? Phillip Adkison, Township Attorney stated we have brought ourselves into alignment with State statute. Hans Rentrop, Township Attorney said this clarifies State statute, it does not change the Federal statute.

**ROLL CALL VOTE:**

**AYES:** Munro, Gross, Kirkwood, Law, Zoner  
**NAYS:** Long, Sovel

**MOTION CARRIED**

**B. An Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.013.**

**MOTION** by Munro, supported by Gross, to Adopt an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.013. Post and publish according to law. Ordinance attached.

**ROLL CALL VOTE:**

**AYES:** Munro, Gross, Law, Kirkwood, Zoner  
**NAYS:** Long, Sovel

**MOTION CARRIED**

**ITEM 8:4-11 SITE CONDOMINIUMS AND PLATS**

None

**ITEM 9:4-11 CONSENT AGENDA**

- A. Approve the Banner Request – Open Door Outreach**
- B. Approve the Waiver of Vendor Permit Fee**
- C. Approve the Permit for the Edgewood Fireworks Display**
- D. Approve the Performance Resolution for Government Agencies**
- E. Approve the Byers Preservation Report and Master Plan Report**

**CONSENT AGENDA (continued)**

**MOTION** by Gross, supported by Munro, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda with the removal of E – Byers Preservation Report and Master Plan Report.

**ROLL CALL VOTE:**

**AYES:** Gross, Munro, Kirkwood, Sovel, Long, Law, Zoner

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**E. Approve the Byers Preservation Report and Master Plan Report**  
Long – The report is missing. Supervisor Thomas Zoner will provide the list for review and re-visit this during the next Township Board meeting.

**MOTION** by Long, supported by Munro to Table Byers Preservation Report and Master Plan Report.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:4-11 PURCHASES**

**A. Disc Media Unlocker for Township Library**

Connie Jo Ozinga, Library Director stated the Library Advisory Board recommends the purchase of two (2) 3M Disc Media Unlocker.

**MOTION** by Gross, supported by Kirkwood, to approve the purchase of two (2) 3M Disc Media Unlocker (includes installation and 15 month service agreement in zone 1) for \$12,246.00 plus shipping.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 11:4-11 OLD BUSINESS**

None

**ITEM 12:4-11 NEW BUSINESS**

**A. Township Building Inspector**

Supervisor Thomas Zoner provided the Board with three suggested options for review to fill the position of Township Building Inspector. He recommends option #3, which is to hire an independent contractor.

**NEW BUSINESS (continued)**

**F. RCOC Easement**

**MOTION** by Gross, supported by Munro, to approve and authorize Township Supervisor to sign the construction and maintenance agreement for RCOC Highway Easement for Commerce Fire Station #2.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:4-11 ORDERS**

**MOTION** by Gross, supported by Munro, to approve the orders and additions.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 14:4-11 OTHER MATTERS**

Sovel - asked for the status of the purchase and financing of Wise Road. Supervisor Thomas Zoner stated the Township plans to move forward with the purchase.

Long – asked for the status of the marina. Supervisor Thomas Zoner stated the State of Michigan purchased the marina and is investigating the purchase of the property next to the marina.

Gross asked and was given an update on the tower by Station #2.

**A Township Board Discussion Session will be held on April 26, 2011 at 7:00 p.m.**

**ITEM 15:4-11 CLOSED SESSION**

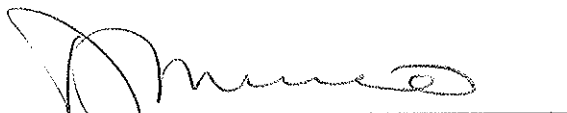
None

**ITEM 16:4-11 ADJOURNMENT**

As there were no other matters to come before the Board.

**MOTION** by Zoner, supported by Munro, to adjourn at 09:20 p.m.

**MOTION CARRIED UNANIMOUSLY**



Daniel P. Munro, Clerk  
Charter Township of Commerce



**PERFORMANCE RESOLUTION FOR  
GOVERNMENTAL AGENCIES**

*This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way" (form 2205), or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way" (form 2205B).*

RESOLVED WHEREAS, the Charter Township of Commerce Township  
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.



