

**AUSTIN LAKE GOVERNMENTAL LAKE BOARD
KALAMAZOO COUNTY, MICHIGAN
RESOLUTION 2017-1
RESOLUTION DETERMINING PRACTICABILITY**

Minutes of a special meeting by the Austin Lake Governmental Lake Board ("ALGLB") held at the Portage City Hall on May 19, 2017, at 3:00 p.m. local time.

Present: Johnson, Crowley, McGraw, Pearson, Ansari

Absent: None

The following preamble and Resolution were offered by McGraw and supported by Crowley.

WHEREAS, the ALGLB was established on April 23, 1996, at a regular meeting of the Portage City Council to improve Austin Lake; and

WHEREAS, the Portage City Council at a regular meeting on September 22, 2009 further resolved that the City of Portage desires the ALGLB to determine the scope of any proposed project, including engineering feasibility and cost estimate; and

WHEREAS, the ALGLB retained Lakeshore Environmental, Inc., to prepare an Austin Lake Improvement Feasibility Study for a Bioaugmentation Plan for Austin Lake as required by MCL 324.30909 and presented on May 18, 2011 for public comment; and

WHEREAS, the 5-year project was completed in the fall of 2016; and

WHEREAS, the ALGLB held a hearing on April 17, 2017 to take public comment on the aeration/bioaugmentation results; and

WHEREAS, Notice of Hearing on Practicability to continue the project was published in the MLive-Kalamazoo Gazette on April 11, 2017 and April 18, 2017; and

WHEREAS, on May 10, 2017 and May 19, 2017 the ALGLB met and held a public hearing to determine the practicability of continuing the project referenced above; and

WHEREAS, public comments have been received; and

WHEREAS, the ALGLB has considered the original 2011 Feasibility Study and Management Plan, the 5-year project results, together with all comments received.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

1. The ALGLB determines that the Austin Lake aeration/bioaugmentation is practicable and will proceed for an additional three (3) years (spring through fall, calendar years 2017, 2018 and 2019).
2. The ALGLB shall, with the assistance of the Assessor, proceed with establishing a Special Assessment District and prepare an assessment roll which shall include all parcels of land to be assessed with the names of the respective record owners of each parcel of land, if known, and also including the total amount to be assessed against each of the parcels of land and against each local unit of government to be affected. The amount to be assessed against each parcel of land shall represent the relevant portion of the whole sum to be levied against all parcels of land and local units of government in the District as the benefit to such parcel of land and local unit of government bears to the total benefit to all parcels of land and local units of government in the District pursuant to MCL 324.30912.
3. When the Assessor completes the assessment roll, the Assessor shall affix his/her certification to the roll stating that the roll has been made pursuant to a resolution of the ALGLB adopted on this date and that, in making the assessment roll, the Assessor, according to his/her best judgment, has conformed in all respects to the directions contained in this resolution and the statutes of the State of Michigan.
4. This Resolution shall be published in a newspaper of general circulation in the local unit of government to be affected. After this Resolution has been published, the sufficiency of the Petition shall not be subject to attack except in an action brought in a court of competent jurisdiction within thirty (30) days after publication.

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

At a publically noticed ALGLB meeting held on May 19, 2017, it was moved by McGraw and supported by Crowley that the Resolution as set forth above be adopted. The roll call vote was as follows:

AYES: Johnson, Crowley, McGraw, Pearson, Ansari

NAYS: None

ABSENT: None

ABSTAIN: None

Jim Pearson, Secretary