

**STATE OF MICHIGAN  
IN THE COURT OF APPEALS**

IN RE HIGGINS LAKE,  
LOCATED IN ROSCOMMON  
AND CRAWFORD COUNTY, MICHIGAN

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Court of Appeals Case No.: 367805  
Circuit Court Case No.: 23-726443-CZ

ROSCOMMON COUNTY and CRAWFORD  
COUNTIES, through the Roscommon County  
Administrator/Controller as the delegated  
authority,  
*Petitioners/Appellees*

v

CHARLENE CORNELL, GREG SEMACK,  
WAYNE BROOKS, BRUCE CARLETON, and  
THE HIGGINS LAKE PROPERTY OWNERS  
ASSOCIATION,  
*Objectors/Appellants*

and

STEVEN RICKETTS; JAMES BROWN JR;  
MELANIE BROWN; CURTIS DEVOE;  
CAROLYN DEVOE; BRUCE CORNETT;  
SALLY CORNETT; RICK CASSIDAY;  
CHARLOTTE CASSIDAY; KATHLEEN M  
TROCK, TRUSTEE of the KATHLEEN M  
TROCK TRUST 08/18/2004; CHARLES  
DEWEY JR; MARK O'BRIEN; WILLIAM  
CORNELL JR; CRAIG SABLE; MELISSA  
JEAN SEITZ as trustee of MELISSA JEAN  
SEITZ TRUST; JAMES SEITZ; SAM  
MIGLIORE; TAMMY MIGLIORE; ROBERT  
and LYNNE FRYE, trustees of the ROBERT  
AND LYNNE FRYE TRUST; ANN QUINN;  
CALVIN PHILIPS; DENNIS WOOD;  
FREDERICK KRAUSS; JOHN TOWNSEND  
III; DONALD HEYS; FRANK ARAGONA as  
manager of ARAGONA FAMILY LLC;  
DONALD BRYANT; ANN DRAPER-  
BRYANT; and WILLIAM ISENSTEIN  
*Objectors/Cross Appellants*

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OUTSIDE LEGAL COUNSEL PLC  
PHILIP L. ELLISON (P74117)  
Attorney for Objectors/Appellants  
PO Box 107  
Hemlock, MI 48626  
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**OBJECTORS-APPELLANTS' APPENDIX**

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**TABLE OF CONTENTS**

1. Lake Level Order (1926).....#1

2. Lake Level Order (1982).....#3

3. Order Granting Petition to Establish Lake Level .....#5

4. Review Order Regarding Winter Lake Level .....#7

5. Crawford County BOC Resolution re Higgins Lake SAD .....#9

6. Roscommon County BOC Resolution re Higgins Lake SAD .....#11

7. Meeting Minutes of Roscommon Cnty Bd of Comm'ners .....#13

8. Maps.....#19

9. Petition .....#22

10. Order Setting Hearing to Establish Lake Level SAD.....#26

11. Declaration of Greg Semack .....#28

12. Objections and Opposition by Certain Objectors.....#30

13. List of Objectors and 126 Concurring Objectors.....#47

14. Higgins Lake SAD Publication .....#173

15. Order, September 15, 2023.....#177

16. Transcript of Public Hearing, September 15, 2023.....#179

17. Part 307 Statute.....#326

In this case, it is ordered by the court now, the, that  
said case be continued until the next regular term of the court.

In the matter of the Petition of the Board  
of Supervisors of the County of Sacramento,  
and County of Crawford to determine  
and establish the natural height and  
level of the waters of Higgins Lake.

The petition of the above named Board of Supervisors  
of Sacramento and Crawford Counties having come on to be  
heard, after reading the same, and hearing the proofs in support  
thereof, and it appearing by the affidavits of D. Eugene Matthews,  
publisher of the Sacramento Herald News, and C. P. Schumann,  
publisher of the Crawford Advocate, that notice of the hearing  
of said petition was duly published as required by law; and  
it further appearing from the proofs adduced that the height  
and level of the water of said Higgins Lake as of June 30th, 1926,  
to-wit: 1161.70 feet according to the data of the Fargo Engineering  
Company, was the natural height and level of the waters of Higgins  
Lake;

Therefore, it is ordered and adjudged that the natural  
height and level of the waters of Higgins Lake is 1161.70  
feet as established June 30th, 1926.

9 o'clock.

Wm. H. Hays, Clerk

Wm. H. Hays, Clerk

Wm. H. Hays, Clerk

Proven True  
continued and  
on Thursday, 2

Present, the

Court of

Arthur S. S.

v.s.

E. C. Poppo

a judgment  
granted and  
Schiffers, at  
attorney for  
be deemed,

Circuit Court Journal 3

Thereupon court adjourned until Wednesday morning at 9 o'clock.

Read, approved and signed in open court.

Wm. Houghton  
Deputy Clerk

Guy E. Smith  
Circuit Judge

Regular term of the circuit court continued and held at the Court House in the Village of Rosemond on Wednesday, the 7th day of July A.D. 1926.

Present, the Hon. Guy E. Smith, Circuit Judge.

Court opened for business in due form.

After the transaction of certain chancery business.

Thereupon court adjourned until Thursday morning at 9 o'clock.

Read, approved and signed in open court.

The said Andrew J. Reed  
by filed, and the same  
of the said Chappman Shaw  
the sum of eight hundred  
(\$800.00) and also above  
in this behalf expended  
attorneys for the said  
and and adjourned  
and the Mue Company  
the damages so far as  
to be heard, and that  
execution thereof.

Court now here, that  
open term of this Court.

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF ROSCOMMON

IN THE MATTER OF THE WATER LEVEL OF  
HOUGHTON LAKE, HIGGINS LAKE AND  
LAKE ST. HELEN

File No: 81-3003-CF

ORDER

At a session of said Court held  
in the Courthouse in the Village  
of Roscommon, Roscommon County,  
State of Michigan, on the 24th  
day of February, 1982.

PRESENT: THE HONORABLE CARL L. HORN  
Circuit Judge

This cause having come on to be heard on the Petition to Establish  
Water Level of Houghton Lake, Higgins Lake and Lake St. Helen, heretofore  
filed in this cause on behalf of the Roscommon County Board of Commissioners;  
it appearing that proper notice was given to interested parties; this having  
heard testimony of behalf of the Michigan Department of Natural Resources  
and interested persons appearing at the public hearing on said petition;  
it appearing that the following order will provide the most benefit to the  
public and best protect the natural resources of the state, and preserve  
and protect the values of property developed around said lakes; and the  
Court being fully advised in the premises:

IT IS HEREBY ORDERED AND ADJUDGED that the legal level of Higgins Lake,  
Roscommon County, Michigan, heretofore established at 1154.11 feet above  
mean sea level, be continued; provided, however, that said level be lowered  
to a level not less than 1153.61 feet, commencing on or about November 1  
of each year, and restored to its legal level, commencing on or about April  
15, or ice-out, which ever shall first occur, in each year.

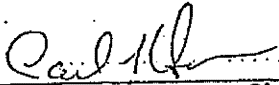
IT IS FURTHER ORDERED AND ADJUDGED that the legal level of Houghton  
Lake, Roscommon County, Michigan, heretofore established at 1138.1 feet  
above mean sea level, be continued; provided, however, that said level be  
lowered to a level not less than 1137.6 feet, commencing on or about  
November 1 of each year, and restored to its legal level, commencing on or  
about April 15, or ice-out, which ever shall first occur, in each year.

IT IS FURTHER ORDERED AND ADJUDGED that the legal level of Lake St.  
Helen, Roscommon County, Michigan, heretofore established at 1154.15 feet  
above mean sea level, be continued; provided, however, that said level be  
lowered to a level not less than 1153.65 feet, commencing on or about  
November 1 of each year, and restored to its legal level, commencing on or  
about April 15, or ice-out, which ever shall first occur, in each year.

STATE OF MICHIGAN }  
County of Roscommon } ss  
FILED THIS 19 DAY OF  
Mar A.D. 19 82  
ROBERT W. SMITH  
COUNTY CLERK  
BY William E. Baer  
DEPUTY

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IT IS FURTHER ORDERED AND ADJUDGED that, in adjusting the lake levels as herein provided, the person or persons responsible for such operations shall make every reasonable effort to take into consideration stream flows into the lake and projected snow melt runoff within the water shed, as well as providing a minimum release during refill operations.

  
\_\_\_\_\_  
CARL L. HORN, Circuit Judge

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Ex  
B

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF ROSCOMMON

IN RE THE WATER  
LEVEL OF HIGGINS LAKE

File No. 08-727580-CE

ROBERT W. BENNETT (P44262)  
Assistant Prosecuting Attorney for  
Roscommon County  
WILLIAM L. CAREY (P31602)  
Carey & Jaskowski, P.L.L.C.  
Attorneys for Petitioner

STATE OF MICHIGAN  
COUNTY OF ROSCOMMON  
CIRCUIT COURT  
2009 JAN 16 P 1:35  
COUNTY CLERK  
*David M. Bork*

**ORDER GRANTING PETITION TO  
ESTABLISH LAKE LEVEL**

At a session of said Court held in the Village of  
Roscommon, County of Roscommon, State of  
Michigan, this <sup>14<sup>th</sup></sup> 5<sup>th</sup> day of January, 2009.

PRESENT: HONORABLE MICHAEL J. BAUMGARTNER  
Circuit Court Judge

Upon a review of a certain petition filed to establish a winter lake level for Higgins Lake during the winter season of 2008/2009 only, and the Court having determined that the Petitioner is entitled to such relief pursuant to MCL 324.30701 et seq., and whereas all interested parties entitled to notice did receive notice, and whereas all interested parties in attendance concurred with the relief requested,

NOW THEREFORE IT IS HEREBY ORDERED AND ADJUDGED that the winter legal lake level for Higgins Lake for the winter season of 2008/2009 only is hereby established at a nine (9) inch deviation lower than the current established summer legal lake level for Higgins Lake.

All other orders and procedures in effect to maintain the legal lake level for Higgins Lake shall remain in full force and effect.

IT IS SO ORDERED:

Dated: 1-14-2009

*Michael J. Baumgartner*  
P23694  
Honorable Michael J. Baumgartner  
Circuit Court Judge  
FILED  
1

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Prepared and Approved by:  
ROBERT W. BENNETT (P44262)  
Assistant Prosecuting Attorney for  
Roscommon County  
WILLIAM L. CAREY (P31602)  
Carey & Jaskowski, P.L.L.C.  
Attorneys for Petitioner

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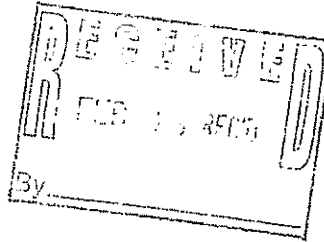
STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF ROSCOMMON

IN RE: THE WATER LEVEL  
OF HIGGINS LAKE

File No. 09-728211-CE

TRUE COPY

ROBERT W. BENNETT (P44262)  
Assistant Prosecuting Attorney for  
Roscommon County  
CAREY & JASKOWSKI, P.L.L.C.  
By: William L. Carey (P31602)  
Attorneys for Petitioner



*Handwritten signature*  
COUNTY CLERK

2012 FEB -7 P 1:07

STATE OF MICHIGAN  
COUNTY OF ROSCOMMON  
CIRCUIT COURT

REVIEW ORDER REGARDING WINTER LAKE LEVEL

At a session of said court held in the  
Village of Roscommon, County of Roscommon,  
State of Michigan  
on the 7<sup>th</sup> day of February, 2012.

PRESENT: Honorable Michael J. Baumgartner  
Circuit Court Judge

The Court having convened at a review hearing on November 7, 2011, to consider the continuation of a certain order entered in this matter on November 2, 2009; publication noting the opportunity for public comment having been placed in the legal news for Roscommon County; the court having reviewed the pleadings filed in this matter; the court having reviewed the written comments filed in response to the publication notice; the court having taken additional comment from those individuals in attendance at said hearing; and the court being otherwise fully advised:

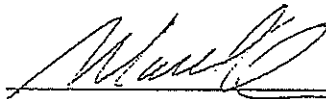
IT IS HEREBY ORDERED AND ADJUDGED that this court's order of November 2, 2009, shall be, and the same hereby is continued until April 1, 2014.

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IT IS FURTHER ORDERED that this court will not consider a request for additional extensions of the November 2, 2009, order unless this court is first presented with a credible environmental study supporting said request.

IT IS FURTHER ORDERED that any orders entered by this court to maintain the legal lake level for Higgins Lake shall remain in full force and effect to the extent said orders are not inconsistent with the instant order.

Dated: 2-7-12

  
Hon. Michael J. Baumgartner  
Circuit Court Judge

P23694

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**RESOLUTION**  
**Higgins Lake - Lake Level**  
**01122023 - HL**

WHEREAS, Higgins Lake, located in Beaver Creek Township, Crawford County, Michigan and Gerrish Township and Lyon Township, Roscommon County, Michigan, has a normal lake level established by the Roscommon County Circuit Court ("Circuit Court") under Part 307 of the Natural Resources and Environmental Protection Act ("Part 307"). See MCL 324.30701, *et seq.*; and;

WHEREAS, Part 307's primary mechanism to fund infrastructure and activities to maintain Higgins Lake's normal lake level is by special assessments using a lake level special assessment district established by the Circuit Court. See generally MCL 324.30714; and;

WHEREAS, Upon information and belief, Crawford County is unaware that a lake level special assessment district exists to fund infrastructure and activities to maintain Higgins Lake's normal lake level; and;

WHEREAS, based on the facts above, the Crawford County Board of Commissioners ("Board of Commissioners"), in coordination with Roscommon County, desires to establish and confirm the boundaries of a Higgins Lake - Lake Level Special Assessment District.

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

1. **Delegated Authority:** For consistency, the Crawford County Board of Commissioners affirms the Roscommon County Administrator/Controller as the delegated authority for the Higgins Lake - lake level under Part 307 ("Delegated Authority"). See MCL 324.30702(2).
2. **Over \$10,000 Expenditure:** The Board of Commissioners approves annual expenditures of over \$10,000 for activities related to Higgins Lake's normal level, including, but not limited to, establishing and confirming a lake level special assessment district including specifying its boundaries. MCL 324.30722(4).
3. **Services / File Petition:** The Delegated Authority may retain and utilize legal counsel and engineers to perform services related to preparing the boundaries of a recommended Higgins Lake - Lake Level Special Assessment District under Part 307, and any further services that are necessary related to maintaining the lake's normal lake level. Further, the Board of Commissioners specifically authorizes retained legal counsel to file a petition in the Roscommon County Circuit Court to take any action necessary to establish and confirm the boundaries of a lake level special assessment district for Higgins Lake. See MCL 324.30707(5) (Roscommon County Circuit Court has continuing jurisdiction).
4. **Costs of Activities:** All costs associated with the activities authorized above, including retaining all necessary consultants (legal counsel and engineers) shall be reimbursed by the lake level special assessment district to the extent permitted by Part 307.

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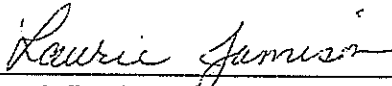
APPROVED AS TO FORM

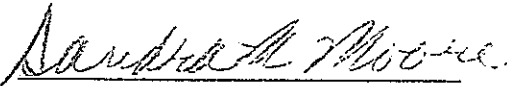
Commissioner Jamison	Yes	Commissioner McClain	Yes
Commissioner Frederick	Yes	Commissioner Powers	Yes
Commissioner Pinkelman	Absent	Commissioner Jansen	<del>Absent</del> Yes
	Commissioner Lewis	Yes	

ADOPTED DATE: January 12, 2023

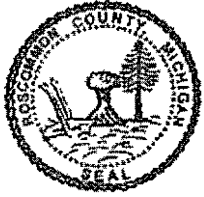
I, Sandra Moore, Clerk of the Crawford County Board of Commissioners and Clerk of the County of Crawford, do hereby certify that the above Resolution was duly adopted by the said Board on January 12, 2023.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County and Court at Grayling, Michigan, on this 12<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
Laurie Jamison, Chair  
Crawford County Board of Commissioners

  
\_\_\_\_\_  
Sandra M. Moore  
Clerk/ROD

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**Michelle M. Stevenson**

Roscommon County Clerk & Register of Deeds  
500 Lake Street, Roscommon, Michigan 48653  
Email: [stevensonm@roscommoncounty.net](mailto:stevensonm@roscommoncounty.net)  
Phone: (989) 275-5923 or (989) 275-5931  
Fax: (989) 275-8640

December 29, 2022

**“Motion by Russo, Second by Muckenthaler to adopt Resolution #2022-12-03 “Higgins Lake – Lake Level Special Assessment District.”**

**Resolution #2022-12-03  
“Higgins Lake – Lake Level Special Assessment District”**

**WHEREAS**, Higgins Lake, located in Gerrish Township and Lyon Township, Roscommon County, Michigan and Beaver Creek Township, Crawford County, Michigan, has a normal lake level established by the Roscommon County Circuit Court (“Circuit Court”) under Part 307 of the Natural Resources and Environmental Protection Act (“Part 307”). See MCL 324.30701, et seq.; and

**WHEREAS**, Part 307’s primary mechanism to fund infrastructure and activities to maintain Higgins Lake’s normal lake level is by special assessments using a lake level special assessment district established by the Circuit Court. See generally MCL 324.30714; and

**WHEREAS**, upon information and belief, Roscommon County is unaware that a lake level special assessment district exists to fund infrastructure and activities to maintain Higgins Lake’s normal lake level; and

**WHEREAS**, based on the facts above, the Roscommon County Board of Commissioners (“Board of Commissioners”) desires to establish and confirm the boundaries of a Higgins Lake – Lake Level Special Assessment District.

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

- 1. Delegated Authority:** The Roscommon County Administrator/Controller shall serve as the County’s delegated authority for Higgins Lake under Part 307 (“Delegated Authority”). See MCL 324.30702(2).
- 2. Over \$10,000 Expenditure:** The Board of Commissioners approves annual expenditures of over \$10,000 for activities related to Higgins Lake’s normal level, including, but not limited to, establishing and confirming a lake level special assessment district including specifying its boundaries. MCL 324.30722(4).
- 3. Services / File Petition:** The Delegated Authority may retain and utilize legal counsel and engineers to perform services related to preparing the boundaries of a recommended Higgins Lake – Lake Level Special Assessment District under Part 307, and any further services that are necessary related to maintaining the lake’s normal lake level. Further, the Board of Commissioners specifically authorizes retained legal counsel to file a petition in the Roscommon County Circuit Court to take any action necessary to establish and confirm the boundaries of a lake level special assessment district for Higgins Lake. See MCL 324.30707(5) (Roscommon County Circuit Court has continuing jurisdiction).

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4. **Crawford County:** Upon approval of this Resolution, the Delegated Authority may direct retained legal counsel to assist the Crawford County Board of Commissioners with passing any resolutions or other activities to perform the actions authorized in this Resolution.
5. **Costs of Activities:** All costs associated with the activities authorized above, including retaining all necessary consultants (legal counsel and engineers) shall be reimbursed by the lake level special assessment district to the extent permitted by Part 307.”

On Roll Call: Ayes: Schneider, Muckenthaler, Russo, Milburn. Nays: None. Resolution Adopted.

State of Michigan        }  
 County of Roscommon}

I, Michelle M. Stevenson, Clerk of the Board of County Commissioners for the County of Roscommon do hereby certify that the above is a true and correct copy of a resolution adopted by the Roscommon County Board of Commissioners at a regular session held on December 21, 2022. That I have compared the same with the original and it is a copy transcript therefrom, and of the whole thereafter.



In testimony whereof, I have hereunto set my hand and affixed the official seal at Roscommon, Michigan on December 29, 2022.

*Michelle M. Stevenson*

Michelle M. Stevenson  
 Clerk of the Board of County Commissioners

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December 21, 2022

The Roscommon County Board of Commissioner's met on Wednesday, December 21, 2022, for a Regular Meeting. The meeting was held at the Roscommon County Municipal Building, 500 Lake Street, Roscommon, MI 48653. Chairman Robert E. Schneider called the meeting to order at 10:00 a.m.

The Pledge of Allegiance to the Flag of the United States of America was recited.

**Present:** Robert E. Schneider, Timothy Muckenthaler, Marc J. Milburn, David Russo

**Absent:** Kenneth Melvin

Motion by Milburn, Second by Russo to approve the Board Agenda with addition of Motion #11.  
On Roll Call: Ayes: Milburn, Schneider, Muckenthaler, Russo. Nays: None. Motion Carried.

Motion by Muckenthaler, Second by Russo to approve Class A in the amount of \$437,209.87.  
On Roll Call: Ayes: Russo, Milburn, Muckenthaler, Schneider. Nays: None. Motion Carried.

Motion by Schneider, Second by Muckenthaler to approve Claims & Accounts in the amount of \$188,497.70.  
On Roll Call: Ayes: Schneider, Milburn, Russo, Muckenthaler. Nays: None. Motion Carried.

**Public Comment:** Eric Ostergren spoke regarding Higgins Lake lake level. Rebecca Yuncker spoke regarding her appreciation to the Board, Community and other agencies for their support of the NMCAC.

**Administrator/Controller's Report:** Lawsuit update: Kurich v Roscommon County Treasurer – no change, CHLL v Roscommon County-Supreme Court accepting briefs, Ostergren v Schneider & Roscommon BOC – no change, Ostergren v Schneider et al – no change, Ostergren et al v Melvin – no change, Opioid Suit – all participating local governments would have received their first payments and likely second payments had it not been for Ottawa County's lawsuit that challenges the settlement, Ostergren v Board of Canvassers et al – no change. There were no Legislative Updates.

**Correspondence:**

- A. Mary A. Beebe – Retirement letter effective 12/17/2022
- B. Ken Melvin – Higgins Lake Level Control Structure
- C. Consumers Energy – 12/09/2022 Email and Winter Heating Bills News Release
- D. MSUE – December 2022 Programs
- E. Michigan Association of Counties – 12/09/2022 Legislative Update.

**Monthly Department Reports:**

- A. Sheriff Department – November 2022 Activity and Village Reports

**Visitors:** Mike Edwards, Prosecutor introduced himself and his secretary.

**Unfinished Business/New Business – None**

**Motions/Resolutions**

1. **Motion by Milburn, Second by Muckenthaler to adopt Resolution #2022-12-01 and Resolution #2022-12-02 naming JoJean Thompson and Rebecca Yuncker as 2022 Co-Persons of the Year:**

**Resolution #2022-12-01  
Resolution of Tribute for JoJean Thompson  
Roscommon County of Co-Person of the Year 2022**

**WHEREAS**, JoJean Thompson of Houghton Lake has been a resident of Roscommon County for 31 years, choosing to raise her family and practice her faith in the Houghton Lake area; and

**WHEREAS**, JoJean Thompson has dedicated innumerable hours and years of her residency volunteering within our communities and providing support to numerous nonprofit services and is passionate in her support of combatting social issues such as substance abuse, youth early intervention and homelessness; and

**WHEREAS**, she has served as Board Member and Chairperson for countless programs such as the Lion's Club, Roscommon County Ministerial and Non-Profit Coalition, Roscommon County and Ogemaw County Drug Free Coalition, Crawford/Roscommon Suicide Prevention Coalition, and Roscommon County American Rescue Plan Committee; and

**WHEREAS**, JoJean Thompson has participated and continue to participate in the Michigan State Police Angel Program, Michigan State Police Community Crisis Management Team, Houghton Lake

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Community Schools after school kids clubs and works full time with Up North Prevention to promote and instruct in the prevention of all substance abuse disorders; and

**WHEREAS**, her desire to improve social economics within Roscommon County drove her to found both the Artesia Youth Park and Community Center as well as the Oasis of Hope House for homeless families and individuals; and

**WHEREAS**, JoJean’s desire to improve her community, coupled with her can-do attitude and outstanding work ethic have created a lasting impact on Roscommon County and provided opportunities for those less fortunate makes her a noteworthy resident of the county.

**NOW THEREFORE BE IT RESOLVED**, that JoJean Thompson of Roscommon County, Michigan be honored, bestowed and awarded the Roscommon County Co-Person of the Year Award for 2022.

**Resolution #2022-12-02-02  
Resolution of Tribute for Rebecca Yuncker  
Roscommon County of Co-Person of the Year 2022**

**WHEREAS**, Rebecca Yuncker and her family chose to relocate to Houghton Lake in 2011, purchasing The Crest Resort to create a family friendly business that would allow for community involvement and participation; and

**WHEREAS**, upon relocating to the area Rebecca quickly became entrenched in the community and county, becoming an active member of the Houghton Lake Rotary Club and earning recognition as a Paul Harris Fellow for her contributions to Rotary; and

**WHEREAS**, Rebecca chose to utilize her higher education in child development and counseling to volunteer as a Victims Advocate for the Roscommon County Sheriff’s Office Victim Services Unit, where her expertise, knowledge and empathy were quickly utilized to assist with interviewing children that were disclosing abuse; and

**WHEREAS**, her fifteen years of experience as a child forensic interviewer coupled with her tenacity and passion for assisting children within our county quickly led to a vision of creating a Children’s Assessment Center to serve suspected victims of child abuse; and

**WHEREAS**, Rebecca Yuncker, utilizing her acumen, integrity and entrepreneurial spirit, worked with local law enforcement to create her vision, founding the Northern Michigan Children’s Assessment Center in October 2014; and

**WHEREAS**, the Northern Michigan Children’s Assessment Center, under the direction of Rebecca Yuncker, now provides child forensic interviews, advocacy, medicals and mental health services to children and families of six counties, ensuring the reduction in trauma for children abused and/or neglected; and

**WHEREAS**, the same characteristics and traits displayed by Rebecca Yuncker in creating, growing and sustaining the Northern Michigan Children’s Assessment Center: community orientation; intelligence; empathy and courage, are core to those deserving of the title Person of the Year.

**NOW THEREFORE BE IT RESOLVED**, that Rebecca Yuncker of Roscommon County, Michigan be honored, bestowed and awarded the Roscommon County Co-Person of the Year Award for 2022.

On Roll Call: Ayes: Schneider, Milburn, Russo, Muckenthaler. Nays: None. Resolutions Adopted.