- 5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

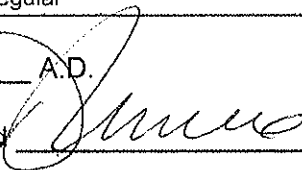
Name	and/or	Title
Thomas K. Zoner		Township Supervisor
Dan Munro		Township Clerk

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the Charter Township Board of Trustees  
 (Name of Board, etc)  
 of the Charter Township of Commerce of Oakland  
 (Name of GOVERNMENTAL AGENCY) (County)

at a Regular meeting held on the 12 th day of April day of

20 11 A.D.

Signed  Title TOWNSHIP CLERK

## HIGHWAY EASEMENT

**KNOW ALL PERSONS** that **THE CHARTER TOWNSHIP OF COMMERCE** ("Grantor"), a Michigan municipal corporation, whose address is **2009 Township Drive, Commerce, MI 48390**, hereby grants to the **BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND** ("Board"), State of Michigan, a public body corporate, located at **31001 Lahser Road, Beverly Hills, Michigan 48025**, an easement for all public highway purposes ("Highway Easement") and to construct, operate, maintain, repair, and/or replace roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the following described premises ("Property") situated in the Township of **Commerce**, County of **Oakland**, State of Michigan.

Commonly known as: **9170 Commerce Road**  
(Part of) Tax Parcel No: **17-11-200-011**

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A," AND  
LEGAL DESCRIPTION, ATTACHED AS EXHIBIT "B,"  
BOTH OF WHICH ARE INCORPORATED BY REFERENCE HEREIN**

This Highway Easement includes, but is not limited to, the consent of the Grantor to the removal of any trees, shrubs, and/or vegetation, to grading, to the occupancy of the Property by public utilities, and to other matters which, in the sole discretion of the Board, may be necessary in connection with all public highway purposes and the construction, operation, maintenance, repair, and/or replacement of roadways, utilities, and other infrastructure improvements related to road, highway, or pedestrian uses in, over, under, upon, and through the Property. Grantor waives further notice of such actions.

The grant of utility rights is non-exclusive and subject to Grantor's rights to receive funds under the Metro Act.

This Highway Easement runs with the land and shall bind the Grantor and the Grantor's heirs, representatives, successors, and assigns. This Highway Easement contains the entire understanding of the Grantor and the Board, and there are no other verbal promises between the Grantor and the Board except as shown herein.

WHEREFORE, upon approval by the Board, the undersigned Grantor hereby creates, confirms, and conveys the Highway Easement described herein for the sum of \$1.

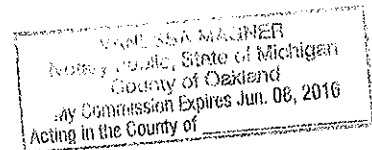
THE CHARTER TOWNSHIP OF COMMERCE, a Michigan municipal corporation

By: Thomas K. Zoner  
Its: Supervisor

COUNTY OF OAKLAND )  
STATE OF MICHIGAN ) SS

On this 14<sup>th</sup> day of April 2011, Thomas K. Zoner executed the foregoing document before me and, being duly sworn, stated that he is the Supervisor of THE CHARTER TOWNSHIP OF COMMERCE, a Michigan municipal corporation, and that he executed the foregoing document on behalf of THE CHARTER TOWNSHIP OF COMMERCE with its full authority and as its free act and deed.