**2. Motion by Russo, Second by Muckenthaler to adopt Resolution #2022-12-03 “Higgins Lake – Lake Level Special Assessment District.”**

**Resolution #2022-12-03  
“Higgins Lake – Lake Level Special Assessment District”**

**WHEREAS**, Higgins Lake, located in Gerrish Township and Lyon Township, Roscommon County, Michigan and Beaver Creek Township, Crawford County, Michigan, has a normal lake level established by the Roscommon County Circuit Court (“Circuit Court”) under Part 307 of the Natural Resources and Environmental Protection Act (“Part 307”). See MCL 324.30701, et seq.; and

**WHEREAS**, Part 307’s primary mechanism to fund infrastructure and activities to maintain Higgins Lake’s normal lake level is by special assessments using a lake level special assessment district established by the Circuit Court. See generally MCL 324.30714; and

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**WHEREAS**, upon information and belief, Roscommon County is unaware that a lake level special assessment district exists to fund infrastructure and activities to maintain Higgins Lake’s normal lake level; and

**WHEREAS**, based on the facts above, the Roscommon County Board of Commissioners (“Board of Commissioners”) desires to establish and confirm the boundaries of a Higgins Lake – Lake Level Special Assessment District.

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

- 1. Delegated Authority:** The Roscommon County Administrator/Controller shall serve as the County’s delegated authority for Higgins Lake under Part 307 (“Delegated Authority”). See MCL 324.30702(2).
- 2. Over \$10,000 Expenditure:** The Board of Commissioners approves annual expenditures of over \$10,000 for activities related to Higgins Lake’s normal level, including, but not limited to, establishing and confirming a lake level special assessment district including specifying its boundaries. MCL 324.30722(4).
- 3. Services / File Petition:** The Delegated Authority may retain and utilize legal counsel and engineers to perform services related to preparing the boundaries of a recommended Higgins Lake – Lake Level Special Assessment District under Part 307, and any further services that are necessary related to maintaining the lake’s normal lake level. Further, the Board of Commissioners specifically authorizes retained legal counsel to file a petition in the Roscommon County Circuit Court to take any action necessary to establish and confirm the boundaries of a lake level special assessment district for Higgins Lake. See MCL 324.30707(5) (Roscommon County Circuit Court has continuing jurisdiction).
- 4. Crawford County:** Upon approval of this Resolution, the Delegated Authority may direct retained legal counsel to assist the Crawford County Board of Commissioners with passing any resolutions or other activities to perform the actions authorized in this Resolution.
- 5. Costs of Activities:** All costs associated with the activities authorized above, including retaining all necessary consultants (legal counsel and engineers) shall be reimbursed by the lake level special assessment district to the extent permitted by Part 307.

On Roll Call: Ayes: Schneider, Muckenthaler, Russo, Milburn. Nays: None. Resolution Adopted.

**3. Motion by Milburn, Second by Schneider to adopt Resolution 2022-12-04 “Lake St. Helen – Lake Level Special Assessment District.”**

**Resolution #2022-12-04  
“Lake St. Helen – Lake Level Special Assessment District”**

**WHEREAS**, Lake St. Helen, located in Higgins Township and Richfield Township, Roscommon County, Michigan has a normal lake level established by the Roscommon County Circuit Court (“Circuit Court”) under Part 307 of the Natural Resources and Environmental Protection Act (“Part 307”). See MCL 324.30701, et seq.; and

**WHEREAS**, Part 307’s primary mechanism to fund infrastructure and activities to maintain Lake St. Helen’s normal lake level is by special assessments using a lake level special assessment district established by the Circuit Court. See generally MCL 324.30714; and

**WHEREAS**, upon information and belief, Roscommon County is unaware that a lake level special assessment district exists to fund infrastructure and activities to maintain Lake St. Helen’s normal lake level; and

**WHEREAS**, based on the facts above, the Roscommon County Board of Commissioners desires to establish and confirm the boundaries of a Lake St. Helen – Lake Level Special Assessment District.

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

- 1. Delegated Authority:** The Roscommon County Administrator/Controller shall serve as the County’s delegated authority for Lake St. Helen under Part 307 (“Delegated Authority”). See MCL 324.30702(2).
- 2. Over \$10,000 Expenditure:** The County Board of Commissioners approves annual expenditures of over \$10,000 for activities related to Lake St. Helen’s normal level, including, but not limited to, establishing and confirming a lake level special assessment district including specifying its boundaries. MCL 324.30722(4).
- 3. Services / File Petition:** The Delegated Authority may retain and utilize legal counsel and engineers to perform services related to preparing the boundaries of a recommended Lake St. Helen – Lake Level Special Assessment District under Part 307, and any further services that are necessary related

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to maintaining the lake's normal lake level. Further, the Board of Commissioners specifically authorizes retained legal counsel to file a petition in the Roscommon County Circuit Court to take any action necessary to establish and confirm the boundaries of a lake level special assessment district for Lake St. Helen. See MCL 324.30707(5) (Roscommon County Circuit Court has continuing jurisdiction).

- 4. Costs of Activities:** All costs associated with the activities, including retaining all necessary consultants (legal counsel and engineers) to establish and confirm the boundaries of a Lake St. Helen – Lake Level Special Assessment District authorized above shall be reimbursed by the lake level special assessment district to the extent permitted by Part 307.

On Roll Call: Ayes: Schneider, Muckenthaler, Russo, Milburn. Nays: None. Resolution Adopted.

- 4. Motion by Muckenthaler, Second by Russo to adopt Resolution 2022-12-05 “Houghton Lake – Approval of Lake Level Study.”**

**Resolution #2022-12-05  
“Houghton Lake-Approval of Lake Level Study”**

**WHEREAS**, on June 8, 2022, the Roscommon County Board of Commissioners passed Resolution #2022-06-01, which, among other things, authorized an engineering firm to prepare a study and perform related activities to determine whether to amend the normal level of Houghton Lake; and

**WHEREAS**, the engineering firm Spicer Group, Inc. (“Spicer”) will prepare a proposal (“Proposal”), as discussed at this meeting, for an initial process to study the lake level of Houghton Lake to investigate whether to amend the normal level of Houghton Lake as well as to engage stakeholder input; and

**WHEREAS**, the County Board of Commissioners directs Houghton Lake’s Delegated Authority (the County Controller) to execute the Proposal and to begin activities to investigate the necessity for any amendment of the normal level of Houghton Lake in the Roscommon County Circuit Court.

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

- 1. Authority:** As Delegated Authority for Houghton Lake’s Lake level, the County Controller may negotiate and execute the Proposal with Spicer on behalf of the Board of Commissioners. Once executed, Spicer shall begin work pursuant to the Proposal.
- 2. Costs of Activities:** All costs associated with the activities in the Proposal above, shall be reimbursed by a lake level special assessment district to the extent permitted by Michigan law. To the extent necessary, the Delegated Authority may annually expend more than \$10,000 under MCL 324.30722(4) for activities related to the normal level of Houghton Lake including the above.

On Roll Call: Ayes: Russo, Milburn, Schneider, Muckenthaler. Nays: None. Resolution Adopted.

- 5. Motion by Russo, Second by Milburn to adopt Resolution 2022-12-06 “Houghton Lake – Special Assessment District Lake Level Project Progression and Funding.”**

**Resolution #2022-12-06  
“Houghton Lake – Special Assessment District Lake Level Project Progression and Financing”**

**WHEREAS**, pursuant to Part 307 of Act 451, Public Acts of Michigan, 1994, as amended (“Part 307”), the Roscommon County Circuit Court, (i) at a session held on February 24, 1982 established the normal lake level of Houghton Lake in the County of Roscommon to be 1,138.1 feet, provided, however, that said level be lowered to a level of not less than 1,137.6 feet from November 1 of each year until April 15, or ice-out, which ever shall first occur; and (ii) at a session held on December 8, 2022 established the boundaries of the Houghton Lake – Lake Level Special Assessment District (the “Special Assessment District”) for the purpose of financing lake level improvements and activities necessary to establish and maintain the lake level of Houghton Lake; and

**WHEREAS**, the Roscommon County Board of Commissioners has appointed the Roscommon County Administrator/Controller (the “Administrator”) as the “delegated authority” within the meaning of Part 307 to take such actions as are necessary to maintain the normal level of Houghton Lake; and

**WHEREAS**, it is necessary for the Administrator as delegated authority to undertake a lake level project for the Special Assessment District in order to maintain the normal level of Houghton Lake.

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

- 1.** The Special Assessment District shall be designated and hereafter referred to as the “Houghton Lake – Lake Level Special Assessment District.”

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2. The appointment of the Administrator as the “delegated authority” within the meaning of Part 307 and the actions of the Administrator as delegated authority to date are all ratified and confirmed.
3. As delegated authority, the Administrator is authorized to undertake the design, acquisition and construction of a lake level project for Houghton Lake.
4. As delegated authority, the Administrator may retain legal counsel to perform services related to maintaining the normal level of Houghton Lake and work necessary or desirable for the lake level project.
5. As delegated authority, the Administrator is expressly authorized to retain an engineering firm to perform services related to maintaining Houghton Lake’s normal level, including, without limitation all services necessary for the lake level project.
6. The Board of Commissioners authorizes the Administrator to retain municipal finance counsel and a registered municipal advisor to assist the Special Assessment District in borrowing funds to pay the interim costs of the project incurred prior to the time long term financing is obtained for the lake level project.
7. All costs associated with the activities authorized above shall be reimbursed by a lake level special assessment to be levied by the Special Assessment District to the extent permitted by Part 307 upon proper proceeding to approve and confirm a special assessment roll, and/or bonds issued by the Special Assessment District to which the Board of Commissioners, by a two-thirds (2/3) vote of its members elect, will be asked to pledge the full faith and credit of the County of Roscommon at such time as the special assessment roll for the lake level project is approved.
8. The Chairperson of the Board, the Administrator, the County Clerk, the County Treasurer and any other official of the County, or any one or more of them (“Authorized Officers”), are authorized and directed to take all actions necessary or desirable for the issuance of the interim financing and to execute any documents or certificates necessary to complete the issuance of the interim financing.
9. The Special Assessment District may proceed to acquire and construct the lake level project using available funds. At such time as the Special Assessment District issues the Bonds for the long-term financing of the Improvements, the expenditures for the lake level project shall be reimbursed out of the proceeds of the bonds. This resolution and the expression of intent to seek reimbursement from future proceeds of the interim financing and the special assessment bonds is intended to satisfy the requirements of Section 150 of the Internal Revenue Code of 1986, as amended and up.
10. All resolutions and parts of resolutions insofar as the same may be in conflict herewith are hereby rescinded.

On Roll Call: Ayes: Schneider, Muckenthaler, Milburn, Russo. Nays: None. Resolution Adopted.

6. **Motion by Schneider, Second by Muckenthaler to approve the appointment of Wendy Durocher to the Brownfield Redevelopment Authority Board for a 3-year term, beginning 11/01/2022 through 10/31/2025.**

On Roll Call: Ayes: Schneider, Muckenthaler, Milburn, Russo. Nays: None. Motion Carried.

7. **Motion by Milburn, Second by Schneider to approve the re-appointment of Michael B. Briggs as board member to the Brownfield Redevelopment Authority Board for a 3-year term, beginning 11/01/2022 through 10/31/2025**

On Roll Call: Ayes: Schneider, Muckenthaler, Milburn, Russo. Nays: None. Motion Carried.

8. **Motion by Schneider, Second by Russo to reallocate \$90,000 of previously awarded ARPA funds for the Economic Development Streetscape and Dreams for Sale Programs, to the Economic Development General Operations.**

On Roll Call: Ayes: Schneider, Muckenthaler, Milburn, Russo. Nays: None. Motion Carried.

9. **Motion by Russo, Second by Milburn to approve the 2022 General Fund Budget Adjustment for a total of \$691,500.65.**

On Roll Call: Ayes: Schneider, Muckenthaler, Milburn, Russo. Nays: None. Motion Carried.

10. **Motion by Schneider, Second by Milburn to approve the 2022 Special Fund Budget Adjustment for a total of \$3,528,076.48.**

On Roll Call: Ayes: Muckenthaler, Russo, Schneider, Milburn. Nays: None. Motion Carried.

11. **Motion by Russo, Second by Milburn to allocate \$5,000.00 of remaining American Rescue Plan Funds to the Roscommon County Food Pantry for the purpose of obtaining additional food stores for distribution.**

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On Roll Call: Ayes: Muckenthaler, Russo, Schneider, Milburn. Nays: None. Motion Carried.

**Committee Reports:**

Russo: No Report

Melvin: Absent

Schneider: Health Department

Milburn: Health Department

Muckenthaler: Animal Control, Claims & Accounts

**Public Comment:** Eric Ostergren spoke regarding Higgins Lake Level. Clerk Stevenson informed Board that the Clerk/ROD office is accepting phone calls and hope to remove appointment requirement by Jan 1, 2023.

Motion by Milburn, Second by Russo to adjourn meeting. All Ayes. Motion Carried.

Meeting adjourned at 11:16 a.m.

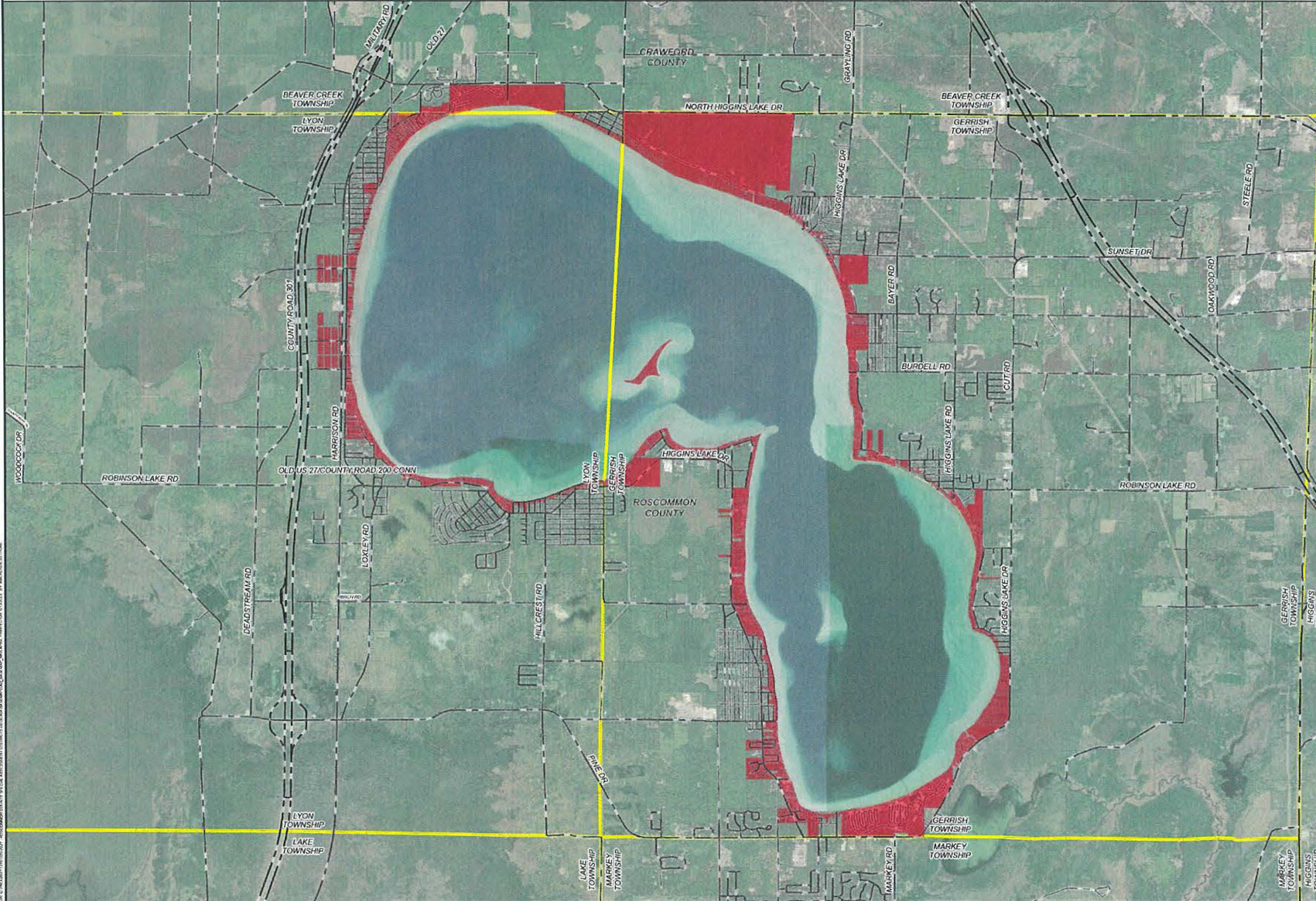
\_\_\_\_\_  
Robert E. Schneider, Chairman

\_\_\_\_\_  
Michelle M. Stevenson, County Clerk/Reg. Of Deeds

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# PROPOSED SPECIAL ASSESSMENT DISTRICT HIGGINS LAKE LEGAL LAKE LEVEL

ROSCOMMON COUNTY AND CRAWFORD COUNTY, MICHIGAN



AREA MAP  
NOT TO SCALE



**LEGEND**

PROPOSED SAD

BY	MARK	REVISIONS	DATE

HIGGINS LAKE  
ROSCOMMON COUNTY AND CRAWFORD COUNTY  
MICHIGAN

PROPOSED  
SPECIAL ASSESSMENT DISTRICT

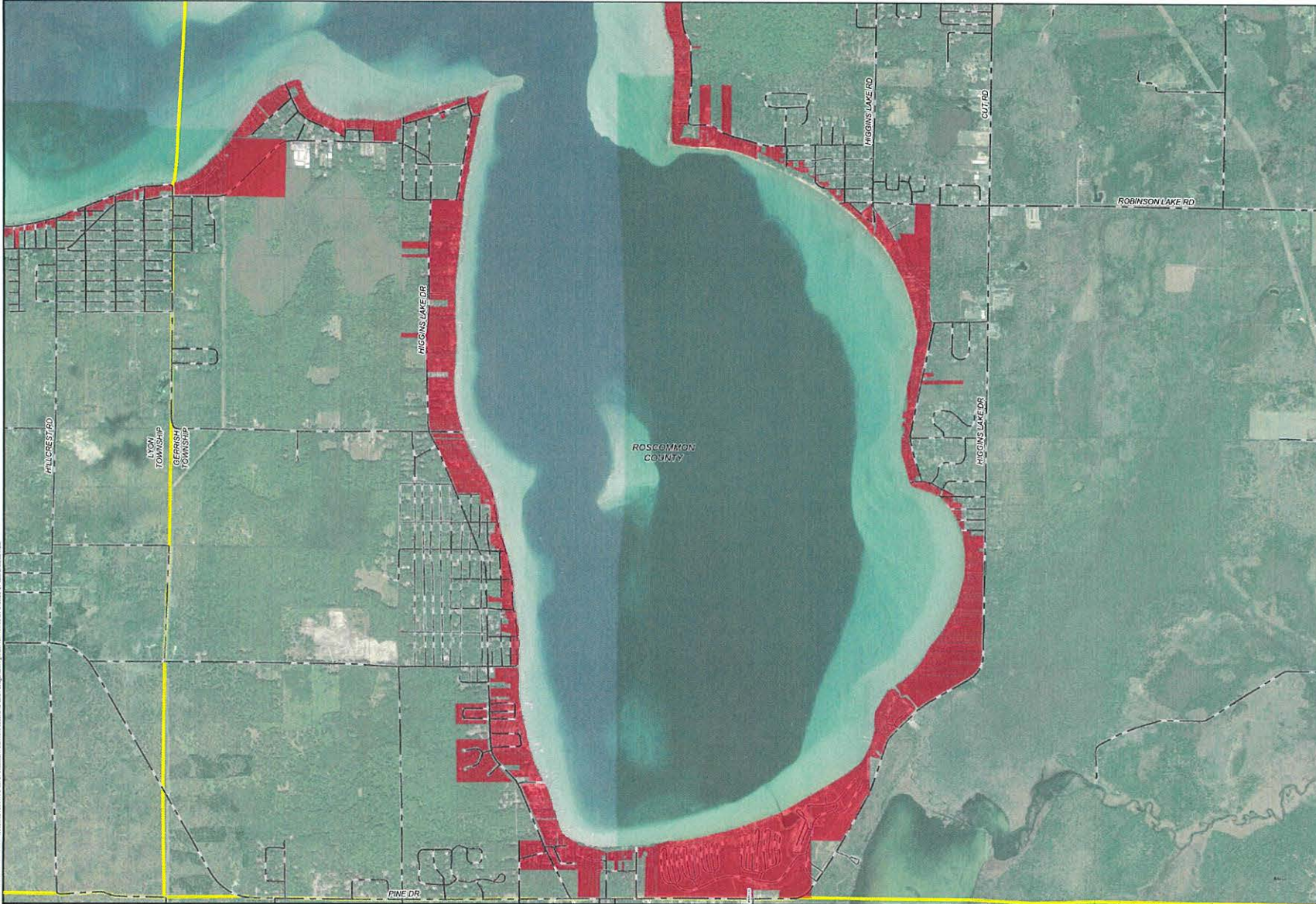
**Spicer group** SACRAMENTO OFFICE  
231 N. Washington Ave  
Sacramento, CA 95811  
www.SpicerGroup.com

DE BY: MKB	CH BY: LDD	PROJECT NO:
DR BY: MKB	APP BY: ADC	131618SG2021
STDS:	SHEET:	OF:
DATE: JUNE 2023	FILE NO: DR-4373	
SCALE: 1"=24,000'		

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# PROPOSED SPECIAL ASSESSMENT DISTRICT HIGGINS LAKE LEGAL LAKE LEVEL

ROSCOMMON COUNTY AND CRAWFORD COUNTY, MICHIGAN



AREA MAP  
NOT TO SCALE



**LEGEND**

PROPOSED SAD

BY	MARK	REVISIONS	DATE

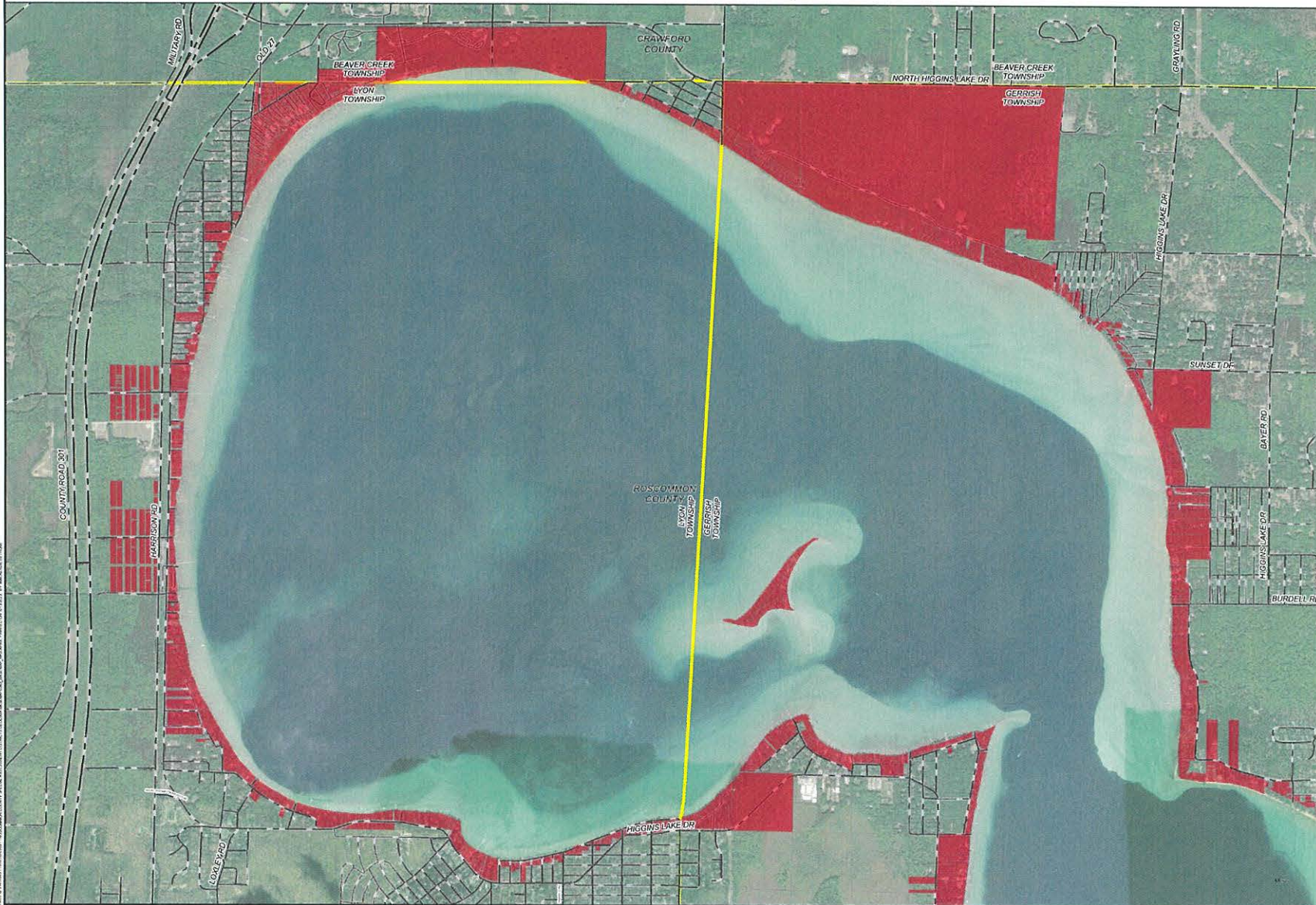
HIGGINS LAKE  
ROSCOMMON COUNTY AND CRAWFORD COUNTY,  
MICHIGAN

**PROPOSED  
SPECIAL ASSESSMENT DISTRICT**

**Spicer group**  
SACRAMENTO OFFICE  
2315 Westinghouse Ave  
Sacramento, CA 95833  
www.spicergroup.com

DE BY: AMB	DR BY: AMB	CH BY: LDO	APP BY: NDC	PROJECT NO: 131618SG2021
STDS:	DATE: JUNE 2023	SHEET: 1	OF: 1	DR
SCALE: 1:12,500	FILE NO: DR-4373			

# PROPOSED SPECIAL ASSESSMENT DISTRICT HIGGINS LAKE LEGAL LAKE LEVEL ROSCOMMON COUNTY AND CRAWFORD COUNTY, MICHIGAN



AREA MAP  
NOT TO SCALE



**LEGEND**

PROPOSED SAD

BY	MARK	REVISIONS	DATE

HIGGINS LAKE  
ROSCOMMON COUNTY AND CRAWFORD COUNTY,  
MICHIGAN

PROPOSED  
SPECIAL ASSESSMENT DISTRICT

**Spicer group**  
SOUTHAN OFFICE  
200 S. Washington Ave  
Saginaw, MI 48607  
tel: 989.254.4177  
www.spicergroup.com

DE BY: MKB	CH BY: LDD	PROJECT NO:
DR BY: MKB	APP BY: NDC	13161SSG2021
STDS:	SHEET OF	DR
DATE: JUNE 2023	FILE NO: DR-4373	
SCALE: 1"=2,000'		

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STATE OF MICHIGAN

IN THE 34<sup>th</sup> CIRCUIT COURT FOR THE COUNTY OF ROSCOMMON

IN RE HIGGINS LAKE, LOCATED IN  
ROSCOMMON COUNTY AND  
CRAWFORD COUNTY, MICHIGAN

HON. ROBERT W. BENNETT

Case No. 23-72644-13-CZ

Stacy L. Hissong (P55922)  
Kyle A. O'Meara (P83075)  
Amanda J. Knutson (P85668)  
*Fahey Schultz Burzych Rhodes PLC*  
Attorneys for Roscommon County  
4151 Okemos Road  
Okemos, Michigan 48864  
(517) 381-0100

STATE OF MICHIGAN  
COUNTY OF ROSCOMMON  
34TH CIRCUIT COURT  
2023 JUN 14 AM 8:21  
MICHELLE HISSONG  
COUNTY CLERK

**PETITION TO ESTABLISH LAKE LEVEL SPECIAL ASSESSMENT DISTRICT AND  
CONFIRM SPECIAL ASSESSMENT DISTRICT BOUNDARIES FOR HIGGINS LAKE**

NOW COMES ROSCOMMON COUNTY AND CRAWFORD COUNTY, by and through the ROSCOMMON COUNTY ADMINISTRATOR/CONTROLLER, as the delegated authority under the provisions of Part 307 of the Natural Resources and Environmental Protection Act, MCL 324.30701 *et seq.*, ("Part 307") for the normal level of Higgins Lake through their attorneys, FAHEY SCHULTZ BURZYCH RHODES PLC, and files this Petition, respectfully stating as follows:

1. Higgins Lake is an inland lake, located in Gerrish and Lyon Townships, Roscommon County, and Beaver Creek Township, Crawford County, Michigan.
2. On February 24, 1982, this Court entered an Order specifying the current legal lake level (normal level) for Higgins Lake ("1982 Order") at 1154.11 feet above mean sea level, but providing that the County may lower such level to a level not less than 1153.61 feet during the

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2. On February 24, 1982, this Court entered an Order specifying the current legal lake level (normal level) for Higgins Lake (“1982 Order”) at 1154.11 feet above mean sea level, but providing that the County may lower such level to a level not less than 1153.61 feet during the winter. Relevant Higgins Lake lake level orders, including the 1982 Order, are attached as **Exhibit 1**.<sup>1</sup>

3. Upon information and belief, there are no records in the proceedings resulting in the 1982 Order, in prior lake level orders, or otherwise possessed by Roscommon County indicating that a special assessment district has ever been formally established or confirmed consistent with Part 307 to levy assessments against properties for the costs associated with the maintenance of the established lake level for Higgins Lake.

4. Part 307’s primary mechanism to fund maintenance, repairs, and improvements to infrastructure necessary to maintain a normal lake level is special assessments to properties within a lake level special assessment district boundary. See e.g., MCL 324.30714 and MCL 324.30711.

5. Upon resolution of the county board of commissioners, MCL 324.30704 allows counsel selected by a county to initiate a petition to establish a lake level special assessment district if the county board of commissioners determines that one is necessary. MCL 324.30707(5) gives this Court the authority to confirm the special assessment district boundaries.

6. On December 21, 2022, the Roscommon County Board of Commissioners adopted a resolution (“Roscommon County Resolution”) directing retained legal counsel to institute circuit court proceedings to establish a special assessment district for Higgins Lake. The Roscommon County Resolution is attached as **Exhibit 2**.

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<sup>1</sup> Upon information and belief from files reviewed by Roscommon County, there have been various actions in this Court related to setting the legal level of Higgins Lake, including: (1) 1926 Order setting lake level; (2) 1982 Order setting lake level; (3) 2009 Order setting winter level for 2008/2009 only; and (4) 2012 Order continuing 2009 Order through April 1, 2014.

7. On January 12, 2023, the Crawford County Board of Commissioners adopted a resolution (“Crawford County Resolution”) directing retained legal counsel to institute circuit court proceedings to establish a special assessment district for Higgins Lake. The Crawford County Resolution is attached as **Exhibit 3**.

8. Roscommon County retained the engineering firm Spicer Group, Inc. to prepare a recommendation for a Higgins Lake – Lake Level Special Assessment District under MCL 324.30707(5).

9. To ensure stakeholder input and public transparency during the process to establish the boundaries of a Higgins Lake – Lake Level Special Assessment District, Roscommon County has performed various voluntary activities including: (1) an informational meeting with township and local officials from public bodies around Higgins Lake; (2) a public webinar and in-person attendance at township meetings to explain the court hearing process; (3) creating a website to provide the public information regarding the court hearing process; (4) creating a call-in line and central e-mail address to help answer questions from the public before the court hearing; and (5) creating and mailing a public survey to property owners related to the proposed special assessment district boundaries, among other things.

10. A copy of the map depicting Spicer Group, Inc.’s tentative recommended special assessment district boundaries is attached as **Exhibit 4**. The County is continuing to receive input from stakeholders and may make slight changes to the tentative recommended special assessment district boundaries prior to the hearing based on further input from property owners and stakeholders. However, landowners within the final recommended special assessment district boundaries will be notified of the hearing as required under Part 307. See MCL 324.30707.

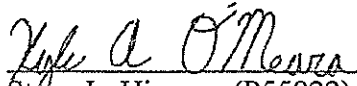
**WHEREFORE**, Petitioner requests that this Honorable Court take the following actions:

1. Fix a date for a public hearing on this Petition pursuant to MCL 324.30707 and direct Petitioner to give notice of the hearing as provided by law. A proposed order setting hearing is attached as **Exhibit 5**; and
2. Following the hearing, enter an Order Establishing the Special Assessment District and Confirming the Special Assessment District Boundaries for Higgins Lake.

Respectfully submitted,

Fahey Schultz Burzych Rhodes PLC  
Attorneys for Roscommon County

Dated: June 12, 2023

  
\_\_\_\_\_  
Stacy L. Hissong (P55922)  
Kyle A. O'Meara (P83075)  
Amanda J. Knutson (P85668)  
4151 Okemos Road  
Okemos, Michigan 48864  
(517) 381-0100

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STATE OF MICHIGAN

IN THE 34<sup>th</sup> CIRCUIT COURT FOR THE COUNTY OF ROSCOMMON

IN RE HIGGINS LAKE, LOCATED IN  
ROSCOMMON COUNTY AND  
CRAWFORD COUNTY, MICHIGAN

HON. ROBERT W. BENNETT

Case No. 23-726443-CZ

Stacy L. Hissong (P55922)  
Kyle A. O'Meara (P83075)  
Amanda J. Knutson (P85668)  
*Fahey Schultz Burzych Rhodes PLC*  
Attorneys for Roscommon County  
4151 Okemos Road  
Okemos, Michigan 48864  
(517) 381-0100

STATE OF MICHIGAN  
COUNTY OF ROSCOMMON  
34TH CIRCUIT COURT  
2023 JUN 16 PM 2:04  
MICHELLE HISSONG  
COUNTY CLERK

**ORDER SETTING HEARING TO ESTABLISH LAKE LEVEL SPECIAL  
ASSESSMENT DISTRICT AND CONFIRM SPECIAL ASSESSMENT DISTRICT  
BOUNDARIES FOR HIGGINS LAKE**

At a session of said Court, held in the Roscommon  
County Circuit Court, State of Michigan, this 16<sup>th</sup>  
day of June, 2023.

PRESENT: **HON. ROBERT W. BENNETT P44262**  
**34<sup>th</sup> Circuit Court Judge**

On reading of the filed Petition to Establish Lake Level Special Assessment District and  
Confirm Special Assessment District Boundaries for Higgins Lake:

**IT IS HEREBY ORDERED** that a hearing shall take place before this Court in the  
courtrooms located at 500 Lake Street, Roscommon, MI 48653-7690, at 9:30 a.m./p.m. on  
9-15, 2023, to receive evidence for establishing and confirming the boundaries of  
(September 15, 2023)

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FILE  
Appendix #26

a lake level special assessment district for Higgins Lake, consistent with the provisions of MCL 324.30707.

**IT IS FURTHER ORDERED** that Roscommon County and Crawford County shall give notice of this hearing by publication in one or more newspapers of general circulation in each Roscommon County and Crawford County, and the notice shall be published at least once each week for three successive weeks before the date set for the hearing as provided in MCL 324.30707(1).

**IT IS FURTHER ORDERED** that Roscommon County and Crawford County shall serve a copy of the published notice of hearing by first-class mail at least three weeks prior to the date set for the hearing to each person whose name appears upon the latest township tax assessment roll as owning land within the tentative special assessment district at the address shown on the roll and to the county and each township included in the tentative special assessment district as provided in MCL 324.30707(2).

**IT IS FURTHER ORDERED** that Roscommon County and Crawford County shall provide notice of the hearing to the Michigan Department of Environment, Great Lakes, and Energy at least 21 days prior to the hearing as provided in MCL 324.30707(3).



6.16.23

**HON. ROBERT W. BENNETT P44262**  
**34<sup>th</sup> Circuit Court Judge**

**Order prepared by:**

Amanda J. Knutson (P85668)  
*Fahey Schultz Burzych Rhodes PLC*  
4151 Okemos Road  
Okemos, MI 48864  
(517) 381-0100

**STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF ROSCOMMON**

IN RE HIGGINS LAKE,  
LOCATED IN ROSCOMMON  
AND CRAWFORD COUNTY,  
MICHIGAN

Case No.: 23-726443-CZ  
Honorable Robert W. Bennett


\_\_\_\_\_ /

**DECLARATION OF GREG SEMACK**

State of Michigan            )  
County of Roscommon    ) ss.

1. My name is Greg Semack and I am the vice president of the Higgins Lake Property Owners Association.
2. I am offering the declaration to confirm that repeated requests have been made to the County of Roscommon to provide any project plans or otherwise publicly provide what the monies raised by this special assessment will specifically pay for either in whole or in part.
3. Despite these repeated requests, nothing has been provided.
4. It is my belief that no such project plans (or related cost calculations based on any project plan) have been created by Roscommon County.
5. If sworn, I could testify competently to the facts contained within this declaration based upon my personal knowledge.
6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on 09 / 11 / 2023

  
\_\_\_\_\_  
Greg Semack




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Title	Greg Semack Declaration
File name	Greg Semack Declaration.pdf
Document ID	11ee54f801be66ee4087b3e5d8583bb4524fd1f3
Audit trail date format	MM / DD / YYYY
Status	● Signed

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### Document History

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 VIEWED	<b>09 / 11 / 2023</b> 14:56:15 UTC	Viewed by Greg Semack (cmaks3@msn.com) IP: 172.222.23.44
 SIGNED	<b>09 / 11 / 2023</b> 15:07:58 UTC	Signed by Greg Semack (cmaks3@msn.com) IP: 172.222.23.44
 COMPLETED	<b>09 / 11 / 2023</b> 15:07:58 UTC	The document has been completed.



**STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF ROSCOMMON**

IN RE HIGGINS LAKE,  
LOCATED IN ROSCOMMON  
AND CRAWFORD COUNTY,  
MICHIGAN

Case No.: 23-726443-CZ  
Honorable Robert W. Bennett

---

OUTSIDE LEGAL COUNSEL PLC  
PHILIP L. ELLISON (P74117)  
Attorney for Objectors  
PO Box 107  
Hemlock, MI 48626  
(989) 642-0055  
pellison@olcplc.com

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**OBJECTIONS AND OPPOSITION TO ROSCOMMON COUNTY'S  
PETITION TO ESTABLISH LAKE LEVEL SPECIAL ASSESSMENT  
DISTRICT AND SET SPECIAL ASSESSMENT DISTRICT BOUNDARIES  
REGARDING HIGGINS LAKE**

NOW COME Objectors Charlene Cornell, Greg Semack, Wayne Brooks, Bruce Carleton, and the Higgins Lake Property Owners Association,<sup>1</sup> by and through counsel (Outside Legal Counsel PLC), and together with joining pro pers<sup>2</sup> Christopher Mundy, Douglas Green, Tina

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<sup>1</sup> Since its formation in 1935, the Higgins Lake Property Owners Association (HLPOA) has been involved in efforts to “protect, preserve and enhance the quality of Higgins Lake and its surrounding watershed.” See Higgins Lake Property Owners Association, <https://hlpoa.org>. The purpose of the HLPOA is inter alia to represent the interests of the lakefront property owners on Higgins Lake.

<sup>2</sup> Individuals and property owners who join in the Objectors’ objections and opposition are attached as **Exhibit A**. Telephone numbers and email addresses have been redacted.

Green, Mona Baumgartel, Gerald Phillion, Debra Bolinger, Morgan Boudler, Karen Will, Elizabeth Sinclair, Linda Hilbert, Craig Hoeksema, Lawrence Beckert, Richard Page, Richard Voorhees, Hugh Lawrence, Bryn Will, Geoffrey Geupel, Deborah Krchmar , Geoffrey Geupel, John Allaben, Jeremiah Baumgartel, Beth Baron, Lindsey Phillips, John DeBeer, Marion Foster, Carl Geupel, David Dewey, Ava Geupel, Robert Holmes, Peter Anderson, Colleen Hoeksema, Kevin Chapin, Erik Geupel, Elizabeth Taggart Fitzsimmons, Larry Diemer, Colleen Diemer, David Dubes, Mary Highberger, Susan Fitzsimmons, Duncan Lawrence, Jay Baron, Mike Burnside, Patricia Buchanan , Cynthia Popp, Steven Popp, Andrew Morley, Laurie Haney, Bradley Frey, Scott Mee, Sharon Gregory , Glenn Gregory , Sam & Tammy Migliore, Walter R Wood, Claudia Wood, Lawrence LaLonde, Laura LaLonde, Carolyn T. DeVoe, S. Curtis DeVoe, David Baran, John Wade, Elizabeth Wade, Charlotte Cassiday, Phyllis Hlavacek, Michele Walsh, Frederick Walsh, Jr., Rick Cassiday, Constance McCormick, Betty Nagel-Cribbins, Gary Pritchard, Tina Chapin, Kirt Chapin, Troy Brya, Sandra Iles, MaryAnn Trudeau, Elizabeth Jones-Dupuie, Mark Dupuie, Kathryn Kusisto, Raymond Kusisto, John Dent, Robert Frye, Lynne Frye, Jane Fausz, Jeanne Marquardt Meier, Mark Gagnon, James Kaufman, Francis Fitzgerald, Thomas Hall, David Jordan, Allan Bornstein, Don Gmerick, Stanton Dent,

Lynn Dutton, Marianne Miller, William Miller, Judith Martin, Thomas E. Hoffmeyer, Deborah Thalner, Deborah Thalner, Ronda Karney, Mark Karney, Thomas Morley, Gail Lynch, Thomas Metcalf, K. Rachel Martin, Carol Baran, David Allar, Annie Joubran , Andrew Morley, President Cottage Grove Association, John Aldrich, Dennis Durandetto, Frederic Swinehart, James Brown, B Calvin Philips, Jean Rupp, Charles Brick, Gregory Martin, Melissa Seitz, David Drake, Robert Joubran, Ronald Sutkowi, James Seitz, Melanie Brown, Steve Ricketts, Brian Dotterer, William Isenstein, and Lisa Behm and opposes the request of Roscommon County (and its Delegated Authority) to establish and set a project-less special assessment district without also establishing a lake level. See **Exhibit H**. The Court is also requested to dismiss the Petition pursuant to MCR 2.116(C)(4) for lack of jurisdiction as outlined herein. The Court has called for a public hearing on the Petition to be held on September 15, 2023 at 9:30 a.m. The vague and undefined proposal is little more than an attempt to create a governmental “slush” fund. The proposed special assessment and its district definition fails to meet statutory, legal, and constitutional requirements, and should be rejected; and this Court lacks jurisdiction to provide the relief requested.

## BACKGROUND

Higgins Lake is an approximately 10,000-acre lake containing twenty-one miles of shoreline located in Roscommon County, Michigan. In Michigan, the levels of inland lakes are controlled by statute after being first “established” by a circuit court judicial order. See MCL 324.30701 et seq. Part 307 of the Natural Resources and Environmental Protection Act is “clear and unambiguous: once a court has determined the normal level of an inland lake, it shall be *maintained* at that normal level by the responsible authority.” *Citizens for Higgins Lake Legal Levels v Roscommon Cnty Bd of Comm’rs*, 341 Mich App 161, 164; 988 NW2d 841 (2022). That responsible authority is known as the “Delegated Authority.”

To help pay for these activities to maintain the normal level at establishment, Michigan law authorizes counties having such inland lakes to impose a specialized charge known as a “special assessment” upon property owners within a defined “special assessment district.” The process is provided by statute—

The county board may determine by resolution that the whole or a part of the cost of a project to establish and maintain a normal level for an inland lake shall be defrayed by special assessments against the following that are benefited by the project: privately owned parcels of land, political subdivisions of the state, and state owned lands under the jurisdiction and control of the department.

MCL 324.30711(1). Thereafter when a “county board determines that a

special assessment district is to be established, the [D]elegated [A]uthority shall compute the cost of the project and prepare a special assessment roll.” MCL 324.30711(2).<sup>3</sup> The term “shall” in MCL 324.30711 means the statutory obligation is mandatory, not discretionary. E.g. *Costa v Cmty Emergency Med Services, Inc*, 475 Mich 403, 409; 716 NW2d 236 (2006) (“The Legislature’s use of the word ‘shall’ in a statute generally ‘indicates a mandatory and imperative directive.’”).

Further, the “computation of the cost of a normal level project” required of the Delegated Authority – when preparing a special assessment roll – “shall include the cost of all of the following: the preliminary study; surveys; establishing<sup>4</sup> a special assessment district, including preparation of assessment rolls and levying assessments; acquiring land and other property; locating, constructing, operating, repairing, and maintaining a dam or works of improvement necessary for maintaining the normal level; legal fees, including estimated costs of appeals if assessments are not upheld; court costs; interest on bonds and other financing costs for the first year, if the project is so financed; and any other costs necessary for the project

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<sup>3</sup> The initial inland lake level was established for Higgins Lake in the 1920s. See **Exhibit C**. It was last permanently adjusted in 1982. **Exhibit D**.

<sup>4</sup> The phrase “establishing a special assessment district” among the lists of proposed costs is strong evidence that computation of costs and determination of the special assessment roll are to be compiled and completed before its imposition by this Court following a due process hearing.

which can be specifically itemized. MCL 324.30712(1). Moreover, the Legislature provides that “the delegated authority may add as a cost [of] not more than 15% of the sum calculated under [MCL 324.30712(1)] to cover contingent expenses.” MCL 324.30712(2).

On June 12, 2023, Roscommon County, by its “Administrator / Controller” Jodi Vallento, as Delegated Authority, filed what it labels as a petition to establish a lake level special assessment district and confirm the special assessment district boundaries for Higgins Lake. **Exhibit H**. The Petition has several attachments including one that is a map with red-colored highlights certain properties, not identified by address, that are being sought to be included within the proposed special assessment district. However, neither Roscommon County nor the Delegated Authority has provided within the Petition any “comput[ation of] the cost of the project” or even that there is a defined project to begin with. **Exhibit H**. There has been repeated demands upon Roscommon County to produce the same and nothing has been provided. **Exhibit E**. This is legally fatal and precludes this Court from ever approving the special assessment district as presented.

### STANDARD OF REVIEW

Courts must interpret statutes according to the Legislature’s plainly expressed meaning; in other words, courts must apply statutes as written.

*People v Gardner*, 482 Mich 41, 50; 753 NW2d 78 (2008). If the statutory language is clear and unambiguous, judicial construction is neither necessary nor permitted. *Sun Valley Foods Co v Ward*, 460 Mich 230, 236; 596 NW2d 119 (1999). Statutory schemes must be read as a whole. *TOMRA of North America, Inc v Dep't of Treasury*, 505 Mich 333, 339; 952 NW2d 384 (2020).

Governmental decisions regarding special assessments are presumed to be valid. *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). However, an important and expensive improvement must be done “in the manner provided by law.” *Lake Twp v Millar*, 257 Mich 135, 140; 241 NW 237 (1932). When an objector presents evidence rebutting the presumption of validity (i.e. not being in compliance with the statute), “the burden of going forward with evidence shifts to the” government. *Id.* at 505 fn.5. “At that point,” the petitioning government must “present evidence proving that the assessments are reasonably proportionate in order to sustain the assessments.” *Id.* The process “does not require a full trial.” *In re Project Cost & Special Assessment*, 282 Mich App 142, 150; 762 NW2d 192 (2009).

### **SPECIAL ASSESSMENT DISTRICTS**

The power to tax is exclusively vested in the Legislature pursuant to the provisions of Const 1963, art IX, § 1. “A special assessment is a levy

upon property within a specified district.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). There is a “clear distinction” between what are termed “general taxes” versus “special assessments.” *Id.*<sup>5</sup> “The former are burdens imposed generally upon property owners for governmental purposes *without regard to any special benefit which will inure to the taxpayer. Id.* (emphasis added). The latter are sustained upon the theory that the value of the property in the special assessment district is enhanced by the improvement for which the assessment is made. *Id.*

### LACK OF DEFINED PROJECT

Against this backdrop, counties (and other local governments) are not free to levy special assessments without regard to the benefit that inures to the assessed property. *Dixon Road Group v Novi*, 426 Mich 390, 401-403; 395 NW2d 211 (1986). To be an appropriate district, “there must be some proportionality between the amount of the special assessment and the benefits derived therefrom.” *Id.* at 401. Without such proportionality, the special assessment “would be akin to the taking of property without due process of law.” *Id.* at 403. A proposed special assessment can be “declared

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<sup>5</sup> There is also a third type of money-raising device—a service fee. This “fee” is “exchanged for a service rendered or a benefit conferred, and some reasonable relationship exists between the amount of the fee and the value of the service or benefit.” *Bolt v City of Lansing*, 459 Mich 152, 161; 587 NW2d 264 (1998). A common example is a storm sewer system. A “tax,” on the other hand, is designed to raise revenue. *Id.*



invalid when the party challenging the assessment demonstrates that ‘there is a substantial or unreasonable disproportionality between the amount assessed and the value which accrues to the land as a result of the improvements.’”

A defined project is required before a special assessment district can be imposed. MCL 324.30711(1) (the county “may determine by resolution that the whole or a part of the cost of a project to establish and maintain a normal level for an inland lake shall be defrayed by special assessments...”). The current proposed “project” being sought to be paid by this proposed special assessment district is completely unknown. The lack of such violates the statute. Nothing has been actually proposed publicly as to what the monies raised by this special assessment will pay for in whole or in part.

**Exhibit E.** Query: will it be used for a new lake level control structure; new wells be dug; new beaches and docks; or just to be spent at the whims of the Delegated Authority. This Court and the property owners of the proposed special assessment simply do not know.

More important, even the County Commissioners do not know what the funds to be raised by the proposed special assessment will be used for. Despite numerous questions to the Commissioners at several public meetings at which the Higgins Lake level control structure and the proposed

SAD were discussed, neither the Delegated Authority nor any of the Commissioners has been able to provide any evidence at all of what if anything is wrong or deficient with the existing control structure. See Exhibit E (Declaration of Greg Semack). Furthermore, no professional engineer or anyone else has said any money is needed for the Higgins Lake control structure or that anything needs to be done with or to that structure. In fact, the most recent engineering review of the control structure determined it is in good working order. In the absence of any such evidence, the establishment of a SAD is premature as well as being arbitrary and capricious.

And even if a project is being self-formulated in the private thoughts of the Delegated Authority, there are unanswered questions as to the actual costs and what the “project” will actually or precisely improve. The lack of project definition or plan of any sort defies the ability for this Court, the local community, and the proposed paying property owners to confirm, as the law requires, whether the benefit from the improvement has been fairly allocated to the properties within the proposed district. *Dixon*, 426 Mich at 401 (proportionality required). Without an understood project plan and cost calculation, the establishment of a special assessment district to extract monies from property owners violates due process. *Dixon*, 426 Mich at 403.

And the non-existent cost calculations and unmade project plans belies that the real purpose behind this proposal is to create a permanent slush fund for the Delegated Authority (who is the County Controller, the executive head of Roscommon County). This is improper, illegal and unconstitutional.

### UNTIMELY PETITION

The Petition seeks relief pursuant to MCL 324.30707. That statute's text expressly provides that "special assessment district boundaries" are to be confirmed "within 60 days following the lake level determination." MCL 324.30707(5).<sup>6</sup> The latest arguable lake level determination was made on January 16, 2009. **Exhibit H** (Ex 1 therein). Because the instant request is not tied to a new "lake level determination" or filed within the statutorily required 60 days following the lake level determination issued on January 16, 2009, the Petition is untimely. See also **Exhibit F** ("Roscommon County is unaware that a lake level special assessment district exists to fund infrastructure and activities to maintain Higgins Lake's normal lake level").