Vanessa Magner  
Vanessa Magner Notary Public



My commission expires: 6-8-2016  
Oakland County, Michigan  
Acting in the County of Oakland

Drafted by:  
Matthew R. Willson, Esq.  
2420 Pontiac Lake Road  
Waterford, MI 48230

When recorded return to: Patricia Z. Wierzbicki, Clerk's Office (OAK04)  
THE BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND  
31001 LAHSER ROAD, BEVERLY HILLS, MI 48025

Project: Commerce Road Project No.: 50131 Parcel No.: 18

(Part of) Tax Parcel No.: 17-11-200-011

Recording Fee \_\_\_\_\_ Revenue Stamps \_\_\_\_\_

ROAD COMMISSION FOR OAKLAND COUNTY

DRIVEWAY GRADING LICENSE

Project Name: Commerce Road Project No. 50131 Parcel No. 18

Regarding property ("Property") commonly known as: 9170 Commerce Road  
(Part of) Tax Parcel No. 17-11-200-011

Name of Property Owner: Charter Township of Commerce  
Address of Property Owner: 2009 Township Drive  
Commerce, MI 48390

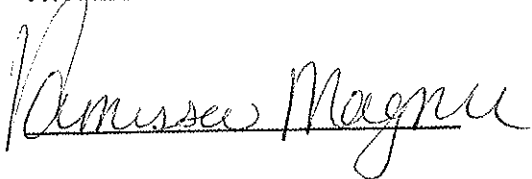
In consideration of the road improvements to **Commerce Road** ("Project"), Project No. **50131**, at the Property, being Section 11, T2N, R8E, in the **Township of Commerce**, according to the plans and specifications on file with the **BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND** ("Board"), State of Michigan, located at 31001 Lahser Road, Beverly Hills, Michigan 48025, the undersigned entity ("Grantor") hereby gives permission to the Board to perform driveway grading (reconstruction of the drive on the Property) at station 176+00 L. The driveway will be graded back in such a manner as to provide a relatively smooth transition between the driveway and the public roadway. If the driveway was paved with concrete or asphalt before the grading, the driveway will be restored to concrete or asphalt, whichever it was paved with before the grading.

The purpose of this document is to permit the construction of the Project in accordance with the plans at the Board. **This License does not transfer an interest in your property to the Board or any of its agents; it does not need to be recorded with the Oakland County Register of Deeds; and it does not cause a change in your property boundary lines.**

This License contains the entire understanding of the Grantor and the Board, and there are no other verbal promises between the Grantor and the Board except as shown herein.

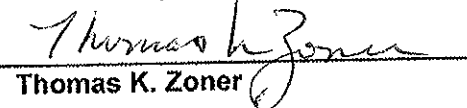
**IN WITNESS HEREOF**, upon approval of the Board, the undersigned hereby agrees to the terms and provisions herein as of this 13<sup>th</sup> day of April, 2011.

WITNESS:



Signed by:

Charter Township of Commerce

By:   
Thomas K. Zoner

Its: Supervisor

**EXHIBIT "B"**

Commerce Road  
Project No. 50131  
Parcel 18

**Highway Easement Description**

Part of the Northeast ¼ Section 11, Town 2 North, Range 8 East, Commerce Township, Oakland County, Michigan, more particularly described as **COMMENCING** at the East ¼ Corner of said Section 11; Thence S87°12'57"W, 557.00 feet along the North line of S.E. ¼ line of Section 11 and the centerline of Commerce Road Road to the **Point of Beginning** of Highway Easement description; Thence along North line of S.E. ¼ line of Section 11 and the centerline of Commerce Road Road S87°12'57"W, 557.00 feet to a point on the West Property line; Thence along West Property line N02°19'16"W, 60.00 feet; Thence N87°12'57"E, 557.00 feet to a point on East Property line; Thence along East Property line S02°19'16"E, 60.00 feet to the **POINT OF BEGINNING**.