Reading the text of the statute as a whole, as this Court must under *TOMRA*, 505 Mich at 339, Part 307 confirms the Legislature's intent for applicable timeliness. Section 30711 provides that "the county board may

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<sup>6</sup> Objectors take the argument one step further and assert the 60-day deadline is jurisdictional. As such, the Court is equally requested to dismiss this Petition pursuant to MCR 2.116(C)(4).

determine by resolution that the whole or a part of the cost of a project to establish **and** maintain a normal level for an inland lake shall be defrayed by special assessments against [certain parties] that are benefited by the project.” MCL 324.30711(1). Thus, a county board may not, by resolution, determine it will defray costs by special assessment when only seeking to “maintain” a normal level and not seeking to re-establish one. The operative word is “and” – not “or” – and these terms are not interchangeable. *Coalition Protecting Auto No-Fault v Mich Catastrophic Claims Ass’n*, 317 Mich App 1, 14; 894 NW2d 758 (2016) (“the words ‘and’ and ‘or’ are not interchangeable and their strict meaning should be followed...”). Reading the statute using the term “and” (as this Court must under *Coalition*), Roscommon County is not permitted to impose a special assessment district when only seeking to “maintain” an established level from forty years ago (and being excessively more than 60 days from the Court’s lake level determination).

### **PROPORTIONALITY OF AMOUNTS VERSUS BENEFITS**

When reviewing a government’s request for a special assessment district, the Court must determine whether there is “some proportionality between the amount of the special assessment and the benefits derived therefrom.” *Dixon*, 426 Mich at 401. “The concept of proportionality is not

new in Michigan.” *Id.* at 401-402. “There can be no justification for any proceeding which charges the land with an assessment greater than the benefits.” *German Lutheran Church Soc’y v Mt Clemens*, 179 Mich 35, 40; 146 NW 287 (1914). Instead, “it is an essential [element] of a special assessment that the improvement concerned should be of value to the property assessed in reasonable relationship to the assessment...” *St Joseph Twp v Municipal Finance Comm’n*, 351 Mich 524, 533; 88 NW2d 543 (1958). While a “rigid dollar-for-dollar balance between the amount of the special assessment and the amount of the benefit” is not required, *Dixon*, 426 Mich at 402-403, the courts “will intervene where there is a substantial or unreasonable disproportionality between the amount assessed and the value which accrues to the land as a result of the improvements,” *id.* at 403.

Against the lack of any defined project, the Petition also lacks any evidence of what the “amount assessed” will be. **Exhibit H**. Without that evidence, the owners of property within the proposed special assessment district will not and do not know how much their new financial obligations will be. This is always and customarily required before a special assessment district can be imposed. See MCL 41.724(1)-(2) (“Upon receipt of a petition... 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” and “the township board shall fix a time and place to meet and hear any objections to the petition”). All they do know is that a “public hearing process to consider assessments for repairs to LLCS, study the legal lake level, and develop the scope of repairs and improvements” will supposedly occur in the future. **Exhibit F.**<sup>7</sup> Without knowing the amount to be collected, this Court cannot meet its *Dixon* obligations in determining whether there is or is not “substantial or unreasonable disproportionality.”

### APPORTIONMENT

Finally and closely related, there is a serious question as to apportionment, i.e. how the costs of a project should be apportioned to those who are defined to benefit. There are various methods, including front facing footage, land area, per-lot, land depth, value of property, and more. See *Cummings v Garner*, 213 Mich 408, 433; 182 NW 9 (1921). The method selected is tied to equitable fairness of the cost to be bore equally by those who receive benefits. If a district is too restricted, many who benefit will be

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<sup>7</sup> Taken from and available at <https://www.roscommonlakelevels.net/post/higgins-lake-lake-level-special-assessment-district>.

unfairly enriched by forcing a small group to pay all the expense. If a district is too broad, it will unfairly force those who receive little or no gain to pay for someone else's received benefit. To solve this problem, some special assessment districts have even created sub-classes and differing rate amounts for those with "direct benefits" versus "remote benefits" versus and "more remote benefits." *Id.* at 434. It results in everyone who benefits paying their fair share. Again, assessments must be levied according to benefits.

Again, this Court cannot actually or faithfully begin to determine if the proposed apportionment is proper because Roscommon County has not even defined the project, explained or suggested who would benefit, and if that benefit received is properly proportional.<sup>8</sup> When an assessment is

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<sup>8</sup> If, for example, the project to be proposed is to stabilize the water levels of Higgins Lake, more than just the front property owners and those having deeded access benefit from such a project and should bear a proportional expense from such a project. Michigan DNR car counts over the past several years show that hundreds of thousands of people access, use, and benefit from Higgins Lake every year, mostly at the two state parks but also at other public boat launches and beaches and road ends in addition to those counts. Boaters in particular benefit from a stable, predictable, and controlled water level to allow good access to and from the lake at boat launches and also to allow them to navigate the tricky and potentially dangerous shallows over the two "sunken island" areas at the south and western sections of the lake and at the ends of the island. It would be patently unfair to require property owners with direct or deeded access to Higgins Lake to bear all the costs associated with maintaining the Higgins Lake water level and control structure, while requiring nothing from the hundreds of thousands of other people who benefit from Higgins Lake. *Armstrong v United States*, 364 US 40, 49 (1960) (the government should not "forc[e] some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole."). Yet that is precisely what the County is proposing here. That unfair proposal must be rejected.

Similarly, there may be, and likely are, waterfront property owners who do not care about the Higgins Lake water level, maintaining that water level, or maintaining the water

arbitrary or unjust, it must be rejected. *Mich C R Co v Baikie*, 249 Mich 138, 146; 228 NW 525 (1930). Moreover, when a special assessment district “include[s] property which is not and cannot be benefited directly or indirectly, including it only that it may pay for the benefit to other property, there is an abuse of power and an act of confiscation.” *Clinton v Spencer*, 250 Mich 135, 153; 229 NW 609 (1930). But on this Petition, apportionment cannot be readily established or confirmed. Thus, this proposed special assessment district must be rejected as it has been inadequately presented.

### CONCLUSION

The Petition seeks relief which must be accomplished “within 60 days following the lake level determination.” MCL 324.30707(5). As such, this Court lacks either the jurisdiction or the authority to provide that relief as being untimely. The Petition should be dismissed. MCR 2.116(C)(4). However, even looking past that untimeliness, there is no project, no computation, no apportionment to review, and the inability for this Court to determine if there is substantial or unreasonable disproportionality between

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level control structure. Those property owners arguably would not benefit at all from the proposed special assessment and therefore should not be included in the special assessment district. Including all of those properties without even an effort to determine whether and to what extent they might benefit is, again, arbitrary and capricious and does not comply with the statute and the legal obligations required of special assessment districts.



the amount assessed and the value which accrues to the land as a result of the improvements. The Petition, as presented, should be denied without prejudice.

Date: September 13, 2023

RESPECTFULLY SUBMITTED:

PROOF OF SERVICE			
The undersigned certifies that a copy of the foregoing document(s) was provided to and/or served on the Petitioner by its attorney of record on the date stated above by the following method(s):			
<input type="checkbox"/>	US mail (Prepaid)	<input checked="" type="checkbox"/>	Email
<input type="checkbox"/>	Fax	<input type="checkbox"/>	MiFile
<input type="checkbox"/>	Hand Delivery	<input type="checkbox"/>	Other:
<u>/s/ Philip L. Ellison</u> PHILIP L. ELLISON Attorney at Law			

/s/ Philip L. Ellison  
 OUTSIDE LEGAL COUNSEL PLC  
 by Philip L. Ellison (P74117)  
 Attorney for Objectors  
 PO Box 107  
 Hemlock, MI 48626  
 (989) 642-0055  
 pellison@olcplc.com

## OBJECTORS

Charlene Cornell

*(also serves as President, Higgins Lake Property Owners Ass'n)*  
1549 East Higgins Lake Drive, Roscommon, MI 48653

Greg Semack (Semack Family Revocable Trust)

*(also serves as Vice President, Higgins Lake Property Owners Ass'n)*  
166 Flagpoint Avenue, Roscommon MI 48653

Wayne Brooks (Charles W. and Susan A Trust)

*(also serves as Director, Higgins Lake Property Owners Ass'n)*  
105 A Thorpe Avenue, Roscommon, MI 48653

Bruce Carleton (Bruce Carleton Trust)

*(also serves as Treasurer, Higgins Lake Property Owners Ass'n)*  
110 Flagpoint Avenue, Roscommon, MI 48653

Higgins Lake Property Owners Association

211 North Main Street, Roscommon, MI 48653

## INDIVIDUALS JOINING & CONCURRING WITH OBJECTORS

See attached.

# Opposition to the Higgins Lake Special Assessment District

Name

Allan Bornstein

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

239 Clare Blvd.  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

I am not an owner but I use or reside at the property

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702576091526250240

Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

**Name** Andrew Morley, President Cottage Grove Association

**Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>** Yes, I know that I am in the SAD

**Higgins Lake SAD Address** 212 1/2 Old Stage Road, 004-006-001-2000  
Roscommon, Michigan, 48653

**Relationship to Higgins Lake Property** None of the above

**Phone Number**

**Email**

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

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# Opposition to the Higgins Lake Special Assessment District

Name

Andrew Morley

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

217 Old Stage Road, 004-005-007-0180  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

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# Opposition to the Higgins Lake Special Assessment District

Name

Annie Joubran

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

103 Lady Slipper Lane  
Roscommon , Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

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Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

Name

Ava Geupel

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

145 Old Stage Road  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

I am not an owner but I use or reside at the property

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

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Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

Name

B Calvin Philips

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

239 Pine Bluffs Rd  
Roscommon , Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

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# Opposition to the Higgins Lake Special Assessment District

Name

Beth Baron

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

131 Pine Bluffs Road, 004-480-022-0000  
Roscommon, Michigan, 48653-8328

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

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# Opposition to the Higgins Lake Special Assessment District

Name

Betty Nagel-Cribbins

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

120 Saginaw Lgn Dr. (owner of cottage/leaser of land in CCCOA), 007-940-200-0000  
Roscomon, Michigan, 48653

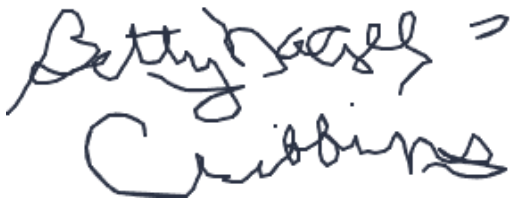
Relationship to Higgins Lake Property

I am not an owner but I use or reside at the property

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702695464524589813

Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

Name

Bradley Frey

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

6324D West Higgins Lake Drive, 007-350-956-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

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Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

Name

Brian Dotterer

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

228 Jackson Blvd, 004-800-261-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702504896022999130

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Bryn Will

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

115 Earl Avenue, 004-594-007-0000, 004-510-023-5000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703497637514105444

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Carl Geupel

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

145 and 151 Old Stage Road, 004-510-005-0000 and 004-510-002-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703392218129998664

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Carol Baran

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

8310 W Higgins Lake Dr  
Roscommon, Michigan, 48627

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702535657771160670

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Carolyn T. DeVoe

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

119 Old Stage Road  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702765051236958947



RECEIVED by MCOA 1/8/2024 2:49:24 PM



# Opposition to the Higgins Lake Special Assessment District

Name

Charles Brick

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

3242 W Higgins Lake Dr  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION: I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)**



Monday, September 11, 2023

5702524329126416804



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Charlotte Cassiday

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

8282 W Higgins Lake Dr  
Roscommon, Michigan, 48653

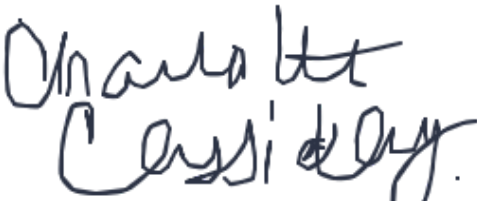
Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702728713412154632

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Christopher Mundy

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

465 Old Stage Road  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Wednesday, September 13, 2023

5704134624716132168

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Claudia Wood

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

326 Lake Shore Drive  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702799225831372926

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Colleen Diemer

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

801 Sam O Set  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703292795324347300



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Colleen Hoeksema

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

115 Earl Ave  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703360820515630736

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

**Name**

Constance McCormick

**Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>**

Yes, I know that I am in the SAD

**Higgins Lake SAD Address**

113 Pine Bluffs Road, Parcel ID #004-480-014-0000  
Roscommon, Michigan, 48653

**Relationship to Higgins Lake Property**

Owner (via title held in my trust)

**Phone Number**

**Email**

**E-SIGNATURE AND AUTHORIZATION: I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)**

*(Handwritten signature)*

Monday, September 11, 2023

5702713068522122184



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Craig Hoeksema

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

115 Earl Ave  
Roscommon, MI, 48653

Relationship to Higgins Lake Property

I am not an owner but I use or reside at the property

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703560140519693926

Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

Name

Cynthia Popp

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

9080 W Higgins Lake Dr, 72007-440-023-0000  
Roscommon, Michigan, 48653-9536

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702993537441100972

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

David Allar

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

104 Norwalk  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702534000424734108



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

David Baran

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

8310 W Higgins Lake Dr  
Roscommon , Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702757829811189856

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

David Dewey

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

133 Old Stage Road  
Roscommon, Michigan

Relationship to Higgins Lake Property

I am not an owner but I use or reside at the property

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703375960221367977

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

David Drake

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

120 Flagpoint Dr. - Apt 2-B, 004-336-002-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702508028011670304



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# Opposition to the Higgins Lake Special Assessment District

Name

David Dubes

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

6323 W Higgins Lake Drive  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703277683128551612

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

David Jordan

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

155 Pine Bluffs Rd  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702578259129566283



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Deborah Krchmar

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

152 Surfside Drive  
Roscommon , Michigan, 48652

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703467378719740071

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM



# Opposition to the Higgins Lake Special Assessment District

Name

Deborah Thalner

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

109 Magnolia Ave, 004-462-017-000 & 004-462-038-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702555246643933727

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Deborah Thalner

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

131 Magnolia Ave, 004-462-016-0000 & 004-462-042-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702556526642098055



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Debra Bolinger

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

3732 W Higgins Lake Dr  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703790702873866607

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Dennis Durandetto

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

317 Burrows Ave, 004-723-010-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702528823823975140



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Don Gmerick

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

2942J W Higgins Lake Drive  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702571703322525068

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Douglas & Tina Green

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

3634 West Higgins Lake Driver  
Roscommon , Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Wednesday, September 13, 2023

5704126197567177747

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Duncan Lawrence

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

117 Old Stage Road  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703249238223058552

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Elizabeth Jones-Dupuie

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

102 Reaves Forest Drive  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702630987912961244

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM



# Opposition to the Higgins Lake Special Assessment District

Name

ELIZABETH SINCLAIR

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

7822 Custer Road  
BETHESDA, MD, 20814

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703608602225304461

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Elizabeth Taggart Fitzsimmons

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

129 Old Stage Road, 004-510-013-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703317727385919526



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Elizabeth Wade

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

115 Earl Avenue  
Roscommon, Michigan, 48653

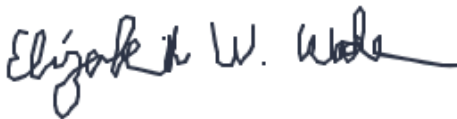
Relationship to Higgins Lake Property

I am not an owner but I use or reside at the property

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702730249514824908



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Erik Geupel

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

151 Old Stage Road, 004-510-002-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703325974114918984



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Francis Fitzgerald

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

140 Surfside Drive  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702594960937236366

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Frederick Walsh, Jr.

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

405 Clare Boulevard, 72-007-234-001-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702722882516578654

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

**Name**

Frederic Swinehart

**Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>**

Yes, I know that I am in the SAD

**Higgins Lake SAD Address**

105 and 107 Pine Bluffs Road  
Roscommon, Michigan, 48653

**Relationship to Higgins Lake Property**

Owner (via title in the name of my business)

**Phone Number**

**Email**

**E-SIGNATURE AND AUTHORIZATION: I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)**

Monday, September 11, 2023

5702526705972042833



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Gail Lynch

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

222 Cardinal Ave.  
Roscommon , Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702542296133471205

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM



# Opposition to the Higgins Lake Special Assessment District

Name

Gary Pritchard

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

257 Burrows Ave  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702689048116261858

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Geoffrey Geupel

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

151 Old Stage Rd, 72004-510-005-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703466945398303982



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Geoffrey Geupel

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

145 Old Stage Road , 72004-510-002-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703468365395784420



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Gerald Phillion

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

3302 W Higgins Lake Dr  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703837326118509977

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Glenn Gregory

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

9346 High Rd, 007-015-013-0086  
Roscommon, Michigan , 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702820477513892031

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Gregory Martin

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

507 Sam O Set, 007-361-024-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION: I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)**



Monday, September 11, 2023

5702516694821517840

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Hugh Lawrence

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

117 Old Stage Road  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703502132412946702

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

James Brown

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

1769 E Higgins Lake Drive, 004-105-115-5000  
Roscommon , Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702526311527340887

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM



# Opposition to the Higgins Lake Special Assessment District

Name

James Kaufman

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

6546 West Higgins Lake Drive, 004 461 016 0000 and 007 014 016 0050  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION: I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)**



Monday, September 11, 2023

5702602212321685235

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

**Name**

James Seitz

**Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>**

Yes, I know that I am in the SAD

**Higgins Lake SAD Address**

3456 West Higgins Dr, 0040200070345  
Higgins Lake, Michigan, 48627

**Relationship to Higgins Lake Property**

Owner (via title directly in my name)

**Phone Number**

**Email**

Monday, September 11, 2023

5702506038962641353



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Jane Fausz

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

359 Chaney Point Drive, 004-022-009-0075  
Roscommon, Michigan, 48653


Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702607021211567845

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Jay Baron

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

131 Pine Bluffs Road, 004-480-022-0000  
Roscommon, MI, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703227349165689795

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Jeanne Marquardt Meier

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

1593 E. Higgins Lake Drive  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702605113991031843

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Jean Rupp

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

3764 W Higgins Lake Dr, 004-020-006-0100  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION: I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)**



Monday, September 11, 2023

5702525075308111437

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Jeremiah Baumgartel

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

121 Old Stage Rd  
Roscommon, Michigan, 48653-8996

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703417556319801320

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

John Aldrich

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

3514 W Higgins Lake Dr  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702529166119610857

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM



# Opposition to the Higgins Lake Special Assessment District

Name

John Allaben

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

117 Webster Blvd.  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION: I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)**



Tuesday, September 12, 2023

5703456975613069793

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

John DeBeer

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

1630 Burgundy Rd  
Encinitas, CA, 92024

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703407007125693454

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

John Dent

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

403 Kenwood, 004-009-010-0060  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702613157011768115



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

John Wade

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

115 Earl Avenue  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

I am not an owner but I use or reside at the property

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702731469519253023



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Judith Martin

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

601 Sam O Set, 007-362-001-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702562074825628985

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Karen Will

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

115 Earl Avenue  
Roscommon, Michigan, 48663

Relationship to Higgins Lake Property

I am not an owner but I use or reside at the property

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703754965634099610

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Kathryn Kusisto

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

6984 W. Higgins Lake Drive, 007-330-032-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702615564122646242

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Kevin Chapin

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

1707 Treasure Blvd. , 007-679-045-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703353072327274143

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM



# Opposition to the Higgins Lake Special Assessment District

Name

K. Rachel Martin

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

507 Sam-O-Set BLVD, 007-361-024-0000  
Higgins Lake, Michigan, 48627

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702537734827974748



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Larry Diemer

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

801 Sam O Set  
Roscommon , Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703296855325808247

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Laura LaLonde

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

330 Lake Shore Dr., 72-007-330-005-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702790054027703148



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Laurie Haney

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

485 Jackson Blvd  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702925315973914343

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Lawrence Beckert

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

103 Muskegon  
Roscommon , Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703555003327131533

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Lawrence LaLonde

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

330 Lake Shore Dr., 72-007-330-005-0000  
Roscommon, Michigan, 48653


Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702792364029835848

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Linda Hilbert

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

148 Surfside Dr.  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703575714614911886

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Lindsey Phillips

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

No, I know I am not in the SAD

Higgins Lake SAD Address

113 Old Stage Road  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703412957224561766

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM



# Opposition to the Higgins Lake Special Assessment District

Name

Lisa Behm

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

205 Chaney Point Dr  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION: I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)**

Monday, September 11, 2023

5702501089588044394



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Lynn Dutton

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

340 Robbins Avenue, 72004-712-018-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION: I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)**



Monday, September 11, 2023

5702568081021370634



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Lynne Frye

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

1603 E Higgins Lake Dr  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702609672614113838

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Marianne Miller

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

1613 E Higgins Lake Drive  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702565387315115639



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Marion Foster

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

139 Old Stage Road, 004-510-008-0000  
Roscommon, Michigan, 48653-8996

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)

*Marion Foster*

Tuesday, September 12, 2023

5703394058029681776



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Mark Dupuie

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

102 Reaves Forest Drive  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702628857912931343

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Mark Gagnon

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

1166 W. Higgins Lake Drive Apt B  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702602330715260632



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Mark Karney

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

332 Robbins Ave  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702549734523400968

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM



# Opposition to the Higgins Lake Special Assessment District

Name

MaryAnn Trudeau

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

121 Triangle Dr  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702638080912696002



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Mary Highberger

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

147 Old Stage Road, 004-510-004-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703274136916308253

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Melanie Brown

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

1769 E. Higgins Lake Road, 004-105-115-5000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702505761529475548



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Melissa Seitz

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

3456 West Higgins Lake Drive , 0040200070341  
Higgins Lake, Michigan, 48627

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702514823718443048



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Michele Walsh

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

405 Clare Boulevard, 72-007-234-001-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702723552512676773

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Mike Burnside

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

1821 E. Higgins Lake Dr.  
Roscommon , Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703208867018790636

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Mona Baumgartel

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

121 Old Stage Rd, 004-510-016-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Wednesday, September 13, 2023

5703876757125373843

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Morgan Boudler

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

8356 W Higgins Lake Drive, 007-015-004-0020  
Higgins Lake, Michigan, 48627

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703764108719088643

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM



# Opposition to the Higgins Lake Special Assessment District

Name

Patricia Buchanan

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

6320A West Higgins lake Dr  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703050151217294351

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Peter Anderson

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

3460 W. Higgins Lake Drive  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703365363834763535

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Philip Ellison

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

1234 Example St  
Hemlock, 48626

Relationship to Higgins Lake Property

None of the above

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702519360998440808

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Phyllis Hlavacek

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

6320 W. Higgins Lake Drive B, 007-350-949-0000  
Higgins Lake, Michigan, 48627

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702723173877611279



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Raymond Kusisto

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

6984 W. Higgins Lake Drive, 007-330-032-0000  
Roscommon, Michigan, 48625

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702614194125298524

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Richard Page

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

8786 W. Higgins Lake Dr.  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703552776511629884

Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

Name

Richard Voorhees

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

147 Surfside Drive  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION: I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)**

Tuesday, September 12, 2023

5703530275317710567



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Rick Cassidy

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

8282 West Higgins Lake Dr  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702721673419494398



RECEIVED by MCOA 1/8/2024 2:49:24 PM



# Opposition to the Higgins Lake Special Assessment District

Name

Robert Frye

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

1603 E Higgins Lake Dr  
Roscommon , Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702610982615793391

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Robert Holmes

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

8246 W. Higgins Lake Dr.  
Roscommon, Michigan

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703367617116807562



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Robert Joubran

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

103 Lady Slipper Lane  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702506596026685667

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Ronald Sutkowi

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

9536 W Higgins Lake Dr  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702506110489827590

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Ronda Karney

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

332 Robbins Avenue  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION: I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)**



Monday, September 11, 2023

5702550734524160107



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Sam & Tammy Migliore

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

212 Robbins Ave, 004-711-009-0000  
Roscommon, Michigan, 48653-2896

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702819087228344737



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Sandra Iles

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

965 E. Higgins Lake Drive  
Roscommon, Michigan, 48653


Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702640171027154028

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Scott Mee

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

6230 W. Higgins Lake Dr.  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702870624507770787



RECEIVED by MCOA 1/8/2024 2:49:24 PM



# Opposition to the Higgins Lake Special Assessment District

Name

S. Curtis DeVoe

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

119 Old Stage Road  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702762871231613574



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Sharon Gregory

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

9346 High Rd., 007-015-013-0086  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702822187514215210

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Stanton Dent

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

132 Surfside Dr. , 004-630-008-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702568653521184945

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Steven Popp

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

9080 W Higgins Lake Dr, 72007-440-023-0000  
Roscommon, Michigan, 48653-9536

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702992487445237625

Outside Legal Counsel

RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Steve Ricketts

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

107 Jays Drive, PO Box 86, 007-130-003-0000  
Higgins Lake, Michigan, 48627-0086

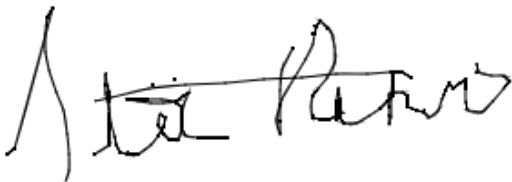
Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702505601411138571



RECEIVED by MCOA 1/8/2024 2:49:24 PM

# Opposition to the Higgins Lake Special Assessment District

Name

Susan Fitzsimmons

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

129 Old Stage Road  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

I am not an owner but I use or reside at the property

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Tuesday, September 12, 2023

5703258877443494374

Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

Name

Thomas E. Hoffmeyer

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

310 Lakeshore Dr  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702558639612386510

Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

Name

Thomas Hall

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

619 Sheridan Drive, 004-800-290-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

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Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

Name

Thomas Metcalf

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

9330 Park View Trail  
Roscommon , Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702538968985397041

Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

Name

Thomas Morley

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

213 D Old Stage Rd, 004-005-007-0120  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title held in my trust)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

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# Opposition to the Higgins Lake Special Assessment District

Name

Tina & Kirt Chapin

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

9024 W. Higgins Lake Drive  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

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Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

Name

Troy Brya

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

6324B W Higgins Lake Rd, 007-350-953-0000  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702684415019234442

Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

Name

Walter R Wood

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

326 Lake Shore Dr  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

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# Opposition to the Higgins Lake Special Assessment District

Name

William Isenstein

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

102B Lily Lane  
Roscommon, Michigan, 48653

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

5702501176294105979

Outside Legal Counsel

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# Opposition to the Higgins Lake Special Assessment District

Name

William Miller

Are you within the proposed Special Assessment District; see <https://bit.ly/HigginsLakeSAD>

Yes, I know that I am in the SAD

Higgins Lake SAD Address

1519 E Higgins Lake Drive  
Roscommon, Michigan, 48653

Relationship to Higgins Lake Property

Owner (via title directly in my name)

Phone Number

Email

**E-SIGNATURE AND AUTHORIZATION:** I hereby authorized Outside Legal Counsel PLC to add my name and property to the objection and opposition that will be filed in the Roscommon County Circuit Court regarding the proposed special assessment district around Higgins Lake (with the hearing to held on September 15, 2023)



Monday, September 11, 2023

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Outside Legal Counsel

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# Higgins Lake Lake Level Special Assessment District

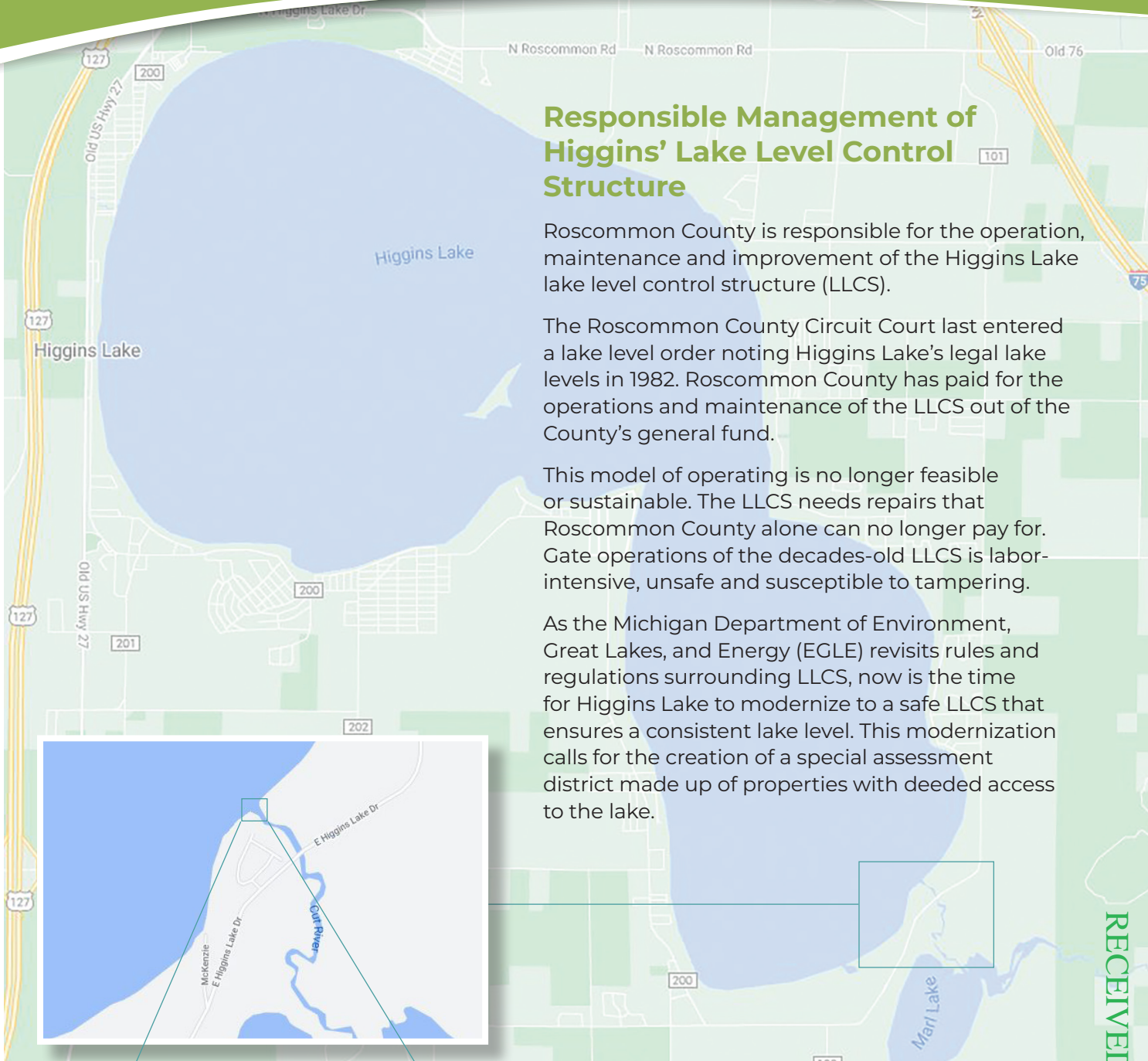
*Modernizing the Lake Level Control Structure  
for Safe Operations and a Reliable Lake Level*



**ROSCOMMON  
COUNTY**  
MI

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## Responsible Management of Higgins' Lake Level Control Structure

Roscommon County is responsible for the operation, maintenance and improvement of the Higgins Lake lake level control structure (LLCS).

The Roscommon County Circuit Court last entered a lake level order noting Higgins Lake's legal lake levels in 1982. Roscommon County has paid for the operations and maintenance of the LLCS out of the County's general fund.

This model of operating is no longer feasible or sustainable. The LLCS needs repairs that Roscommon County alone can no longer pay for. Gate operations of the decades-old LLCS is labor-intensive, unsafe and susceptible to tampering.

As the Michigan Department of Environment, Great Lakes, and Energy (EGLE) revisits rules and regulations surrounding LLCS, now is the time for Higgins Lake to modernize to a safe LLCS that ensures a consistent lake level. This modernization calls for the creation of a special assessment district made up of properties with deeded access to the lake.



## About the Higgins Lake LLCS

The LLCS is located where the Cut River emerges from the southern shore of Higgins Lake.

It is 90 feet in length and consists of tilting weir gates, stop log bays, and a sheet pile weir.

Operation of the LLCS is entirely manual. Vertical wooden slide gates are hoisted out of the water by hand and secured in an open position by chaining the gates to the structure's handrail.

The SAD will pay for structural improvements to modernize LLCS operations and maintenance.

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## What Is a Special Assessment District?

To defray the cost of updating and repairing the LLCS, the County will be asking the court to establish a special assessment district that will finance improvements to the LLCS and the future maintenance of the legal level of the lake.

According to Part 307, Inland Lake Levels, of the Natural Resources and Environmental Protection Act, 1994 Pa 451, the Roscommon County Board of Commissioners has authority to pass a resolution stating that the cost to maintain a lake level structure can be defrayed by a special assessment against property owners who benefit from the lake/bodies of water when costs are incurred. The assessment will be an annual cost that appears on the property owner's property tax bill after the assessment has been established.

## Properties Included in the Special Assessment District

Privately owned parcels of land, subdivisions and state-owned land with access to Higgins Lake that benefit from the lake level will be in the special assessment district. This will also impact local units of government.

This includes:

Waterfront Lots | Non-waterfront Lots | Residential Lots | Condos & Apartments | Hotels | Cabins | Mobile Homes | Campgrounds | Commercial Lots | State-Owned Land

## Process for Establishing a Lake Level Special Assessment District

The Roscommon County Board of Commissioners passed a resolution to begin the process of establishing a lake-level special assessment district for Higgins Lake. The first step in the process is to establish the boundaries of the special assessment district.

1. Prepare draft lake level special assessment district (completed)
2. Delegated authority (county controller) files petition in Roscommon County Circuit Court to amend Higgins Lake Level Order to establish a district
3. Court holds hearing on proposed district and all those included in district will receive mailing notice and can attend and comment at hearing
  - Hearing only determines who is "in or out" of the district and does not determine the share of any future assessments/apportionments
4. Court enters amended Order with special assessment district
5. County uses separate public hearing process to consider assessments for repairs to LLCS, study the legal lake level, and develop the scope of repairs and improvements
  - Requires additional public hearings and a meeting of the County Board of Commissioners to approve any assessments
  - Property owners receive mailing notice of public hearings

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## People Are Asking

**Q: Does the public get to vote on this?**

A: State law does not give the public the ability to vote on lake level assessments or establishing a lake level special assessment district. Yet, it offers various opportunities for public comment and input. The County must balance interests from various stakeholders (such as lakefront and backlots) in this process, but encourages public comment to help it come to the best proposal for any assessments or assessment district.

*Please see a full list of frequently asked questions on our website.*

### Ensuring Higgins Lake is Sustainable into the Future

The creation of the special assessment district is an important next step in ensuring the long-term operations and sustainability of the lake. Visit our website to learn more.



**ROSCOMMON  
COUNTY**  
MI

*Lake Levels*



roscommonlakelevels.net |



989-315-7171 |



roscommonlakelevels@gmail.com

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STATE OF MICHIGAN

IN THE 34<sup>th</sup> CIRCUIT COURT FOR THE COUNTY OF ROSCOMMON

IN RE HIGGINS LAKE, LOCATED IN  
ROSCOMMON COUNTY AND  
CRAWFORD COUNTY, MICHIGAN

HON. ROBERT W. BENNETT

Case No. 23- 726443 -CZ

FILED  
COPY

Stacy L. Hissong (P55922)  
Kyle A. O'Meara (P83075)  
Amanda J. Knutson (P85668)  
*Fahey Schultz Burzych Rhodes PLC*  
Attorneys for Roscommon County  
4151 Okemos Road  
Okemos, Michigan 48864  
(517) 381-0100

STATE OF MICHIGAN  
COUNTY OF ROSCOMMON  
34TH CIRCUIT COURT  
2023 SEP 15 PM 12: 41  
MICHELLE M. STANBURN  
COUNTY CLERK

**ORDER ESTABLISHING LAKE LEVEL SPECIAL ASSESSMENT DISTRICT AND  
CONFIRMING SPECIAL ASSESSMENT DISTRICT BOUNDARIES**

At a session of said Court, held in the  
Roscommon County Circuit Court, State of  
Michigan, this 15<sup>th</sup> day of September, 2023.

**PRESENT: Honorable Robert W. Bennett, Circuit Judge**

On reading of the filed Petition to Establish Lake Level Special Assessment District and Confirm Special Assessment District Boundaries for Higgins Lake, located in Roscommon County and Crawford County, Michigan and after full hearing of the allegations and proofs with respect to the matters set forth:

**IT IS ORDERED** that boundaries of a Higgins Lake – Lake Level Special Assessment District be established and confirmed to finance lake level improvements and activities necessary to maintain the established normal levels of Higgins Lake as permissible under Part 307. MCL 324.30707(5). A map depicting the confirmed boundaries of the Higgins Lake – Lake Level

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Special Assessment District as well as a list of the parcels included within the Special Assessment

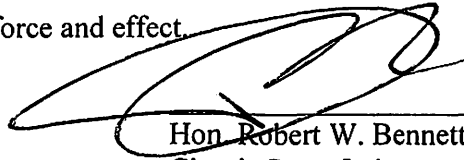
District boundaries are attached to this Order as Exhibit 1 and are incorporated herein. *The boundaries*

*of the special assessment district shall also include all public road ends*

IT IS FURTHER ORDERED that all permits required by law shall be obtained prior to performing work to achieve or maintain any ordered normal levels for Higgins Lake. This includes,

*on Higgins Lake.*

but is not limited to, permits related to lake level fluctuations under Part 301, Inland Lakes and Streams, of the Michigan Natural Resources and Environmental Protection Act, MCL 324.30101, *et seq.* All provisions in valid previous lake level orders for Higgins Lake that do not conflict with this Order shall remain in full force and effect.



*9/15/23*

Hon. Robert W. Bennett  
Circuit Court Judge

Order prepared by:  
Amanda J. Knutson (P85668)  
Fahey Schultz Burzych Rhodes PLC  
4151 Okemos Road  
Okemos, MI 48864  
Tel: (517) 381-0100

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STATE OF MICHIGAN

34TH JUDICIAL CIRCUIT COURT (ROSCOMMON COUNTY)

IN RE HIGGINS LAKE,  
located in Roscommon County  
and Crawford County, Michigan.

File No. 23-726443-CZ

PETITION TO ESTABLISH LAKE LEVEL SPECIAL ASSESSMENT DISTRICT  
AND CONFIRM SPECIAL ASSESSMENT DISTRICT BOUNDARIES  
FOR HIGGINS LAKE

BEFORE THE HONORABLE ROBERT W. BENNETT, CIRCUIT JUDGE

Roscommon, Michigan - Friday, September 15, 2023

APPEARANCES:

For Roscommon County: MS. STACY L. HISSONG (P55922)  
and Crawford County MS. AMANDA J. KNUTSON (P85668)  
Fahey Schultz Burzych Rhodes, P.L.C.  
4151 Okemos Road  
Okemos, Michigan 48864  
(517) 381-0100

For Certain Objectors: MR. PHILIP L. ELLISON (P74117)  
Outside Legal Counsel, P.L.C.  
16690 Gratiot Road  
P.O. BOX 107  
Hemlock, Michigan 48626  
(989) 642-0055

RECORDED AND Ms. Susan Stein, CER9660  
TRANSCRIBED BY: Certified Electronic Recorder  
(989) 275-1902

TABLE OF CONTENTS

	Page
<u>WITNESSES:        PETITIONER</u>	
LUKE O'BRIEN	
Direct Examination by Ms. Hissong	21
Cross-Examination by Mr. Ellison	48
Redirect Examination by Ms. Hissong	121
Redirect Examination (Continued) by Ms. Hissong	126

<u>EXHIBITS:</u>	<u>IDENTIFIED</u>	<u>ADMITTED</u>
OX#1        Dam Report	70	
PX#1        1982 Order	24	24
PX#2        District Map	25	27
PX#3        Spreadsheet	33	33
PX#4        PowerPoint	37	38

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Roscommon, Michigan  
Friday, September 15, 2023, at 9:27 a.m.  
(Exhibits PX1 through PX4, marked prior to  
proceedings)

THE COURT: Okay. And this is the date and time for  
a hearing with regard to the establishment of boundaries of a  
special assessment district for Higgins Lake; Is that correct?

MS. HISSONG: Yes, your Honor.

THE COURT: Do you want to place an appearance on  
the record?

MS. HISSONG: Yes. Good morning, your Honor, Stacy  
Hissong and Amanda Knutson appearing on behalf of Roscommon  
County and Crawford County.

THE COURT: All right.

And, Mr. Ellison, I see you're sitting here.

MR. ELLISON: I am, Judge. Good morning. Philip  
Ellison appearing on behalf of certain objectors, Cornell,  
Semack, Brooks, Carl -- Carleton -- yeah, Carleton, and the  
Higgins Lake Property Owners Association.

THE COURT: Okay. And I received the objection; It  
was filed yesterday at 2:30.

Ms. Hissong, have you received that -- copy of that  
object -- objection?

MS. HISSONG: I received an email from Mr. Ellison,  
yes, I did.

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1 THE COURT: Okay. Now, just a couple things I wanna  
2 put on the record. This was a hearing that was set June 16,  
3 2023, for today so this hearing's been on notice for  
4 approximately three months. Motion practice MCR 2119 requires  
5 that a motion that presents an issue of law must be accompanied  
6 by a brief. Paragraph (C) indicates the time for service of  
7 that motion on interested parties; Nine days if service by  
8 mail, seven-days notice if personal service. And paragraph  
9 (4), "Unless the court states a different time, a motion must  
10 be filed at least 7 days before the hearing..." This was filed  
11 yesterday so it's late.

12 Mr. Ellison.

13 MR. ELLISON: Judge, that would be appropriate for  
14 a motion. This is a public hearing not a public -- this is  
15 not a contested court case and it's a petition. It is an  
16 objection in opposition to the petition itself so I would argue  
17 that 2.119 is not the applicable standard.

18 THE COURT: What is the applicable standard?

19 MR. ELLISON: The applicable standard is, you've --  
20 you've requested for objections to be received and didn't set  
21 any particular deadline in your order. I know you issued an  
22 or -- an order back in June but those were not served until  
23 three weeks ago when -- that's when my office was contacted --  
24 -- when these notices went out approximately three weeks before  
25 this hearing here today. So, to say it's been out for three

1 months is -- technically it's in the court file but it's cert  
2 -- certainly it's not been served on the public until recently  
3 and, of course, that's what brought it to my attention and to  
4 my client's attention, in that respect.

5 This is not -- I mean, this is an unusual court case  
6 and that it is -- while it's docketed as a civil court case,  
7 it is a -- it is a petition that is here. And I'm not asking  
8 for a motion for relief on that, we're filing our objections  
9 to the relief that's being sought.

10 THE COURT: Okay.

11 Any comment, Ms. Hissong, you wish to make?

12 MS. HISSONG: No, not at this time. I believe that  
13 property owners -- So, I -- I don't necessarily do this matter  
14 as a public hearing. This is a court proceeding and not a  
15 public hearing. It is my opinion that it's not open to the  
16 Open Meetings Act, etcetera. So, there is an opportunity for  
17 property owners, which pro -- the prop -- I'm not aware that  
18 the Higgins Lake Property Owners Association is a property-  
19 owner proposed to be in the special assessment district to  
20 provide view -- or -- to provide testimony to the Court, as  
21 the Court wishes.

22 THE COURT: Okay. Well --

23 MR. ELLISON: Judge, if I can just -- just --

24 THE COURT: Yeah.

25 MR. ELLISON: Just so my record's clear, the

1 individuals that are named in our filing are actual property  
2 owners. They are, of course, leadership of -- of the Higgins  
3 Lake Property Owners Association, but they themselves, as  
4 objectors as identified on there, are property owners within  
5 the proposed district.

6 THE COURT: Right. I understand.

7 MR. ELLISON: Okay. Very good. Thank you.

8 THE COURT: I understand that.

9 Okay. Well, looking at the objection, I just want  
10 to place a few things on the record. The objectors presume a  
11 few things. They -- they presume, in their objection, the  
12 proper procedure for a sess -- special assessment district to  
13 be as follows: One, the county requests the special  
14 assessment. Two, the county has a cost study done and  
15 apportionment plan based upon preliminary studies, survey,  
16 etcetera, as set out in MCL 324.30712; Then holds a hearing  
17 with regard to the special assessment district.

18 The statute that the objectors rely upon for this  
19 presumed procedural flow is MC -- is MCL 324.30711 which allows  
20 a county to determine by resolution that a special assessment  
21 district is necessary to pay in whole or in part of a project  
22 regarding an inland lake. As part of the first paragraph of  
23 that statute, the statute indicates that if the board -- meaning  
24 the county board -- so determines that a special assessment  
25 district is to be established, the board shall compute the

1 cost of the project and prepare a special assessment roll.

2 So, in my interpretation of the statute, there's a  
3 fundamental misunderstanding about what this statute means.  
4 There's two parts: First, is establishing the boundaries of  
5 a special assessment district which is why we're here today.  
6 Once that's done, if the county decides to go forward with the  
7 special assessment and assessing a tax with regard to that --  
8 a project in that special assessment, then an apportionment  
9 roll needs to be done; Further hearings have to be held in  
10 that regard but that's not why we're here today. And so, my  
11 reading of the objection placed today is, in that regard,  
12 premature.

13 The objection -- the objection assumes that this  
14 hearing today is regarding the cost of a project and  
15 apportionment rolls for the tax collection. That is not what  
16 this is -- was noticed for, nor what this is about. Once the  
17 boundaries are established the board will be required to set  
18 an apportionment roll within those boundaries. There is  
19 nothing that I can read in MCL 32430711 to suggest or declare  
20 that this process, that the county has decided to follow, is  
21 in violation of the statute.

22 The objectors have not appointed any authority in  
23 their objection to indicate that my assessment of that statute  
24 is incorrect. They acknowledge this fact on page 5, footnote  
25 4, of their objection with the phrase, "Establishing a special

1 assessment district, among a list of proposed costs, is strong  
2 evidence that computation is to be done first," or words to  
3 that affect; I'm paraphrasing. Okay. That's their take on  
4 the statute but the statute doesn't say that. And there's no  
5 requirement that the process, that the county has elected to  
6 follow, is in violation of that statute for that reason, and  
7 as such the objection is premature.

8 The objection also relies on the statutory  
9 limitation period in the statute that calls for a special  
10 assessment district be declared within 60 days of an order  
11 establishing a lake level. Obviously, in this case, the lake  
12 levels have been in -- in effect for decades and no special  
13 assessment district was done. The objectors failed to  
14 acknowledge a couple very pertinent cases on this point; Most  
15 notably and most recently, although it's unpublished, is the  
16 *In the Determination and Establishment of a Lake Level for the*  
17 *Waters of Stylus Lake, Logan Township, Ogemaw County, Michigan*  
18 *V. Ogemaw County Board of Commissioners* (2003) case, Westlaw  
19 22715696. That case relies upon the reading of MCL 32430707,  
20 which has the statute of limitation portion in paragraph 5,  
21 and the court indicates that, "The fundamental rules of  
22 statutory construction generally preclude construction of the  
23 time limit for performance of an official duty as being  
24 mandatory, absent lang -- language that expressly precludes  
25 performance of such a duty after the special time has elapsed."

1 And the court relies on the unpublished opinion on *People V.*  
2 *Yarema*, 208 Mich. App. 54 (1994), the *Yarema* case stated that,  
3 "Such statutes are normally construed as being 'directory.'"   
4 In this context, the term "directory" means something less  
5 than the all -- alternative of compliance, or absolute  
6 dismissal based on the time limit. That's consistent with the  
7 findings held in *Glenn Lake Crystal River Watershed V. Glenn*  
8 *Lake Association*, 264 Mich. App. 523 (2004), which held that  
9 the action in that case was not an original action to establish  
10 a lake level but rather involved the right to invoke the trial  
11 court's continuing jurisdiction over a matter already the  
12 subject of an existing lake level order, and the court allowed  
13 continuation of the case based on that.

14 So, for those reasons the argument and objection  
15 raised at -- that this hearing and the special assessment  
16 district is time barred, is without merit.

17 Okay. Now, with those opening state -- statements  
18 with regard to the objection, I wanna make clear to everybody  
19 here, the purpose of this hearing is required by statute. It  
20 is not a trial. Due process is satisfied by hearing -- at a  
21 hearing at which all interested parties may present evidence  
22 and arguments allowing the circuit court to ensure that the  
23 county has considered the varying public interest in reaching  
24 its policy decision and protects the public against arbitrary  
25 government action. Thus, the purpose of this hearing is to

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1 appraise the public of the governmental action while providing  
2 the opportunity to present opposing viewpoints. The focus is  
3 thus on the public welfare and not on individual riparian  
4 rights because the purpose of the special assessment district  
5 is to authorize the county to make policy decisions about the  
6 inland lake -- in this case, Higgins Lake -- and its lake  
7 levels and the infrastructure necessary to maintain the desired  
8 lake level. Part of this process is also for the county,  
9 through the county commissioners and their representative  
10 today, to explain and answer questions regarding the  
11 confirmation of the boundary of the Hib -- Higgins Lake  
12 proposed special assessment district. This hearing is not  
13 about potential assessment costs, methodology to be used in  
14 maintaining a lake level, or any dam structure cost related to  
15 maintaining the lake level, or additional structure and/or  
16 improvements if any, the lake level itself, or whether that  
17 legal lake level should be amended in any way. Therefore,  
18 questions related to those topics will not be allowed.

19 With that being said, are we ready to proceed?

20 MS. HISSON: Yes, your Honor. I have a brief opening  
21 statement.

22 THE COURT: Okay.

23 MS. HISSON: If it's all right I'll stand at the  
24 podium.

25 THE COURT: Wherever you're comfortable.

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MS. HISSON: Thank you.

The current petition, as approved by both the county boards of commissioners -- that's Roscommon County and Crawford County -- as for -- as this Court mentioned, the sole purpose amending this Court's 1982 Higgins Lake Level order to confirm the boundaries of the special assessment district in accordance with Part 307. The Court has identified -- or -- the counties have identified no previous court orders, or proceedings, or confirming the -- or that boundaries were previously established or confirmed. That is not unusual because this lake level was established decades ago -- as the Court noticed -- most recently amended decades ago -- but almost a century ago this lake level was established. The Inland Lake Level Act has undertaken not only a series of amendments but complete recodifications in the last century. And so, when the Higgins Lake level was originally established, there was no language about the confirming and the setting of a special assessment order as it does in its current capacity. And Part 307, that recodification took place in 1994 to be part of the Natural Resources and Environmental Protection Act.

So, it is understandable why the public, who has so many questions about why is this the process -- or, indeed, even Mr. Ellison -- as to why wasn't this done, because the statute has undertaken a number of changes with this. And it -- this is not a brand-new lake level; This is a century old

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1 lake level that the court has continuing jurisdiction over to  
2 make revisions as is appropriate.

3 So, accordingly, we are here today solely to amend  
4 the court order to confirm the boundaries of the special  
5 assessment that both county boards of commissioners, who have  
6 jurisdiction over this lake level, have recommended. As this  
7 Court noted, the Court is not hearing -- because we have not  
8 requested in the county's resolutions at this time -- any other  
9 changes to the -- that court order with regard to the lake  
10 levels themselves.

11 Notices were sent out to -- for today's hearing, as  
12 provided in Part 307 and as required by this court's order,  
13 including mailing notice to all property owners and to effected  
14 governmental agencies within the boundaries, required by law.  
15 These were sent out on August 17th. You will hear later that  
16 we added four properties after the initial petition was filed  
17 with this court. All of those property owners received notice  
18 within the statutory time period, one on October -- err --  
19 August 25th. The counties also posted notices on each of their  
20 websites in each of their county buildings, and published  
21 notice three consecutive weeks in a newspaper of general  
22 publication, as required, in each county; In -- in Roscommon  
23 County with the Houghton Lake Resorter and in Crawford County  
24 with the Crawford County Avalanche.

25 In addition to the required statutory notice,

1 Roscommon County Board of Commissioners wanted to ensure that  
2 there was as much transparency as possible, and public  
3 engagement, in getting to the point where we are here today.  
4 And in their request to provide as accurate as a lake level  
5 boundary recommendation to this court as possible, that public  
6 engagement included meeg -- meetings with the township  
7 assessors for all three townships; Website was created  
8 specifically for gathering and providing information with  
9 regard to the spe -- proposed special assessment district map;  
10 There was a public webinar in April, letting property owners  
11 and anyone interested in knowing about the process, to get us  
12 to the point where we are today. There was an informational  
13 survey -- information mailed out to all the property owners  
14 requesting -- soliciting information about the special  
15 assessment boundaries, again, so we could bring an accurate  
16 recommendation to this Court. And I wish to thank everyone  
17 who participated in that survey. We received approximately  
18 381 responses to that. We also attended in person meetings in  
19 Lyon Township and Beaver Creek Township to explain the process  
20 and att -- attain -- obtain as much information as possible.  
21 And then, with the website, we had email and phone numbers for  
22 people to call in, email, or provide written correspondence.  
23 And many, many, property owners, as this Court is aware, have  
24 taken advantage of that opportunity and we provided all of  
25 those comments to this Court as recently as this morning; Each

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1 time we had one come in, we immediately -- we got those to the  
2 Court.