Part of Tax Parcel No. 17-11-200-011  
Commonly know as 9170 Commerce Rd

Dated: February 4, 2011  
RRH

**EXHIBIT "B"**

Commerce Road  
Project No. 50131  
Parcel 18

**Temporary Driveway Grading Easement Description**

Part of the Northeast ¼ Section 11, Town 2 North, Range 8 East, Commerce Township, Oakland County, Michigan, more particularly described as **COMMENCING** at the East ¼ Corner of said Section 11; Thence S87°12'57"W, 557.00 feet along the North line of S.E. ¼ line of Section 11 and the centerline of Commerce Road and N02°19'16"W, 60.00 feet along East Property line and S87°12'57"W, 278.00 feet to the **Point of Beginning** of Temporary Driveway Grade Easement description; Thence S87°12'57"W, 75.00 feet; Thence N02°19'16"W, 18.00 feet; Thence N87°12'57"E, 75.00 feet; Thence S02°19'16"E, 18.00 feet to the **POINT OF BEGINNING**.

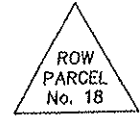
Part of Tax Parcel No. 17-11-200-011  
Commonly know as 9170 Commerce Rd

Dated: February 4, 2011  
RRH



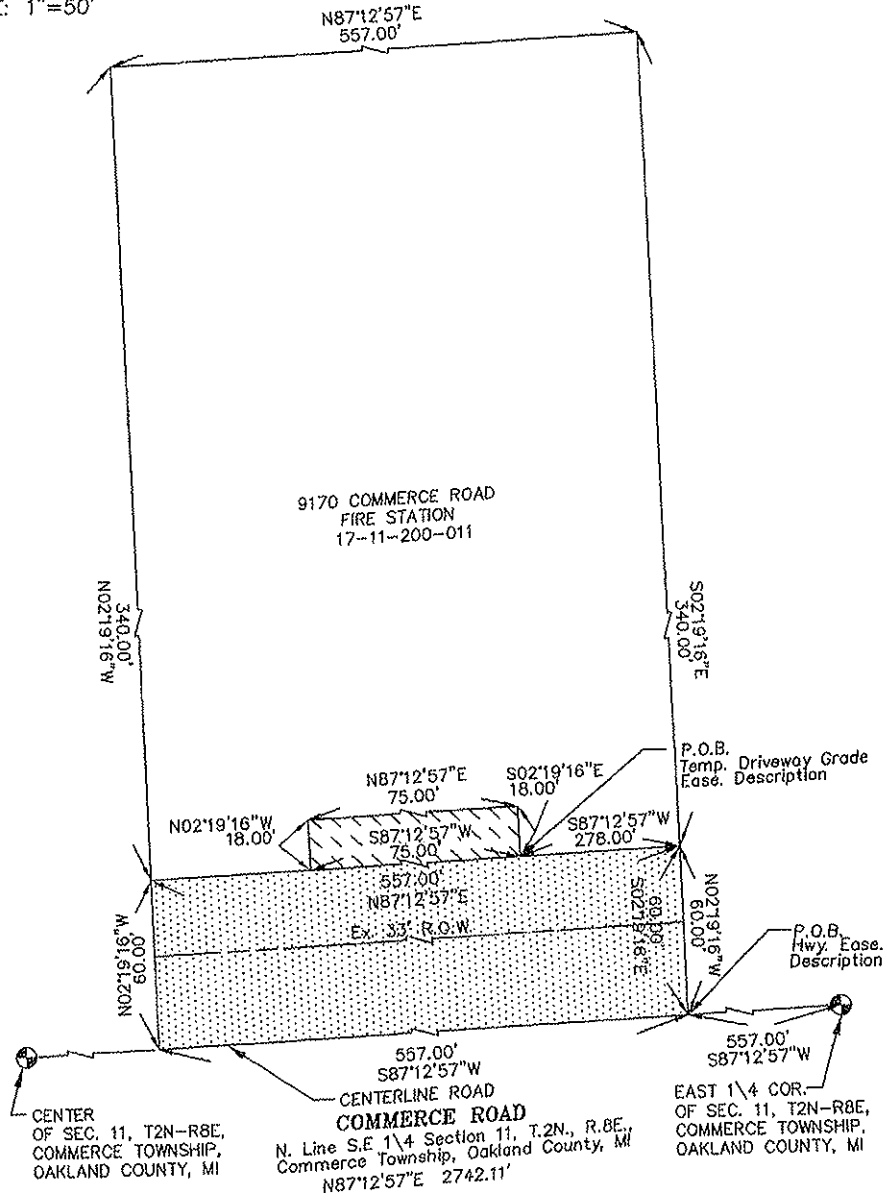
TOTAL LAND AREA	=	222792.7 S.F.
R\W AREA	=	18381.0 S.F.
HIGHWAY. EASE. AREA	=	15039.0 S.F.
HIGHWAY. EASE. INCLUDING R\W	=	33420.0 S.F.
TEMP. DRIVEWAY EASE. (GRADING) AREA	=	1350.0 S.F.