3 THE COURT: In addition -- just to stop you there -  
4 - other correspondence came directly to the Court as well. And  
5 I've, to the best of my ability, been able to provide copies,  
6 I think, to you with regard to those comments.

7 MS. HISSONG: Yes. Thank you, your Honor. And thank  
8 you to your staff. That was not an unsubstantial project and  
9 so I appreciate that.

10 Prior to the filing, and since the time of the  
11 initial petition was filed for this matter, we have  
12 investigated that feedback. That feedback was very important  
13 relating to the boundaries, and we made changes both adding  
14 and removing parcels based on the information that was  
15 provided. Because some feedback was perceived after the  
16 initial petition was filed, we have five parcels that we wish  
17 to make changes, that would be different from the original  
18 filing, one removal and four additions; And we will provide  
19 evidence and testimony with regard to that when we have the  
20 engineer testify.

21 Parcels included in the recommendation to this Court  
22 to be within the proposed boundaries include all those with  
23 either "direct" -- meaning the parcel closest to the lake or  
24 what we will generally call lakefront access, or "indirect"  
25 private-legal access through a plat, through a specific

1 easement or deed, through an association, or some other form  
2 of private legal access. This is the exact same methodology  
3 that was used to confirm the boundaries of Houghton Lake and  
4 the hearings that took place last year.

5 We have been in contact with the Attorney General's  
6 Office regarding any comments or concerns from EGLE or the  
7 Michigan Department of Natural Resources and shared our  
8 proposed order with the Attorney General's Office. There are  
9 ten parcels that the county has proposed to include in the  
10 special assessment district boundaries that are owned by the  
11 DNR. We went through each of those parcels with the DNR, and  
12 the proposed order, and they have communicated to us that they  
13 have no objections to the proposed order.

14 We are prepared to present testimony of Civil  
15 Engineer Luke O'Brien from Spicer Group to provide background  
16 to the Court as to how the recommendation of the special  
17 assessment district was determined. I have personally  
18 reviewed, much like the Court has, all of the communications  
19 and objections provided to this Court, again, as recently as  
20 this morning and have been provided, again, as we mentioned,  
21 to the County Board of Commissioners. And we have every single  
22 Board of Commissioner Member from Roscommon County, along with  
23 the Controller, here today; They have been -- also been  
24 provided with all of that information.

25 The comments can generally be summarized in the

1 following categories: There is no need for a special  
2 assessment district; The entire state, or at least the entire  
3 county or township, should be included in the special  
4 assessment district; Road-ends need to be included within the  
5 boundaries; The district was required to be established and  
6 confirmed within 60 days -- as this Court mentioned; The water  
7 level on Higgins Lake is too low -- or for some others -- too  
8 high. So, I'm gonna unpack each of those very briefly for the  
9 court.

10 "There is no need for a special assessment district.  
11 It has been..." in some of the correspondence, "...we have  
12 volunteers who would like to pay; There is nothing much that  
13 you need to take care of." Actually, once a lake level is  
14 established, there -- it becomes the responsibility and the  
15 jurisdiction of Roscommon County and Crawford County to operate  
16 and maintain that lake level, what that decision was -- made  
17 before anyone in this room was born -- that that jurisdiction  
18 was given to them. That was the time to decide, should there  
19 be -- basically, should there be responsibility to the county  
20 or not? That decision has been already made; That ship --  
21 pardon the pun -- has already sailed through this lake.

22 So, now Roscommon County has the decision to, in its  
23 own power, to decide whether a special assessment district  
24 should be established or not. We provided a brief to this  
25 Court last week specifically on this issue. This Court doesn't

1 decide whether there should be a special assessment district,  
2 the counties have decided that this Court's role is, instead,  
3 to confirm those boundaries. Establishing -- the vast majority  
4 of lake levels, across Michigan, have a special assessment  
5 districts to assist with the cost and operation and maintenance  
6 of the lake levels. We have testified, in previous proceedings  
7 with Houghton Lake -- and we'll do that again today -- that  
8 the vast majority -- I would say well over 90 percent, maybe  
9 even over 95 percent -- of counties have special assessment  
10 districts for their lake levels. And establishing a lake level  
11 district will help counties ensure that a financing mechanism  
12 is available now and in the future.

13 The county board of commissioners has stressed, just  
14 because there is a lake level district does not mean that the  
15 county will levy assessments for the lake level district --  
16 that has not been determined yet -- but it is important to  
17 have one necessary as a funding mechanism. So, the Court is  
18 correct that decisions as to how much an assessment will be,  
19 or the methodology for assessments, that is a decision for the  
20 county boards of commissioners and not this Court. I know  
21 this Court would love to get into the, you know, specificities  
22 of all that, but the Court's job is only basically who's in  
23 and who is out.

24 The question has also been posed -- or -- the  
25 objection posed that the entire state or a larger area like

1 the county should be included in the special assessment  
2 district because others use the lake. Your Honor, I represent  
3 60 different counties with regard to drains and lake levels  
4 and I understand the feelings that many - many people use this  
5 lake; In almost every lake level assessment hearing that I do,  
6 that is brought up from a resident of the lake that we are  
7 dealing with, that other people utilize the lake. This -- not  
8 me, not this Court, but the legislature has decided that the  
9 cost for the maintenance and the operation of a lake are to be  
10 paid for, if the counties chose to, by a special assessment  
11 district. And so, when we're looking at a special assessment  
12 district, that is not a user fee, we have to look at properties  
13 that benefit and not who actually -- actually uses it.  
14 However, the legislature did put in the ability for the county  
15 boards of commissioners to levy assessments to the governmental  
16 entities that are part of the district, which would include  
17 the townships at large and the counties at large for their  
18 benefit. And I'll talk about that more when it comes to road-  
19 ends, but they also specifically included the Michigan  
20 Department of Natural Resources. I know that the county board  
21 of commissioners took that into consideration when confirming  
22 a special assessment district or even asking this Court to  
23 confirm one because without a special assessment district there  
24 is no mechanism to ask the Department of Natural Resources to  
25 help pay for the maintenance and the operation of the lakes in

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1 Roscommon County. That is a big factor because the DNR  
2 properties are a large user of this and without a special  
3 assessment district they do not participate; There are ten  
4 parcels. And then, again, when we go into the intensity of  
5 the use or the methodology of the assessments with campgrounds,  
6 with boat launches, with frontage, all that will be taken into  
7 consideration in levying an assessment to the Michigan  
8 Department of Natural Resources.

9 When -- and I'm gonna skip right to road-ends. Road-  
10 ends were not included in the boundaries -- and we will go  
11 through this with the engineer who is testifying -- because  
12 they are not a parcel ID number; It is a public road with no  
13 parcel ID number in which to levy a special assessment.  
14 However, the county can consider how these road-ends are  
15 utilized in levying assessments to each of the townships and  
16 to the county involved for the public at large benefit to those  
17 townships and to those counties when levying the assessment.  
18 That is not unusual, and they are being recommended to be  
19 included in this special assessment district boundary even  
20 though the road-ends, themselves, are not. That would be  
21 inappropriate.

22 The district was required, as this Court talked  
23 about, to be established -- this is another argument by Mr.  
24 Ellison -- within 60 days of establishing a lake level. The  
25 Court cited a case from 20 years ago; Sad to say I was the



1 attorney in that case 20 years ago. It didn't feel like 20  
2 years ago where that -- that was decided by the Court of  
3 Appeals. Again, in the '20's this language was in there, so  
4 as the Court of Appeals correctly decided, that is directory  
5 not exclusive because it would not make sense for the dozens,  
6 if not over 100 hundred, established lake levels before the  
7 act was changed, to not have the ability to confirm a lake  
8 level, for not just the original establishment of the lake but  
9 also the language in the statute continually talks about the  
10 operation and ongoing maintenance of the lake. And so, it is  
11 our position that the Court absolutely has the ability, and  
12 the counties absolutely have the ability, to establish and  
13 confirm a lake level district under Part 307.

14 And then, "The water level on Higgins Lake is too  
15 low," or for some property owners, too high; I know that this  
16 is an issue that the county board hears, that the county board  
17 has discussed with me, and I think is being taken very  
18 seriously by this county board of commissioners but this is a  
19 necessary first step. As this Court is aware there is other  
20 litigation regarding this issue, and to deal with -- regardless  
21 of that litigation, to deal with the operation and maintenance  
22 of not only this lake but as they're going through the same  
23 process with each lake that where there's established lake  
24 level in Roscommon County, the opportunity -- if the board  
25 chooses -- to levy assessments where they deem appropriate so

1 that the lake levels can be properly managed and better  
2 managed, not only now, but in the future.

3 So, with that, I am prepared to call Luke O'Brien as  
4 the engineer.

5 THE COURT: Okay. You may call Mr. O'Brien.

6 MS. HISSONG: Thank you, your Honor.

7 THE COURT: Mr. O'Brien.

8 I'll -- I'll swear him in.

9 You're right hand. Do you swear the testimony you  
10 are about to give will be the truth, the whole truth, and  
11 nothing but the truth?

12 MR. OBRIEN: I do.

13 LUKE O'BRIEN

14 (At 9:53 a.m., called by Ms. Hissong and sworn by  
15 the Court, testified as follows)

16 THE COURT: All right. Thank you. You may grab a  
17 seat in the witness stand.

18 DIRECT EXAMINATION

19 BY MS. HISSONG:

20 Q. Good morning.

21 A. Good morning.

22 Q. Can you please state your name for the record.

23 A. Luke O'Brien.

24 Q. And where are you employed?

25 A. Spicer Group Incorporated.

1 Q. And do you hold any college degrees?  
2 A. I have a Bachelors of Science Degree in civil engineering  
3 from Michigan State University.  
4 Q. Go green.  
5 A. Go white.  
6 Q. Are you a registered professional engineer in the state of  
7 Michigan?  
8 A. Yes.  
9 Q. Yes. And what is your role at Spicer Group?  
10 A. I am a project manager.  
11 Q. And how long have you been employed there?  
12 A. Approximately ten years.  
13 Q. Could you generally explain the duties of your employment?  
14 A. Many duties but some of them would include design,  
15 engineering, project management, construction administration,  
16 permitting, inspection, plus others.  
17 Q. Do you have any experience with lake level projects?  
18 A. Yes.  
19 Q. Okay. Did you assist with a special assessment district for  
20 Houghton Lake, as an example?  
21 A. Yes.  
22 Q. Okay. Can you provide just a couple examples of other  
23 special assessment districts that you've helped with?  
24 A. Murphy Lake in Tuscola County and Rice Lake in Houghton County.

1 Q. Okay. Have you ever served as an expert witness in any other  
2 cases involving inland lake levels?

3 A. Yes.

4 Q. And what was the most recent?

5 A. Murphy Lake, Tuscola County.

6 Q. Do you have any experience with different types of special  
7 assessment districts?

8 A. Yes, county drains, intercounty drains.

9 Q. What -- have you done 100 special assessment districts?

10 A. I would say thousands.

11 Q. Lucky you. Can you give me some examples of what counties  
12 those were in?

13 A. Numerous counties but examples would be Gladwin, Midland,  
14 Saginaw, Isabella, Clare, plus others.

15 Q. Okay.

16 MS. HISSONG: Your Honor, at this time I'd like to  
17 quali -- move to qualify Luke O'Brien as an expert in the field  
18 of civil engineering with respect to inland lake levels under  
19 MRE 702.

20 THE COURT: All right. Mr. O'Brien will be sworn in  
21 as an expert.

22 (At 9:55 a.m., witness sworn in by the Court as an  
23 expert witness)

24 THE COURT: As indicated, the Court takes notice  
25 that he was -- testified as an expert at the Houghton Lake

1 matter as well, so. Okay. Thank you.

2 MS. HISSONG: Your Honor, I believe Ron Hansen --

3 THE COURT: Oh, Ron Hansen was who testified?

4 MS. HISSONG: -- testified from Spicer Group and not  
5 Luke O'Brien.

6 THE WITNESS: Yeah.

7 THE COURT: Okay. All right. Sorry about that.  
8 It's been too long to recognize the face.

9 THE WITNESS: I was there though.

10 THE COURT: He -- he was there. Okay.

11 MS. HISSONG: He was there.

12 THE COURT: So maybe that's where I'm attaching  
13 recognition.

14 Nonetheless, Mr. O'Brien is sworn as an expert.  
15 Thank you.

16 MS. HISSONG: Thank you. Thank you, your Honor.

17 BY MS. HISSONG:

18 Q. Was Spicer Group retained to assist with the establishment of  
19 district boundaries for Higgins Lake?

20 A. Yes.

21 Q. And what specific task does Spicer Group perform relative to  
22 preparing this recommendation?

23 A. We reviewed the plats around the lake and the land records.

24 Q. And did you utilize GIS?

25 A. We utilized the GIS parcel data from both Roscommon and

1 Crawford Counties.

2 Q. Okay. Are you prepared to answer questions with regard to  
3 your recommendation?

4 A. Yes.

5 Q. Okay. I'm -- I provided the Court with Exhibit 1 -- a proposed  
6 Exhibit 1 which is the 1982 order. So, Mr. O'Brien --  
7 -- at this point, your Honor, I'd like to admit  
8 proposed Exhibit 1, the 1982 order, under MRE 902 sub (1) as  
9 a self-authenticating document.

10 THE COURT: One is admitted.

11 (At 9:57 a.m., PX1 admitted)

12 MS. HISSONG: Thank you.

13 BY MS. HISSONG:

14 Q. What was the established -- is there an established lake level  
15 for Higgins Lake based on this order?

16 A. Yes, there is.

17 Q. And what is the established normal lake level?

18 A. There is a summer elevation of 1,154.1 and a winter elevation  
19 of 1,153.6, both above mean sea level.

20 Q. Is there infrastructure that assists with maintaining the lake  
21 level?

22 A. Yes. There's a lake level control structure.

23 Q. And where is that located?

24 A. It's located at the southeast corner of the lake.

25 Q. Okay. And to your knowledge has a lake level assessment

1 district boundary ever been established for Higgins Lake?

2 A. No, not to my knowledge.

3 Q. Is it your experience that most lake levels have an  
4 accompanying lake level district?

5 A. Yes.

6 Q. Okay. I'd like you to take a look at proposed Exhibit 2 which  
7 is the district map. Can you identify what this document is?

8 A. This is the proposed special assessment district for Higgins  
9 Lake.

10 Q. And it's three pages. Could you provide a brief explanation  
11 of each of these pages?

12 A. Yep. The first page is the overview of the entire lake. The  
13 properties that are proposed to be included are highlighted in  
14 red. The second and third pages are just a zoomed in portion  
15 of the south half of the lake and the north half of the lake.

16 Q. Are you the custodian of the map?

17 A. Yes.

18 Q. Do you have personal knowledge of how the map was created?

19 A. Yes. The map was created by myself and other engineers at  
20 Spicer Group, as well as working with consultants and the  
21 stakeholders for the -- the -- this lake which would be the  
22 county and the townships.

23 Q. Did you participate in the creation of this map as part of  
24 your normal course of business with Spicer Group?

25 A. Yes.

1 Q. And was this map kept or maintained in your regular course of  
2 business?

3 A. Yes.

4 Q. All right.

5 MS. HISSONG: At this time, your Honor, I'd like to  
6 admit proposed Exhibit 2, under MRE 8 -- 803 (6), business  
7 record.

8 THE COURT: Two is admitted.

9 (At 9:59 a.m., PX2 admitted)

10 BY MS. HISSONG:

11 Q. Okay. So, what is the purpose of the map?

12 A. The purpose of the map is to show the properties that are  
13 included in the special assessment district.

14 Q. And what criteria did you use to determine what properties  
15 should be included within the boundaries?

16 A. This would be properties that have either direct access to the  
17 lake or indirect access.

18 Q. What is "direct access" mean?

19 A. "Direct access" would be the closest parcel to the lake,  
20 essentially a lakefront property. And "indirect access" would  
21 be access through other means, either through the plat or  
22 private easement or association, something of that sort.

23 Q. And -- and -- and did you also include governmental entities  
24 within the recommended boundaries or assessable entities for  
25 the lake?



1 A. Yes. The properties owned by the -- any of the townships or  
2 counties are included.

3 Q. But also the townships and counties at large?

4 A. Yes.

5 Q. Okay. Is it your opinion that the lands within the boundaries  
6 benefit from having an established lake level for Higgins Lake  
7 pursuant to Part 307?

8 A. Yes, it is my opinion they do.

9 Q. Okay. If a parcel -- umm -- okay. If a parcel touches the  
10 lake, is the entire parcel included within the boundaries even  
11 if it's a large parcel?

12 A. Yes. For special assessment districts of this nature, we do  
13 not split parcels. So, if a parcel is very large, the entire  
14 parcel is still included.

15 Q. Okay. Tell me type -- again, types of things that could give  
16 a backlot private legal access to the lake.

17 A. So, it would be if a plat has a dedicated area that, on the  
18 lake, that provides everyone in the plat access to it to  
19 utilize. There could also be private easements or if an, you  
20 know, association owns a property on the lake, that could give  
21 members of the association access to the lake.

22 Q. Does a public road-end count as private legal access, in your  
23 opinion?

24 A. No. No, it's not.

25 Q. So, that was not considered in putting together the boundaries.

1 A. No.

2 Q. Okay. For indirect access parcels with legal access, do you  
3 consider the quality of the access to a par -- for the -- to  
4 the lake?

5 A. No.

6 Q. Okay. So, what would be an example of, in your opinion, lake  
7 level access with different qualities of access? What does  
8 that mean to you?

9 A. Yeah. So, there could be areas that have, you know, a beach  
10 that provides access to -- to people that are in the plat.  
11 There could -- there could just be a walkway or there's some  
12 sort of designated area that provides access to the lake.

13 Q. Okay. And then, issues such as quality of the access could be  
14 a factor in the methodology for how much an assessment would  
15 be compared to another property owner; Correct?

16 A. Yes. That's something that can be taken in account with the  
17 assessment.

18 Q. Okay. Are the criteria you used for Higgins Lake special  
19 assessment district boundaries generally the same as for other  
20 lake level districts that you've been involved in and/or aware  
21 of?

22 A. Yes.

23 Q. Is it the same methodology that you used for Houghton Lake?

24 A. Yes, it is.

25 Q. Is it the same methodology that Spicer Group used for Four

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1 Lakes in Gladwin and Midland Counties?

2 A. Yes.

3 Q. Okay. To your knowledge, of Four Lakes, did the court follow  
4 the same general criteria also --

5 A. Yes.

6 Q. -- that was recommended by Spicer Group. Was the same general  
7 criteria used for Clare County's 15 lake level districts?

8 A. Yes.

9 Q. Okay. Is it the -- is the same true for Oakland County's  
10 dozens -- I think they have maybe 40 lake level districts?

11 A. Yes, it is.

12 Q. Okay. Murphy Lake and Tuscola?

13 A. Yes.

14 Q. Okay. Beaver Lake and Alpena County?

15 A. Yes.

16 Q. Okay. Would it be fair to say that statewide it's your opinion  
17 that lake level assessment district boundaries generally  
18 include the same types of properties that you're recommending?

19 A. Yes, it is.

20 Q. What are the typical steps of research to come up with this  
21 recommended lake level district?

22 A. We first check to see if they're any other special assessment  
23 districts. Then -- we would then look at -- review the land  
24 records and parcel information, review the plats, and determine  
25 who has benefit or not.

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1 Q. Did you speak with assessors with regard to this?

2 A. Yes. We coordinated with each of the township assessors as  
3 well.

4 Q. To just provide the context of that, how many communications  
5 did, roughly, take place between the assessors and Spicer  
6 Group?

7 A. They were -- they were numerous. Every time we would get  
8 something of -- of question, you know, we would coordinate  
9 with the assessor to see if they had any additional information  
10 that would help support the question or comment that we  
11 received.

12 Q. Dozens?

13 A. I would say dozens, yes.

14 Q. Okay. Did you intend public information or a webinar to share  
15 the initial assessment district boundaries with the public --

16 A. Yes.

17 Q. -- to receive public input? Did you intend in-person meetings  
18 at Lyon Township and Beaver Creek Township for that purpose?

19 A. Yes.

20 Q. Was there an informational survey sent out regarding access?

21 A. Yes.

22 Q. Okay. And did you review the survey responses?

23 A. Yes, we did.

24 Q. And were those utilized in developing your recommendation?

25 A. Yes.

1 Q. Okay. Did the county receive emails, phone calls,  
2 correspondence with regard to the boundaries?  
3 A. Yes.  
4 Q. Did you review --  
5 A. Yes.  
6 Q. -- the information provided? And did you make revisions or  
7 investigate --  
8 A. Yes, we did.  
9 Q. -- information? Okay. After the initial petition was filed,  
10 what actions did you rec -- do -- take to receive more public  
11 input?  
12 A. We continued to receive comments and questions and continued  
13 to investigate them as necessary.  
14 Q. And as a result, after the petition was originally filed with  
15 this court, did your recommendation for the boundaries change?  
16 A. Yes. We recommended making five changes.  
17 Q. Okay. And that would be four additions and one removal.  
18 A. Correct.  
19 Q. Okay. Is Exhibit 2 a map of the proposed boundaries that  
20 incorporates the information you learned from the meetings,  
21 all the way up until today?  
22 A. Correct.  
23 Q. Okay. And so that includes the revisions of those five  
24 parcels?  
25 A. Yes, it does.

1 Q. All right. I am going to move to proposed Exhibit 3. All  
2 right. I'd like to talk about those five parcels in  
3 particular. Please look -- please describe proposed Exhibit  
4 3.

5 A. This is a spreadsheet and supporting information for the five  
6 parcels that we would recommend either adding or removing.

7 Q. Okay. Is Spicer Group the current custodian of this proposed  
8 Exhibit?

9 A. Yes.

10 Q. Do you have personal knowledge of how the packet was created?

11 A. Yep. It was created by engineers and other consultants to --

12 Q. In the regular course of business?

13 A. Yes.

14 Q. And is this packet been maintained at Spicer Group?

15 A. Yes.

16 MS. HISSONG: At this point, your Honor, I'd like to  
17 move for the admission of Exhib -- proposed Exhibit 3, under  
18 MRE 803 (6), business record.

19 THE COURT: Three is admitted.

20 (At 10:06 a.m., PX3 admitted)

21 MS. HISSONG: All right.

22 BY MS. HISSONG:

23 Q. Was every parcel that you recommend adding, since the petition  
24 was originally filed, did every parcel receive notice of  
25 today's hearing within the statutory timeframe?

1 A. They did, yes.

2 Q. Okay. So, I'm gonna go through the five changes one by one  
3 starting with the one on the spreadsheet noted as 1, Parcel  
4 007-015-013-0180 -- and thank you for making the font big  
5 enough for me to read it. What is your recommendation with  
6 regard to that parcel?

7 A. We recommend adding it to the proposed special assessment  
8 district.

9 Q. And -- and why?

10 A. The Higgins Lake Village Estates Plat gives this parcel access  
11 -- gives access to backlots in the plat and specific adjoining  
12 lands through a privately dedicated direct access park. This  
13 particular parcel is part of those specific adjoining lands  
14 that were described in the dedication.

15 Q. And is a copy of the plat included in this exhibit?

16 A. Yes, it is.

17 Q. Under tab one?

18 A. Yes.

19 Q. And is a map showing the parcels that were involved also  
20 included in this exhibit?

21 A. Yes.

22 Q. Okay. And so, it is your recommendation to add this parcel?

23 A. Yes.

24 Q. Okay. Gonna move to pack -- Parcel No. 2 and that is Parcel  
25 004-721-040-0300. What's your recommendation with regard to

1 that parcel?

2 A. I recommend adding this parcel.

3 Q. And why?

4 A. There is an ingress/egress e -- ingress/egress easement to the  
5 lake, recorded Liber 1169, page 1312.

6 Q. Okay. And has that information that -- copy of that easement  
7 included in this packet?

8 A. Yes.

9 Q. All right. And is there information with regard to the  
10 specific parcel and a map of this specific parcel included in  
11 the packet as well?

12 A. Yes, there is.

13 Q. Moving to change No. 3, Parcel 004-141-007-0000. What's your  
14 recommendation with this parcel?

15 A. Adding.

16 Q. And why?

17 A. This parcel also has an easement for access, recorded Liber  
18 169 -- err -- 196, page 64.

19 Q. Okay. And a copy of this easement is included in the packet  
20 of Exhibit 3?

21 A. Yes, it is.

22 Q. And a map explaining --

23 A. Yes.

24 Q. -- the location of this parcel is included as well?

25 A. Yep.



1 Q. Thank you. And then the last, No. 4, that would be Parcel  
2 055-940-000-1700, what's your recommendation with regard to  
3 this?  
4 A. Add.  
5 Q. Okay; And why?  
6 A. This parcel is part of the camp -- Camp Curnalia Cottage Owners  
7 Association which provides private access for its members and  
8 we confirmed this with the county administrator.  
9 Q. The county administrator of which county?  
10 A. Crawford.  
11 Q. And this -- so this is a parcel in Crawford County?  
12 A. Yes.  
13 Q. Okay. And looking at the -- the fifth change, and the last  
14 change, at 004-480-077-1000. What is your recommendation for  
15 this parcel?  
16 A. Remove.  
17 Q. And why?  
18 A. This parcel was originally part of a parcel that had direct  
19 access to the lake. It has since been split and does not have  
20 a record of lake access, no easement, or other deeded access  
21 for the parcel.  
22 Q. All right. I'm gonna now move to Exhibit 4. So, I don't  
23 expect you to know the number of -- exact number of plats that  
24 you reviewed or condominium properties that you reviewed for  
25 this process, but give me a general idea.

1 A. Over 100.

2 Q. Over 100 plats?

3 A. Yeah.

4 Q. All right. I'd like to go through a few of these plats that  
5 had backlots that were being added as a result of the plat and  
6 talk over those with you. Please look at proposed Exhibit 4  
7 and could you tell me what this is?

8 A. This is a PowerPoint that was prepared to provide information  
9 and background of -- of why some of these plat's parcels were  
10 included in the special assessment district.

11 Q. And so, what does the PowerPoint include?

12 A. It includes the images of the plats and then an explanation of  
13 why parcel were included or not included.

14 Q. Okay. Is Spicer Group the current custodian of proposed  
15 Exhibit 4?

16 A. Yes.

17 Q. Do you have personal knowledge of how it was created?

18 A. Yes. It was created by engineers and consultants.

19 Q. Okay. Under your supervision?

20 A. Yes.

21 Q. Okay. Was it created in the regular course of business --

22 A. Yes.

23 Q. -- and maintained at Spicer Group --

24 A. Yes.

25 Q. -- in the regular course of business?

1 MS. HISSONG: Again, we move to admit proposed  
2 Exhibit 4, under MRE 803, sub (6).

3 THE COURT: Exhibit 4 is admitted.

4 (At 10:11 a.m, PX4 admitted)

5 MS. HISSONG: All right.

6 BY MS. HISSONG:

7 Q. So, Mr. O'Brien, I'm gonna turn to pages 2 to 3 -- 2 and 3 of  
8 the exhibit. What is your recommendation and what is -- what  
9 plat does -- or a condominium association -- or a condominium  
10 development does pages 2 to 3 deal with?

11 A. This includes the Cedar Shores Villas Condos and also the  
12 Lakeshore East Condos.

13 Q. And Three Flags Condos?

14 A. Yes. And also Three Flag Condos.

15 Q. Okay. So, it'd be 2, 3, and 4. I apologize.

16 A. Yes.

17 Q. For those condos, why were they included -- the properties  
18 included in the special assessment district?

19 A. They were recommended to be included because there is a master  
20 deed that provides the owners of, access to the -- to the lake.

21 Q. All right. Similar group of plats, in pages 5 through 15 of  
22 Exhibit 4, what is your recommendation? I'm gonna go through  
23 one -- one by one -- Birchcrest on page 5?

24 A. Include all parcels.

25 Q. Why?

1 A. There's a -- the dedication gives owners access to the lake.  
2 Q. Okay. And page 6, Daytona-On-The-Lake?  
3 A. Include all parcels.  
4 Q. Same reason?  
5 A. Yes, same reason; Dedicated Access.  
6 Q. Page 7, Owner's Beach Side Estates?  
7 A. Include all parcels.  
8 Q. And, for the same reason?  
9 A. Same reason; Dedicated access.  
10 Q. Okay. Sunset Shores Association, Page 8?  
11 A. Include all parcels?  
12 Q. And, for the reason?  
13 A. There is a lot that's dedicated to access to the backlots.  
14 It's a -- it's a lakefront lot.  
15 Q. Supreme View, on page 9?  
16 A. Include all parcels.  
17 Q. Because there's a direct -- dedicated direct access?  
18 A. Yes.  
19 Q. Page 10, Surf Side Shores?  
20 A. Include all parcels.  
21 Q. Because of dedicated direct access?  
22 A. Yes.  
23 Q. Page 11, Higgins Lake Village Estates?  
24 A. Include all parcels.  
25 Q. Because ded -- dedicated access?

1 A. Yes.

2 Q. Page 12, Higgins Lake Village Estates #2 ?

3 A. Include all parcels.

4 Q. Because of direct access?

5 A. Yes, dedicated access.

6 Q. Dedicated access; Excuse me. Thank you. Page 13, Sunrise

7 Heights?

8 A. Include all parcels.

9 Q. And because of dedicated access to all parcels to access to

10 the lake?

11 A. Yes.

12 Q. Sunrise Heights #2?

13 A. Include all parcels.

14 Q. Okay. Because of dedicated access --

15 A. Yes.

16 Q. -- from a parcel to the lake?

17 A. Yes.

18 Q. And the last one in this set, page 15, Sunrise Heights #3?

19 A. Include all parcels.

20 Q. Same reason?

21 A. Yes. Dedicated Access.

22 Q. All right. Now moving to Page 16, which is Lakeside Camp

23 Association, what is your recommendation for Lakeside Camp

24 Association?

25 A. The recommendation was to include all parcels.

1 Q. And why is that?

2 A. The township assessor confirmed that the association owns all  
3 the property within the plat except for individually private  
4 owned lots, but each lot has a share of the association which  
5 includes access to the lake.

6 Q. And so, the assessor treats these as lake access.

7 A. Yes.

8 Q. And that's why your recommendation is to include them.

9 A. Yes.

10 Q. Page 17, Minto Point Plat. What is your recommendation with  
11 -- with regard to this plat?

12 A. Include all parcels.

13 Q. And why?

14 A. The -- there's a direct access parcel that's owned by the Minto  
15 Point Property Owners Association and the articles of the  
16 association state that all lots in the plat are -- all members  
17 -- all owners of the plat are members of the association.

18 Q. Did you confirm this information with the township assessor?

19 A. Yes.

20 Q. And that lead you to your recommendation to include it?

21 A. Yes.

22 Q. Okay. All right. Moving to pages 18 to 22 which all involve  
23 Oak Bluffs. What is your recommendation with regard to Oak  
24 Bluffs?

25 A. Include all parcels.

1 Q. And why?

2 A. Let's see. So, they're -- this is unique because there's  
3 multiple state strips of parcels. Two of the strips have lake  
4 access through recorded easements. And one strip has access  
5 through a Oak Bluffs Association which owns a direct access  
6 parcel. And the fourth strip has access through the Clear  
7 View Association which also owns a direct access parcel.

8 Q. Thank you.

9 A. You're welcome.

10 Q. Page 23 involves Sunset [sic] Shores Association Plat. What's  
11 your recommendation with regard to this plat?

12 A. Include all parcels.

13 Q. And why?

14 A. There's a common area that's dedicated access to all owners of  
15 the plat.

16 Q. All right. And page 24 is The Norways Plat. What is your  
17 recommendation with regard to this?

18 A. Include all parcels.

19 Q. And why?

20 A. There is a private walkway dedicated area to the plat. The  
21 private walkway leads to the lake.

22 Q. All right. Page 25 is Treasure Island. What is your  
23 recommendation with that plat?

24 A. Include all parcels.

25 Q. And why?

1 A. There is a dedicated -- there are dedicated walkways to owners  
2 of the plat. One of the walkways extends to the lakeshore and  
3 provides lake access to backlot.

4 Q. Page 26 is Chicago Beach Plat. What is your recommendation  
5 with regard to this?

6 A. Include the direct access parcels and a few additional parcels.

7 Q. And so, how did you get a few additional parcels?

8 A. There is recorded easements.

9 Q. So, every lakefront parcel in this plat is included in the  
10 boundaries; Correct?

11 A. Correct.

12 Q. Are there backlot lots or parcels that are not included in  
13 this pl -- in the boundaries?

14 A. Correct. Those that do -- backlots that do not have recorded  
15 easements are not included.

16 Q. There are some parcels that are backlots that do have recorded  
17 access easements.

18 A. Yes.

19 Q. And only those are included in this proposed district  
20 boundaries; Correct?

21 A. Yes.

22 Q. Page 27 is Whittington Park. What is your recommendation with  
23 regard to this one?

24 A. Include direct access parcels and one additional parcel. The  
25 additional parcel has a recorded easement.



1 Q. Okay. So, again, this is the same situation as the last plat.  
2 All of the lakefront parcels are included in the district  
3 boundaries.  
4 A. Yes.  
5 Q. Those parcels in the backlots with specific easements are also  
6 included.  
7 A. Yes.  
8 Q. Those parcels that are backlots in this plat that do not have  
9 an easement are not included.  
10 A. They're not; Correct.  
11 Q. Page 28 is Hillcrest. What is your recommendation with regard  
12 to Hillcrest?  
13 A. Include direct access parcels and backlots within the plat  
14 that are part of the Island View Association.  
15 Q. Okay. So, there would be some backlots that are not proposed  
16 to be in the assessment district then.  
17 A. Yes.  
18 Q. Okay. That are not part of the Island View Association that  
19 has access?  
20 A. Correct.  
21 Q. All right. With regard to page 29, Pine Bluffs, what's your  
22 recommendation?  
23 A. Include direct access parcels and one additional backlot  
24 through a recorded easement.  
25 Q. Okay. So, again, backlot parcels that do not have access

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1 easements are not included in the district --  
2 A. Correct.  
3 Q. -- boundaries and any backlot parcel that does have a legal  
4 access easement is included.  
5 A. Yes.  
6 Q. Page 30, Michigan Central Park #1, what's your recommendation?  
7 A. Include direct access parcels and one additional parcel which  
8 has a recorded easement for lake access.  
9 Q. And, again, any backlot that has a recorded easement for access  
10 is included.  
11 A. Yes.  
12 Q. Any backlot parcels that do -- does not have legal access  
13 through an easement is not included.  
14 A. Correct.  
15 Q. Page 31, Michigan Central Park #3, what is your recommendation?  
16 A. Include direct access parcels and then all lots in Block 160  
17 of the plat.  
18 Q. Okay. Why just Block 160?  
19 A. The lots in Block 160 have a recorded easements for lake  
20 access.  
21 Q. Okay. And the other backlots, to your knowledge, have not.  
22 A. They do not, to my knowledge.  
23 Q. And so therefore are not included in your recommendations.  
24 A. Correct.  
25 Q. Last page, Camp Curnalia. What is your recommendation with

1 regard to Camp Curnalia?

2 A. Include the entire association.

3 Q. Why?

4 A. All cottage owners are members of the association which gives  
5 them lake access.

6 Q. Okay. Are the DNR parcels that are -- are there DNR parcels  
7 included in the proposed district boundaries?

8 A. Yes.

9 Q. Okay. How many?

10 A. Ten.

11 Q. Okay. Are they all front-lot or is there a backlot -- or a -  
12 - a parcel that is not?

13 A. They are not -- they are not all front-lots.

14 Q. Okay. And so, what parcels that were not front-lots -- or  
15 front parcels -- I'm not gonna call those lots -- included in  
16 the district boundary for this?

17 A. They would be part of the -- the park.

18 Q. Okay. And so, had access via the park.

19 A. Via the park through adjacent parcels.

20 Q. Okay. And this includes both the North and South Higgins Lake  
21 State Parks?

22 A. Yes.

23 Q. And you have reviewed this information with representatives  
24 who are in the Michigan Department of Natural Resources.

25 A. Yes, I have.

1 Q. Going back to Exhibit 2, the map of the proposed special  
2 assessment district, is this your recommendation for the  
3 boundaries today?

4 A. Yes, it is.

5 Q. Okay. And your recommendation is based on the past  
6 methodologies that we've discussed for other lakes.

7 A. Yes.

8 Q. And is it your recommendation that that same methodology be  
9 used?

10 A. Yes.

11 Q. Did you make this recommendation to the delegated authority?

12 A. Yes.

13 Q. Okay. And how many direct access parcels are included in the  
14 recommended district boundary?

15 A. There are 1,207.

16 Q. And how many indirect parcels?

17 A. 812.

18 Q. Okay. So, how many total parcels are included?

19 A. 2,019.

20 MS. HISSONG: I don't have any other questions for  
21 the witness at this time.

22 THE COURT: Okay. Do you have any other witnesses  
23 to testify?

24 MS. HISSONG: I do not.

25 THE COURT: Okay. Thank you.

1 MR. ELLISON: Your Honor, am a permitted to ask --

2 THE COURT: You are.

3 MR. ELLISON: Okay. I was gonna ask. I only have  
4 three questions.

5 THE COURT: Yeah, no. You're permitted to ask.

6 CROSS-EXAMINATION

7 BY MR. ELLISON:

8 Q. Sir, thank you for being here this morning. You've done a --  
9 as a lawyer who does this kind of work -- you've done a  
10 tremendous amount of work with this today and we appreciate  
11 your efforts on this.

12 A. Thank you.

13 Q. My question is, under Section 30711 of the act, it provides  
14 that a -- if a county board determines that a special  
15 assessment dist -- district is to be established, the  
16 delegated authority shall compute the cost of the project and  
17 prepare a special assessment roll. Am I understanding your  
18 testimony correctly that today you've been the person that's  
19 designated to prepare the special assessment roll through the  
20 -- all the acts, all the research, and all the testimony  
21 you've provided here today?

22 MS. HISSONG: I'm gonna object, your Honor. His  
23 testimony was not with regard to a special assessment roll  
24 but just to boundaries.

25 MR. ELLISON: That's what I'm understanding that's

1 -- that's the same thing; Is it not?

2 THE COURT: They're not.

3 MS. HISSONG: It is not.

4 THE COURT: One is a tax tribunal role and one is a  
5 boundary.

6 MR. ELLISON: Okay.

7 BY MR. ELLISON:

8 Q. So, you -- so, today you're -- you're establishing the  
9 boundary role; Correct?

10 A. We are establishing the boundaries of the special assessment  
11 district.

12 Q. Of the special -- okay. But have you been asked to compute  
13 any cost of any particular project on this?

14 A. No.

15 Q. All right. And have you -- have you at all -- are you here  
16 offering, as part of this petition, any information about the  
17 computation of those costs in any way?

18 A. No.

19 Q. All right. And are you offering any testimony about how that  
20 cost, if there was to be a cost, how that should be  
21 apportioned based on the various par -- parcels -- and you  
22 said -- I believe you said 2,000 -- 2,219.

23 A. No. We're simply establishing what are parcels that are in  
24 the boundary.

25 Q. Okay. Thank you very much.

1 MR. ELLISON: That's all the questions I had.

2 THE COURT: Okay. We'll start with -- we've got 29  
3 question requests. We'll start with No. 1, Kim Fous. You're  
4 --

5 MS. FOUS: I don't need to ask it, your Honor.

6 THE COURT: Okay. Thank you.

7 No. 2 was Rachel Martin.

8 MS. MARTIN: Yes. I have a question for the  
9 witness, actually.

10 THE COURT: If you wanna step -- just to make --  
11 this is being recorded.

12 MS. MARTIN: Okay.

13 THE COURT: You are?

14 MS. MARTIN: Rachel Martin.

15 THE COURT: Thank you.

16 MS. MARTIN: I am a property owner on Higgins Lake.

17 So, you testified that the road-ends were excluded  
18 specifically because they were public access and not private.  
19 But what was the rationale for including Sam-O-Set Park in  
20 the district but not the road-ends, specifically, when both  
21 are public access?

22 THE WITNESS: I don't have the specific information  
23 on where the park is.

24 MS. MARTIN: It's right on Sam-O-Set. Just a --  
25 it's just a public park that is operated and maintained by

1 the Lyon Township.

2 THE WITNESS: If it is a specific parcel owned by  
3 the county then it would be included in the special  
4 assessment district. So, that would be the -- the logic as  
5 to why it was included.

6 MS. MARTIN: Owned by the county. So, the road-  
7 ends are owned by the county as well.

8 THE WITNESS: They're a public infrastructure.

9 MS. MARTIN: Is -- is the Sam-O-Set Park not a  
10 public infrastructure?

11 THE WITNESS: It is. But if it is a specific  
12 property that the county or -- or townships -- So, there's --  
13 there's county parcels that are included in the special  
14 assessment district, township parcels that are included in  
15 the special assessment district, those are public properties  
16 owned by public municipalities, but those are specific  
17 properties that are included.

18 MS. MARTIN: I -- I'm trying to distinguish, is it  
19 -- when you say "specific parcels" is it just based solely on  
20 Tax ID?

21 THE WITNESS: Correct.

22 MS. MARTIN: One exists and road-ends do not have  
23 one?

24 THE WITNESS: Correct.

25 MS. MARTIN: Is that the sole-simplistic view?



1 Okay.

2 THE WITNESS: Yes. It's based on the -- the county  
3 parcel tax information.

4 MS. MARTIN: Who assigns the tax parcel ID's?  
5 Just -- if anyone knows in this court?

6 THE WITNESS: I believe it would be through the  
7 township assessors or through -- with the county.

8 MS. MARTIN: Okay. So, the township assessor  
9 assigned a tax ID for the Sam-O-Set Park, which grants  
10 public access -- public non-riparian access to the lake, but they  
11 have not assessed or assigned a tax ID for the roads for what  
12 reason?

13 MS. HISSONG: Your Honor, if I could provide a  
14 little bit more information about the process --

15 THE COURT: Sure.

16 MS. HISSONG: -- perhaps that would aid the  
17 questioning part. And I'm gonna stand and speak again and I  
18 might turn slightly if that's okay.

19 THE COURT: That's fine.

20 MS. HISSONG: All right.

21 With regard to -- that's a very good question. And  
22 so, we are looking at special assessments and so, there's --  
23 first there's a difference between a district and then a roll  
24 which will come later when there's a methodology as to cost  
25 will be levied if there is a special assessment.

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MS. MARTIN: I get that.

MS HISSONG: Okay. Okay. I -- I'm explaining, perhaps, more than you're asking --

MS. MARTIN: Okay.

MS. HISSONG: -- for the whole general public to understand this process. And if you'd like to sit, you can, and get back up later when I'm done.

So, where there is a -- so, in order to levy an assessment that has to be a parcel ID on -- upon which to levy an assessment. And county roads do not have a parcel ID under any situation and are -- and you cannot levy a special assessment to a county road. And so, that does not mean that the county won't or can't take into consideration the use of road-ends, as I explained in my opening arguments. dSo, the assessable entities will be all of the properties within the map on Exhibit 2, that's been on the website, that will receive a special assessment on their winter taxes in the event that assessment roll is completed. There will be a separate hearing as to the methodology and cost at the time that the county board moves forward with that; So, that is not going to happen this year. It will be up to the county board as to when that will happen in terms of an -- a special assessment roll for Higgins Lake. It is too late this year; That will not happen this year.

What the county -- the county's next job in moving

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1 through this process, for any lake, not just Higgins Lake but  
2 for any lake, is to determine a methodology for those  
3 entities within the district which would include the  
4 properties as well as the municipalities, meaning the three  
5 townships and the two counties. Whether they own property or  
6 not, the three counties -- or the two counties and the three  
7 townships, are also liable for an assessment under the  
8 statute.

9 So, what the coun -- and the county makes this  
10 decision and approves any roll if there is a roll,  
11 ultimately. We will be working with the delegated authority  
12 to come up with a proposal to the board but, ultimately, it's  
13 the county board's decision. In my experience and what I  
14 anticipate are recommendations to the county board to include  
15 is, is their public access from some parcels? So, as an  
16 example, and the -- and, again, this is hypothetical because  
17 the county board hasn't made decisions on this yet. But we  
18 are going to be in the process -- we are in the process for  
19 Houghton Lake. I anticipate going to go through the process  
20 for Higgins Lake -- where are there, as an example, DNR  
21 property: Public Access? Yes; Is there a boat launch? Yes;  
22 Is there campsites? Yes; How many campsites, etcetera -- to  
23 look at what the methodology between all of the assess --  
24 assessable entities would be. Does the county own a parcel?  
25 Is there public access to that? Is there a boat launch? Is

1 there a park? Is there beach access, etcetera? That's gonna  
2 be taken into consideration for that specific parcel but  
3 there also may be additional considerations that the county  
4 will look at for their at-large assessment. For the road-  
5 ends it is likely - it is possible, I'm gonna say -- 'Cause I  
6 don't want you to go and have coffee tomorrow and say this is  
7 what's going to happen. These are considerations that the  
8 county will take into consideration for the at-large  
9 assessments to the township is, okay, these townships have  
10 road-ends and they have ordinances or permits with regard to  
11 the use of these road-ends, we're gonna take that into  
12 consideration in their assessment at-large for their benefit  
13 and give them a percentage of any potential roll.

14 So, while the road-ends aren't included in the  
15 boundaries, that is one of the considerations that the county  
16 board of commissioners will take into consideration as to how  
17 much each the three -- three townships should pay, how much  
18 the two counties should pay. And then with specific  
19 properties, DNR as an example, and -- Mr. -- Mr. O'Brien and  
20 I, recently, had a lake level assessment for Murphy Lake in  
21 Tuscola County, where Mr. O'Brien was the expert with regard  
22 to the boundaries but also with regard to the levying of the  
23 special assessment roll. DNR had a boat launch; DNR owned  
24 more frontage than anybody else; DNR's percentage was  
25 significantly multitudes higher than a regular property owner

1 on the lake because they had a boat launch, because they had  
2 a significant amount of frontage, and other -- and other  
3 property lake levels where there's campgrounds, or hotels, or  
4 boat launches, or marinas, all of that is taken into account  
5 in the methodology for the townships or the county or those  
6 specific properties.

7 So, we didn't recommend the boat launch -- err --  
8 the public -- priva -- the road-ends be part of the district  
9 because there is no parcel ID for the road-ends. But that  
10 does not mean that that use isn't taken into consideration in  
11 the at-large assessments to the governmental entities  
12 involved. And that will be a recommendation that we will go  
13 through with the county when it's time to actually decide the  
14 methodology. That is premature because we don't even know  
15 who's in and out to do that yet. The Judge hasn't even said  
16 those townships could be considered or not. We have to wait  
17 for this order before -- and know who's in the district and  
18 who's out before we can get to that next step of determining  
19 what the apportionments between different types of properties  
20 or governmental entities might be.

21 So, it will definitely be my recommendation that  
22 those be considered but I can't tell you it's a guarantee  
23 because that is ultimately the decision of both county boards  
24 of commissioners.

25 MS. MARTIN: But I think that issue can be settled

1 if they were included in the boundaries today.

2 MS. HISSONG: But there's not a parcel ID for a  
3 special assessment district to levy an assessment to, for  
4 road-ends.

5 MS. MARTIN: But at the present, Lyon Township has  
6 some benefit by issuing permits to these road-ends.

7 MS. HISSONG: And that is why Lyons Township is  
8 included in the special assessment district, above and beyond  
9 any specific parcels they might own, they will receive an  
10 addit -- let's say -- I don't know the numbers for Lyon  
11 Township, but let's say they own four. They're gonna get  
12 assessed on those four plus the potential for an at-large  
13 assessment due to the road-ends.

14 UNIDENTIFIED SPEAKER: Potential.

15 MS. HISSONG: I -- I can't guarantee, I can only --  
16 they'll be in the district if the Court follows our  
17 recommendations but I can't guarantee what that  
18 proportionality is because the Court hasn't entered that  
19 order yet and we haven't went through the fun -- The cour --  
20 county board of commissioners thought they were having fun  
21 now, wait 'till we get to that part with regard to each of  
22 these lakes as to those types of decisions. But we are  
23 actively gathering information with all of the assessors who  
24 -- frontage information, campsite, how many hotel rooms, how  
25 many marinas, etcetera, so that we can go through and make

1 those types of recommendations to the county board.

2 THE COURT: Okay.

3 MR. ELLISON: Judge --

4 MS. HISSONG: Excellent question.

5 MR. ELLISON: Judge, before we continue, I just  
6 wanna make sure I understand the process you're going under.  
7 I was under the assumption we were just asking questions of  
8 this particular witness, based on the list that you have in  
9 front of you, when we checked in. Will there be another  
10 chance for -- because I'm No. 18, for example -- whether or  
11 not we will be submitting our oral objections at that point  
12 or should these be dealt with right now, as you're going  
13 through this list.

14 THE COURT: We'll do the questions first.

15 MR. ELLISON: And then we'll run through the list  
16 one more time then? Because my understanding was, they --  
17 the --

18 THE COURT: These are question cards. I didn't  
19 know that these were oral objection cards.

20 MR. ELLISON: I understood, when we were signing  
21 in, was that those for folks who wanted to speak an objection  
22 -- or speak in opposition to --

23 THE COURT: Okay. Well, then --

24 MR. ELLISON: That's how I was -- addressed to me  
25 when I checked in, so.

1 THE COURT: Fine. Then, for efficiency, we'll do  
2 both at the same time.

3 MR. ELLISON: Okay. That's why I wanted -- the --  
4 that's why I thought maybe you had thought in your mind, and  
5 I think there was a disconnect, is that instruction just now  
6 is, is there any questions for this witness.

7 THE COURT: Okay.

8 MR. ELLISON: So, maybe we should make sure we  
9 clarify that for the folks that are speaking.

10 THE COURT: All right. So, I'm gonna go through  
11 the cards that were filled out. You can ask questions and  
12 place your objection.

13 So, Mr. Greg Martin.

14 MR. MARTIN: Yes, your Honor. Should I come up?

15 THE COURT: Wherever you're comfortable, sir.

16 MR. MARTIN: So, your Honor, I filed a official  
17 objection Tuesday. I don't know, did your office receive  
18 that?

19 THE COURT: It's in the court file, I would assume.  
20 I can't tell ya if I -- I didn't remember everybody's name,  
21 but.

22 MR. MARTIN: Okay. Excellent. Thank you. I also  
23 served counsel as well.

24 I guess I'm the originator of the road-end  
25 discussion. Essentially my argument goes around the fact



1 that non-riparians have direct material benefit of using the  
2 lake. Most of that argument goes around the idea of --  
3 actually, *Jacobs V. Lyon Township* -- which I believe was done  
4 in this building -- that essentially *Jacobs*, it noted:

5 "As noted previously, the dedication of public  
6 streets which terminate at the edge of navigable waters  
7 inherently implies the right of public access. Because  
8 of their right of access the public may be entitled to  
9 build a dock and use the waters for swimming, wading,  
10 fishing, boating, and temporarily anchoring of the  
11 boats."

12 *Jacobs* also referred to *McCardel V. Smolen*, which  
13 the Supreme Court affirmed that idea, and that also was done  
14 in this Higgins Lake. So, through -- through the  
15 codification of *Jacobs*, in Public Act 56, the public non-  
16 riparians have direct benefit and access. So, their access  
17 is meaningful in terms of having all of the rights of a  
18 riparian, with the exception of overnight mooring, they have  
19 the regularity of access vis-à-vis Public Acts 56, and the  
20 permitting processes that are administered by both Lyon and  
21 Gerrish Townships. So, in my mind, they have nearly every  
22 benefit that any of these other associations have and yet the  
23 petitioner has included no non-riparians in this special  
24 assessment district. So, I'm asking that the Court consider  
25 the fact that there are no riparians, but yet they receive a

1 benefit that in essence we've created -- amongst the people  
2 that have benefit -- we've created a class of people called  
3 riparians who will shoulder all of the burden, and the non-  
4 riparians will basically not have to pay anything. So, I'm  
5 asking that the Court consider that. Thank you.