Exhibit "A"  
17-11-200-011  
9170 COMMERCE RD



Highway Easement  
Temporary Driveway Grading Easement

SCALE: 1"=50'



BEARINGS BASED ON GRID BEARING-  
NAD83(1994) SPC MI SOUTH ZONE

ROAD COMMISSION FOR OAKLAND COUNTY  
RIGHT OF WAY DIVISION

Proposed Highway Easement - [dotted pattern]  
Temp. Driveway Ease.--(Grading Area) - [hatched pattern]

Commerce Road  
Project No. 50131  
Parcel 17-11-200-011

DRAWN BY R.R.H  
REV. DATE 02/04/11

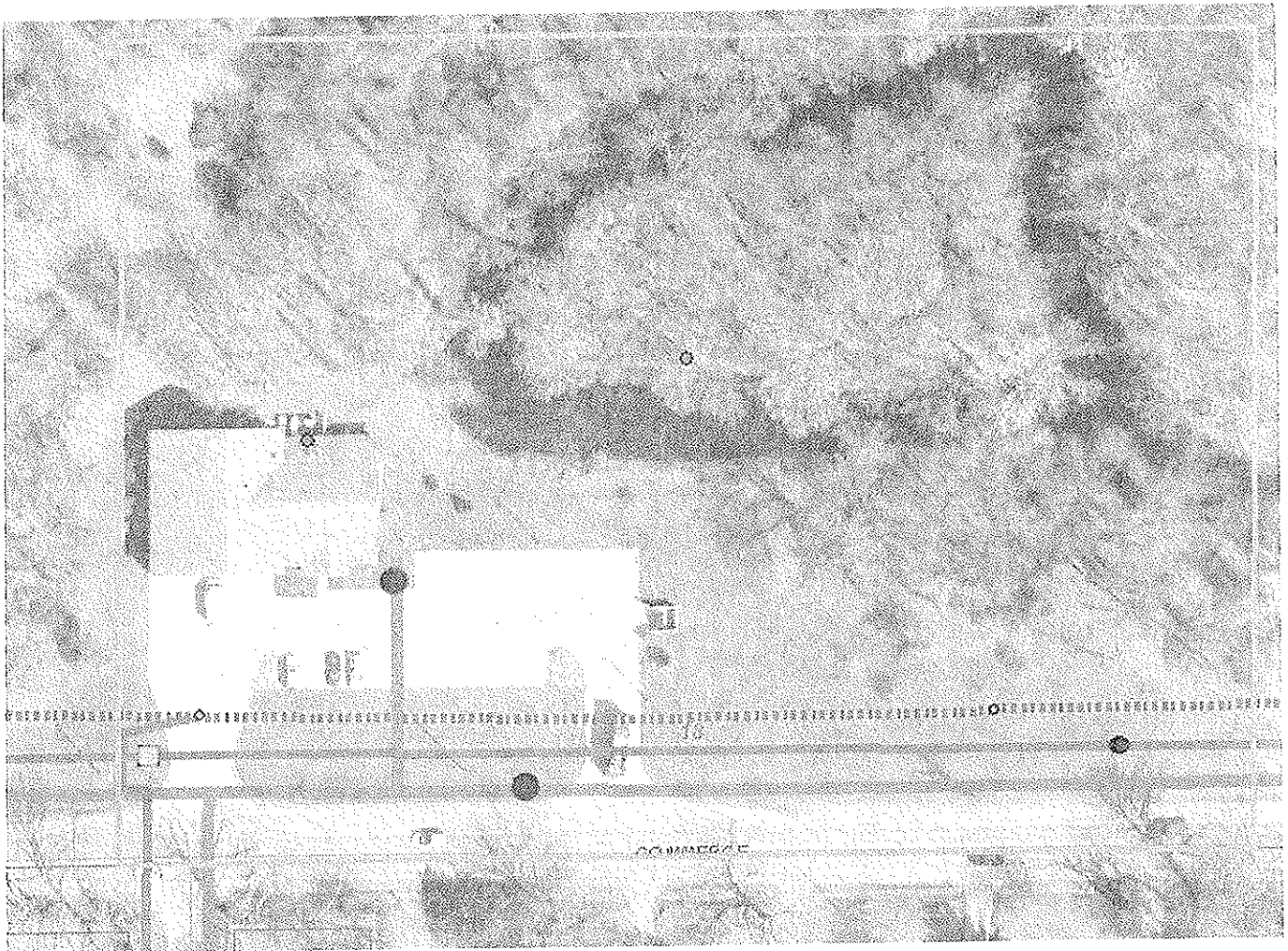
**Thomas Zoner**

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**From:** Jason Mayer [jmayer@giffelswebster.com]  
**Sent:** Friday, April 08, 2011 10:01 AM  
**To:** tzoneer@commercetwp.com; Phillip Adkison  
**Cc:** JDombrowski@commercetwp.com; vmagner@commercetwp.com; 'Dan Munro'; 'Joseph Schornack'  
**Subject:** RE: Station 2 RCOC 2011 3R project Commerce Road

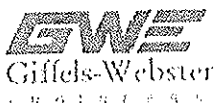
Tom,

All of our utilities are shown correctly on their plan and I don't expect the proposed grading to have a negative impact on these. There will be additional paved area over a portion of the utilities and the OCWRC is aware of this and has reviewed the RCOC construction plans. Also, there are no plans for additional water or sewer to be installed in this area.



Please let me know if you need any other information.

Thank you,



**Jason D. Mayer, P.E.**  
**Project Manager**  
*Giffels-Webster Engineers, Inc.*



**RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL FOR  
THE SPECIAL ASSESSMENT DISTRICT DESIGNATED  
SPECIAL PROJECTS NO. 32**

At the regular meeting of the Township Board of the Charter Township of Commerce, Oakland County, Michigan (the "Township"), held in the Township Hall on the 12<sup>th</sup> day of April, 2011, at 7:00 p.m.

PRESENT: Thomas Zoner, David Law, Susan Gross, Daniel Munro, Robert Long, Rick Sovel, Debra Kirkwood

ABSENT: None

The following preamble and resolution were offered by Susan Gross and supported by Debra Kirkwood.

**WHEREAS**, The Township Board has determined it is reasonable, necessary and in the interest of the public health, safety and welfare of the inhabitants of the Township to establish a Special Assessment District to finance capital and other miscellaneous charges related to the connection to the public water and sewer systems, and has tentatively designated a Special Assessment District against which costs of the improvement are to be assessed ("The Project"), and;

**WHEREAS**, The Township Board has determined to finance The Project by advancing funds from the Township Improvement Revolving Fund in accordance with Act No. 188, Public Acts of Michigan, 1954, as amended, and;

**WHEREAS**, the Township Board has determined to use Special Assessments to repay the Township Revolving Fund, and;

**WHEREAS**, the Special Assessment District for The Project has been determined by the Township and has been designated as Special Projects No. 32 Special Assessment District, and;

**WHEREAS**, the Township Board has directed the Township Supervisor to prepare the proposed Special Assessment Roll, and;

**WHEREAS**, the Township Supervisor has prepared the proposed Special Assessment Roll and has filed the proposed Special Assessment Roll with the Township Clerk, and;

**WHEREAS**, the Township Board has scheduled a public hearing on the proposed Special Assessment Roll, and notice of the hearing was properly provided, and;

**WHEREAS**, the Township Board conducted the public hearing on the Special Assessment roll at a regular meeting of the Township Board held on the 12<sup>th</sup> day of April, 2011, at 7:00 p.m. at the Township offices.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. Payment of Project Costs. Project costs shall be paid with funds advanced from the Township Improvement Revolving Fund.
2. Roll Filed. The Township Board acknowledges that the Township Supervisor has filed the proposed Special Assessment Roll for the Special Projects No. 32 Special Assessment District (the "Roll") with the Township Clerk, and has certified that the Roll was prepared in accordance with the Township Board's directions and in accordance with the laws of the State of Michigan.
3. Roll Confirmed. In accordance with the provisions of Michigan Public Act 359 of 1947, as amended, and Michigan Public Act 188 of 1954, as amended, and the laws of the State of Michigan, the Township Board hereby confirms the Roll and directs that the assessments made therein shall be collected.
4. Future Installments - Principal. The Township Board determines that each Special Assessment may be paid in ten (10) separate installments. The first installment shall be due on or before May 14, 2011, and the second installment due May 14, 2012. Each subsequent installment shall be due at intervals 12 months from the due date of the second installment.
5. Future Installments - Interest. All unpaid installments shall bear interest, payable annually on each installment due date, at the rate of eight percent (8%) per annum.
6. Ratification of Notice. The form and content of the notice published and mailed to property owners in the Special Assessment District by the Township Clerk with respect to the public hearing held on the 12<sup>th</sup> day of April, 2011, and all actions of Township officials in scheduling such hearing, are hereby approved, ratified and confirmed.
7. Inconsistent Prior Resolutions. All previously adopted resolutions that are in conflict with this resolution are repealed to the extent of such conflict.
8. Reimbursement. The Special Assessment District shall reimburse the Township Improvement Revolving Fund for all money advanced for The Project together with outstanding interest thereon.
9. Appeals. In order to appeal the amount of any special assessment, affected owners or parties with an interest must protest the proposed assessment. This may be done by appearing in person at the hearing, having an agent appear at the hearing on behalf of an owner or party in interest or by filing a protest by the hearing date, by letter addressed to the Township Clerk, Charter Township of Commerce, 2009 Township Drive, Commerce Township, Michigan 48390. An owner or party having an interest in the real property affected by the special

assessment may file a written appeal of the special assessment with the Michigan Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment is protested at the hearing held for the purpose of confirming the special assessment roll.

Upon a roll-call vote for the adoption of the foregoing resolution, the vote was:

**AYES:** Thomas Zoner, David Law, Susan Gross, Daniel Munro, Robert Long, Rick Sovel, Debra Kirkwood

**NAYS:** None

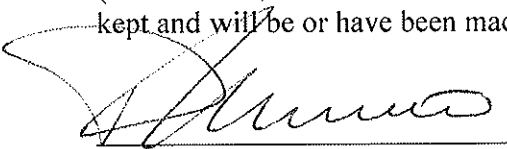
**ABSENT:** None

**RESOLUTION DECLARED ADOPTED.**

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF OAKLAND )

**CLERK'S CERTIFICATE**

The undersigned, being the duly qualified and acting Clerk of the Charter Township of Commerce, Oakland County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Township Board at a regular meeting held on the 12<sup>th</sup> day of April, 2011, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

  
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DANIEL MUNRO, Clerk  
Charter Township of Commerce  
Dated: April 13, 2011

**EXHIBIT A**

**Parcel Nos.**

17-10-302-013  
17-11-430-009  
17-11-430-012  
17-12-351-019  
17-12-351-028  
17-25-126-125  
17-28-452-002