6 THE COURT: Thank you.

7 Okay. Dale Robinson.

8 MR. ROBINSON: I have no question.

9 THE COURT: All right. Thank you.

10 Is it Arnold Dewey?

11 MR. DEWEY: Charles Dewey, your Honor.

12 THE COURT: Charles Dewey; Sorry.

13 MR. DEWEY: Mr. O'Brien, you were asked one  
14 question, which you answered, from Ms. Hissong about the  
15 benefit to the people that you are including in the district.  
16 Remember that question?

17 THE WITNESS: What was the question specifically?

18 MR. DEWEY: I think you were asked whether or not  
19 those people benefitted in some fashion.

20 THE WITNESS: The benefit is not based on the  
21 people, it's based on the property.

22 MR. DEWEY: Or their -- the owners who own the  
23 property, the property was benefitted. Can you explain to me  
24 what studies you made as to what that benefit consists of?

25 THE WITNESS: It's based on access to the lake

1 either directly or indirectly.

2 MR. DEWEY: You're not here testifying that that  
3 increases the value of anybody's property.

4 THE WITNESS: We're simply looking at access to the  
5 lake.

6 MR. DEWEY: Would you answer that question please?

7 THE WITNESS: What was the question?

8 MR. DEWEY: You're not testifying here that what  
9 you're doing with regard to the lake level or the SAD  
10 increases the value of anybody's property.

11 THE WITNESS: No. We're --

12 MR. DEWEY: You're not testifying to that.

13 THE WITNESS: No. We're not looking at property  
14 value.

15 MR. DEWEY: Okay. Thank you.

16 Your Honor, as I understand your ruling, you also  
17 wanted to have us make any objections --

18 THE COURT: Sure.

19 MR. DEWEY: -- that we wanted to. I'm confused  
20 because I read statute 324.30704, which reads as follows:

21 "If the county board, based on the preliminary  
22 study, finds it expedient to have and resolves to have  
23 determined and established the normal level of an inland  
24 lake, the county board shall direct the prosecuting  
25 attorney or other legal counsel of the county to

1 initiate a proceeding by proper petition in court of  
2 that county for determination of the normal level for  
3 that inland lake and for establishing a special  
4 assessment district if a county board determines by  
5 resolution that one is necessary..”

6 And I’m sure you’re very familiar with that  
7 statute. I’m confused because listening to the arguments,  
8 and your Honor’s comments, it sounds to me as though the  
9 Court has already determined that the issue of necessity is  
10 not involved and that if the county board wants a special  
11 assessment, they get it, no matter what. Do I understand  
12 that’s the court’s --

13 THE COURT: The role of the court if very limited.  
14 The court does not involve itself in any of the methodology,  
15 cost analysis, or project planning with regard to any -- any  
16 inland lake unless an issue is brought before the court in a  
17 complaint. So, my role here is very perfunctory, quite  
18 frankly, under the statute --

19 MR. DEWEY: Okay. So, he --

20 THE COURT: -- and that is to have this hearing for  
21 people to ask questions and place their objection.

22 MR. DEWEY: Okay. So, you are not in a position to  
23 make a ruling as to whether or not the county has properly  
24 established a need for this or not.

25 THE COURT: Correct.

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MR. DEWEY: How does one raise that issue?

THE COURT: That'll come in -- I'm gonna call it -- Phase 2. All this does is establish a boundary of a special assessment district. Phase 2, if the county's gonna level a special assessment tax, then they have to do an apportionment study with regard to how they -- a cost benefit analysis, basically -- as to how they apportion that special levy on the district.

MR. DEWEY: So, the issue of necessity, in other words, if it were to be determined subsequently when they try to levy an assessment, if it should be established at that time that it was not necessary, then that would be the time to raise that issue.

THE COURT: And also, the amount that's asked to be assessed.

MR. DEWEY: Okay. Okay. Because it says, "If the county board determines by resolution that one is necessary..." There is no resolution that has been enacted by the board.

THE COURT: Yeah, there was. Both Crawford County and Roscommon County already enacted that which is why we're here today.

MR. DEWEY: Okay. But the way I read the Roscommon resolution it doesn't say there's any necessity. It just says that they would "desire" to have one. I will read that to you if you -- if you'll give me a moment, please.

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1 THE COURT: Well, we -- I don't need you to read  
2 it, sir. I mean, I've got it right here; Yeah.

3 MR. DEWEY: Let me just do -- for the record.

4 "Whereas based upon the facts above, the Roscommon  
5 County Board of Commissioners desires to establish and  
6 confirm the boundaries of a Higgins Lake Level Special  
7 Assessment District."

8 The thing that causes me to raise that issue is  
9 because they also adopted a resolution with regard to  
10 Houghton Lake. And in the resolution for Houghton Lake, they  
11 specifically said it was "necessary." And I do understand  
12 there's a vast difference between Houghton Lake and Higgins  
13 Lake but there are a lot of people who have expressed  
14 opposition to this whole aspect because there is no necessity  
15 for there to be any special assessment district. There is no  
16 project; There is no expense expected. It's my understanding  
17 that the county --

18 THE COURT: Well, we don't know that, sir, because  
19 that hasn't been determined yet.

20 MR. DEWEY: Well, I --

21 THE COURT: You're assuming that that is true and  
22 that's fine; That's fair. But we don't know that.

23 MR. DEWEY: Well, and as I understand your ruling,  
24 it's irrelevant; It's irrelevant as to whether there's any  
25 need for this.

1 THE COURT: The county has determined there's a  
2 need for it. They may have in-artfully --

3 MR. DEWEY: No; No, they have not. They have not.

4 THE COURT: They have may -- maybe in-artfully  
5 drafted a resolution that used the word "desire" instead of  
6 "necessary." Okay. Semantics.

7 MR. DEWEY: Why does the statute --

8 THE COURT: I'm -- I'm not looking for a debate and  
9 I'm not looking for public commentary.

10 MR. DEWEY: I'm -- I'm just trying to read --

11 THE COURT: Yeah.

12 MR. DEWEY: -- the statute, your Honor. And --

13 THE COURT: I get it. Your objection's noted.  
14 Anything else, sir?

15 MR. DEWEY: Okay. Yes. For the record, I would  
16 like to introduce, as an exhibit -- and I will ask the -- who  
17 should I ask to mark this?

18 THE COURT: What -- what is it, sir?

19 MR. DEWEY: It is the dam inspection report.

20 THE COURT: What -- what's -- The purpose of that  
21 for this special assessment district boundary determination  
22 is what?

23 MR. DEWEY: The -- the purpose of this is to show  
24 that there is no need to do anything with re --

25 THE COURT: That's not what this hearing is about.

1 You're -- you're jumping the cart.

2 MR. DEWEY: Okay. This is -- this is something  
3 that we would do at any subsequent hearing; Is that right?

4 THE COURT: Exactly; Correct.

5 MR. DEWEY: Okay. All right. So, as I understand  
6 it, the Court interprets the resolution as the -- when it  
7 uses the word "desire" as meaning "necessity?"

8 THE COURT: I'm not going to assume that I  
9 understand the county's wording but we're here and I would --

10 MR. DEWEY: All right.

11 THE COURT: We're here --

12 MR. DEWEY: I -- I've -- I've made the point.

13 Thank you, your Honor.

14 THE COURT: Okay. Thank you.

15 MR. ELLISON: Your Honor, if I may. We've had an  
16 offer of an exhibit that's been rejected but could we have  
17 that marked? Because if it goes up to an appeal process, we  
18 might -- gonna need that to be, if that was wrongfully  
19 rejected, as a piece of exhibit for this particular  
20 proceeding.

21 THE COURT: Okay.

22 MR. ELLISON: I mean, you've allowed exhibits from  
23 the def -- from the petitioners, the --

24 THE COURT: That were relevant to this hearing.

25 MR. ELLISON: I understand but it's -- I mean, I



1 understand, but it's been marked and --

2 THE COURT: Well, it hasn't been marked.

3 MR. ELLISON: -- whether the --

4 THE COURT: I don't even know what it is.

5 MR. ELLISON: Well, I -- I'm talking about the  
6 petitioner's have been marked. This one has been proposed  
7 and it's being rejected. So, at least we would mark it so we  
8 would have that for the record then. You've rejected  
9 considering it but it would be still part of the record.

10 THE COURT: So, we'll have that marked Objector's  
11 ex -- Exhibit 1.

12 (At 10:47 a.m., OX1 marked)

13 MS. HISSONG: Excuse me, your Honor.

14 Can I get a list of who you're representing versus  
15 in pro per, again?

16 MR. ELLISON: I'm just simply placing an objection.  
17 We have a --

18 MS. HISSONG: No. I know. I understand that.

19 MR. ELLISON: You have -- you have my list. It's  
20 on the first page of my -- of my objection that I filed.

21 MS. HISSONG: Your objection included lots of  
22 people. I'm wondering who you're representing as counsel?

23 MR. ELLISON: They're listed right on the front  
24 page.

25 MS. HISSONG: All right.

1 MR. ELLISON: Identified in the begin -- I mean, I  
2 can give you a list of them if you want me to give -- give me  
3 a piece of paper I can write them down but they're right  
4 here.

5 MS. HISSONG: Sir, I heard you.

6 MR. ELLISON: Okay. I'm just -- I'm offering a --

7 THE COURT: Are those individuals going to give  
8 individual comments in addition to yours?

9 MR. ELLISON: No. I'm representing on behalf of  
10 them.

11 THE COURT: Okay. And this document, which is Dam  
12 Inspection Report 2022, Objector's 1, has been presented and  
13 it's not relevant for purposes of declaring a special  
14 assessment district so it's not admitted.

15 Okay. Any -- anything else, sir?

16 MR. DEWEY: No, your Honor.

17 THE COURT: Dean Clark.

18 MR. CLARK: No questions at this time, sir.

19 THE COURT: William Cornell. Good morning.

20 MR. CORNELL: Good morning, your Honor.

21 Mr. O'Brien, were you part of the Spicer study that  
22 was done several years ago?

23 THE WITNESS: I was not.

24 MR. CORNELL: When it was recommended by the Spicer  
25 Group that a pipe be put across the opening in the --

1 THE COURT: Sir, this -- this, again, we're -- this  
2 is the purpose is for the special assessment district --

3 MR. CORNELL: I'm trying to find out his --

4 THE COURT: -- boundaries.

5 MR. CORNELL: -- his knowledge of the Higgins Lake  
6 history and I'm leading up to -- so, that was not put in its  
7 place. But are you aware -- were you aware of the impact of  
8 swimmer's itch on Higgins Lake?

9 THE COURT: Sir, again, this is for the --

10 MR. CORNELL: The impact of -- the impact of --

11 THE COURT: We're not talking about impact  
12 statements --

13 MS. HISSONG: Your --

14 THE COURT: -- environmental concerns, at this  
15 particular hearing.

16 MS. HISSONG: Your Honor, at this point we'll do  
17 what the Court wishes but the statute talks about testimony  
18 and evidence offered by all interested persons, not  
19 necessarily subjecting our witness to cross-examination for  
20 people who haven't appeared --

21 THE COURT: I understand.

22 MS. HISSONG: Okay.

23 MR. CORNELL: Okay. The swimmer's itch problem  
24 that we had at Higgins Lake impacted more than just the  
25 property lakefront owners. It impacted the whole county,

1 both by people not having it -- not using access and, more  
2 importantly, by the -- in the retail community by the loss of  
3 dollars. To put the "owe-ness" of managing the lake just on  
4 the property owners when all in the county are affected by  
5 the quality of the lake, I question why the small group that  
6 are property owners versus the larger group that benefits by  
7 Higgins Lake, why the larger group is not included in the  
8 special assessment district.

9 THE COURT: All right.

10 MR. CORNELL: That's my question.

11 THE COURT: Can you answer that question?

12 THE WITNESS: In terms of following -- we're  
13 following Part 307 in terms of setting up a special  
14 assessment district and that's benefit to the properties that  
15 have access to the lake.

16 MR. CORNELL: But discounting the benefit  
17 throughout the community of the lake and like not -- not  
18 asking them to foot part of the bill of keeping the lake as a  
19 primary tourist destination. So, it -- so, you're saying no  
20 one benefits other than lakefront owners from what --  
21 whatever this group, which hasn't managed the lake level very  
22 well, may end up deciding.

23 THE WITNESS: That's not what I'm say. I'm saying  
24 we're following the statute which is Part 307 which dictates  
25 who we can include and who we can't.

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MR. CORNELL: Thank you.

THE COURT: All right. Bob Frye.

MR. FRYE: Honorable Judge Bennett, I'm the chairman of the Higgins Lake Land Conservancy. I'm pleased to make this communication part of the record establishing Part 301 SAD boundary. We know and understand that the lake level of Higgins Lake has, for many, many decades, has been a topic of great debate. Accordingly, we feel the -- further understand the Roscommon County Board of Commissioners would like to minimize that debate going forward.

Finally, we understand that the prior board of commissioners became convinced that a SAD under 301 -- 307 was a solution to the endless debate of lake level and the control of the same. Frankly, we believe the prior board was misled into believing that Part 301 SAD was the most cost and time efficient method of achieving success in maintaining the court ordered legal level of Higgins Lake.

The Higgins Lake Land Conservancy, along with other major stakeholder organizations of Higgins Lake, strongly believes that there are other viable methods of which a study of the Cut River Dam can be conducted which will not require the definition of a "boundary" for a special assessment district. All the stakeholder organization at Higgins Lake are ready, willing, and able to join in partnership with the Roscommon County Board of Commissioners and adopt a plan that

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1 will be more effective than the current proposed SAD  
2 boundary. Speaking solely on behalf of the Higgins Lake Land  
3 Conservancy, we would expect to assist in raising private  
4 funds to pay for the necessary dam study noted above. Part  
5 307 special assessment district is an extremely inefficient  
6 way to fund the county commissioners desire -- the -- the  
7 studies the county commissioners desire. The legal fees  
8 alone, related to the inflammation of the SAD, are very high.  
9 The fees are not value added to the project but simply a  
10 private fundraising drive will generate more than enough  
11 money to complete the study thus eliminating the need for any  
12 special assessment boundary.

13 We believe it makes political sense for the  
14 Roscommon County Board of Commissioners to join in  
15 partnership with the stakeholder organizations to address any  
16 issues related to the lake level of Higgins Lake. Currently  
17 there's a very strong sentiment within the Higgins Lake  
18 Community that the questionable December 20, 2022 resolution  
19 to establish the Part 307 SAD was done in a fashion that  
20 lacked material transparency. Higgins Lake Land Conservancy  
21 was completely unaware of the prior board action that led to  
22 the adoption of the Part 307 resolution. We believe the  
23 other stakeholder organizations were equally unaware. The  
24 membership of the Higgins Lake Land Conservancy feels  
25 disenfranchised to the action -- by the actions of the lame-

1 duck board in passing the special assess -- special  
2 assessment resolution in the eleventh-hour of its authority.  
3 Higgins Lake Land Conservancy recognizes the prior board --  
4 that the prior board had legal authority to unilateral  
5 implement the SAD without any input from the stakeholder  
6 organizations. That said, it was, at a minimum, bad  
7 politics.

8 Should the current Roscommon County Board of  
9 Commissioners continue its governance in the same manner as  
10 the prior board elected to do so, there will great resentment  
11 of the board throughout the Higgins Lake Community. The  
12 Higgins Lake Land Con -- The Higgins Lake Land Conservancy  
13 implores this Court to deny certification of a SAD assessment  
14 boundary and to deny any effort aimed at lowering the court  
15 ordered legal level of Higgins Lake.

16 Thank you, Judge.

17 THE COURT: Thank you, Mr. Frye.

18 Gregory Douglas.

19 MR. DOUGLAS. I have no questions at this time.

20 THE COURT: Okay.

21 Charlene Cornell.

22 MS. CORNELL: I'm here. I have two quick  
23 questions.

24 Right down from me there are four roads, houses on  
25 both sides of the roads, lead directly to the lake. They

1 have -- some of them have docks. I don't see that they're  
2 included in this map, so that's one question.

3 The other question is, when you're determining what  
4 to charge the state parks, you mentioned campsites,  
5 lakefront, boat launches; Do you also include parking lots  
6 for 175 boats and trailers?

7 THE WITNESS: Ma'am, I don't know specifically  
8 where you live but I will say that there are many docks at  
9 the ends of road-ends. And we previously discussed that  
10 those are public so therefore even though there may be docks  
11 there, those properties may not have been included because  
12 they didn't have direct or indirect access to their property  
13 to the lake.

14 MS. CORNELL: They have "direct." They walk out  
15 their door and walk down to the lake. I'll -- I'd be glad to  
16 show you the four roads I'm talking about afterwards.

17 THE WITNESS: But you're talking about public  
18 roads.

19 MS. CORNELL: Yes. I suppose they're public. I  
20 don't think the people own it but, really, they have as much  
21 access to the lake as I do and I live on the lakefront, so.  
22 It just -- it doesn't make sense. I guess it won't. Thank  
23 you.

24 THE COURT: Okay. Anne Meeks.

25 MS. MEEKS: I just have a quick comment. I



1 remember, as a child, swimming from Higgins Lake into the Cut  
2 River. And, frankly, if you took the dam out, Higgins Lake  
3 would still exist as it did prior to the dam being put in and  
4 -- but here we are today. So, I just wanted to make that  
5 observation.

6 THE COURT: Thank you.

7 James Dorrance.

8 MR. DORRANCE: Thank you, your Honor. Two topics,  
9 one specifically for the witness.

10 I wanna make sure I understand. State parks, state  
11 lands, church camps, all that stuff are included in the  
12 recommendation.

13 THE WITNESS: If it has legal access to the lake,  
14 yes.

15 MR. DORRANCE: Yes. As, I think one lady made --  
16 just made a comment, I don't know if you've -- Have you been  
17 on the lake looking at these things versus looking at  
18 records?

19 THE WITNESS: We did a combination of driving  
20 around and looking at the lake and -- and reviewing records.

21 MR. DORRANCE: No. Look on the lake, not at -- My  
22 -- my point is, on the northwest side of the lake, basically  
23 the AMVETS area, if you wanna -- it is referred to -- there  
24 are probably 10 to 15 docks with more than 10 boats per dock  
25 on that area of the lake. And that's the only area of the

1 lake where that has -- happens. Those are all backlot boats.  
2 So, they have now found a way, legally or illegally, to be  
3 full-use just the same as a lake-fronter; They can now anchor  
4 it overnight, put it on a hoist, have a dock, do all the  
5 things that a lakefront riparian owner would be able to do.  
6 Now, how you assess them, I don't know, because it's just in  
7 one small area of the lake -- which I'd -- have that problem  
8 done. Everyplace else, you see an individual dock with a  
9 couple-three boats or jet skis or whatever but in that area  
10 there's a lot of people that are non-lakefront people that  
11 are having access. And I'm not sure how you include them in  
12 your recommendation but the Court should understand there are  
13 a lot -- a whole lotta people that are having the benefits  
14 that are -- may not be assessed if the assessment district  
15 should go forward. And I'm not sure how to do that but I  
16 just point out, those people have benefits compared to  
17 others.

18 I think you answered -- one question was answered  
19 is, who's gonna assess what and what circumstances gonna be  
20 done by the county board of commissioners at a later date.

21 THE COURT: Correct.

22 MR. DORRANCE: So, I -- I'm not gonna address  
23 comments to that.

24 I have one comment that is -- basically goes back  
25 to the introductory of things about public policy. Public

1 policy, in effect, what's happening with a special assessment  
2 district which the legislature created the opportunity for,  
3 is basically taxation without the voters being able to  
4 participate. And that's dangerous from a public policy  
5 standpoint because it's writing a blank check. Once the  
6 special assessment district exists, it goes on forever. I  
7 have no criticism of the current board of commissioners.  
8 Only question is, but what happens 5 years, 10 years, but if  
9 this thing goes on forever and they can allocate money for  
10 whatever reason they may see fit, as dangerous policy. That  
11 goes on at the federal level. We all suffer from that. It  
12 goes on at the state level. It goes on at the local level.  
13 Once it's set up, it's very difficult to ever get rid of,  
14 good or bad. I know you can't make that determination, but I  
15 want it in the record basically for the people to say, be  
16 careful what you use this special assessment district for  
17 because it has no limits if somebody was to take advantage of  
18 it. And I've been in public office, I've watched that  
19 [indiscernible] happen. So, it can happen at the local  
20 level. It can happen and I've seen it at the state and local  
21 level.

22 Just check my notes here. Oh. One other comment.  
23 I've had a problem -- I have a hearing limitation, but I have  
24 hearing aids; I don't know about other people in the audience  
25 but the sound system doesn't really help a whole lot and I

1 would ask the Court maybe consider doing something about  
2 that, because the audience can't hear it very well. I came  
3 up here 'cause I wanna make sure you can hear it and that the  
4 recorder can hear it, but it's very difficult to hear many of  
5 the comments. So, a lot of the detail that you provide,  
6 nobody hears. It's in the record but -- maybe.

7 THE COURT: We have a disability coordinator that  
8 works with the Courts, that individuals, if they contacted  
9 the court, that we have -- obviously we wouldn't have aide's  
10 for potentially 50 people at one time -- but we do have  
11 accommodations that can be made upon request.

12 MR. DORRANCE: Okay. Okay. That's the end of my  
13 comments. Thank you.

14 THE COURT: Thank you, sir.

15 Debani Lehman.

16 MS. LEHMAN: I no longer have a question, your  
17 Honor, thank you.

18 THE COURT: Thank you.

19 Fred or Virginia Krauss.

20 MS. KRUASS: We also have no questions at this  
21 point.

22 THE COURT: Thank you.

23 David Allar. Allar [phonetically].

24 MR. ALLAR: Thank you, your Honor. I've already  
25 sent a longer letter in to the court. The SAD law passed in

1 the early 1900's; It passed when there was a totally  
2 different supply and demand for lakefront property. Today,  
3 lakefront property is so valuable that taxes are figured in  
4 thousands of dollars per foot. Lakefront property taxes  
5 amongst the highest type of property tax for local  
6 government. Without going into detail of business and  
7 employees, the lake is a major portion of the Roscommon  
8 economy thus the government should continue to support the  
9 care of the lake for all lakefront owners, renters, state  
10 parks, county parks, and the counties. A large number of  
11 lakefront properties are second homes for non-residents.  
12 Some properties are rentals. These non-residents do not have  
13 a vote for the representatives. These non-residents pay an  
14 additional 18 mill tax per Michigan law, the Headlee  
15 Amendment. This nearly doubles the taxes paid. Again, no  
16 voting rights on these 18 mills. To assess the certain  
17 taxable pross -- to assess the certain taxable properties  
18 without voter control to support the area economy, in  
19 addition to the monies already received in taxes, is, in my  
20 opinion, discriminatory and wrong. And should this lake  
21 level change and lower, my dock - my neighbors dock will  
22 probably extend another 180 to 200 feet into the lake.

23 Thank you.

24 THE COURT: Thank you.

25 Gary Slewe. Not sure I'm pronouncing that -- S l e

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w e?

[no verbal response]

THE COURT: Okay.

Philip Ellison.

MR. ELLISON: Oh. Shocking.

THE COURT: Shocking.

MR. ELLISON: Thank you, your Honor. I'm not gonna be as long as I've been this morning. We have had discussions this morning about the scope of our objections. I would ask the Court to adopt our written objections as the submission on behalf of the two, three, four, five objectors that have been filed here. I would also note for the record, Judge, you got a nice thick filing as you noted, yesterday from me. There is 126 pro per individuals who joined in these objector's same objections that have been filed with the court as well.

I understand, and it's been very clearly telegraphed by this Court, as to how this Court thinks this process goes. We -- we would object and argue that this is not the proper process by which this is -- was supposed to be established. You've asked me, both in chambers and also here, about the fact that, what's the appropriate precedent, and I would point this Court to Part 30711 of the statute. The statute provides that a county board can assess a special assessment district, and there's no dispute on that. But the

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1 -- the process though results in where a county board, if it  
2 determines that it's -- it's necessary, the delegated  
3 authority is supposed to com -- then compute the cost of the  
4 project and prepare a special assessment roll. And the  
5 reason for that, Judge, is is that when this -- when the  
6 legislature enacted Part 307 and -- sister counsel has done  
7 an able job pointing out that this is a very old statue --  
8 the legislature is presumed to understand the common law that  
9 it's legislating in the midst of. And that would -- and I'd  
10 cite for that proposition *Dawe* -- the *Dawe* case which is 4 --  
11 485 Mich. 20, at pin cite 28, which is a 2010 Michigan  
12 Supreme Court case, that when this hearing, I believe, is  
13 supposed to be, once a special assessment district is  
14 established, this Court is designed then at that point to  
15 decide when the -- if the boundaries that are being proposed  
16 meet the proportionality requirements that the common law  
17 requires in these instances for special assessment districts.

18 I know you've cleaved that arg -- you've cleaved  
19 that process here today and you've telegraphed that pretty  
20 clearly as being the ruling of this Court -- or at least the  
21 process this Court is going to follow. We believe that that  
22 process is in error and that those processes should be  
23 flipped the other way around. And so, that goes to my  
24 questions. And so, the objectors are here on behalf of --  
25 I'm on behalf of the objectors making that objection and

1 saying this process is insufficient because it does not  
2 comply with what the statutory commands, when read against  
3 the common law requirements, a proportionality review that's  
4 necessary here.

5 I would also ask the Court on behalf of my clients  
6 to also object the -- err -- to adopt the objections of Mr.  
7 Martin's, who was earlier here, as well; We would adopt those  
8 objections as our own as well.

9 I'm not prepa -- I guess I would ask the Court, I  
10 have submitted, with our objections, various exhibits. They  
11 -- the only one that I don't think has been specifically  
12 admitted is Exhibit F, and I don't know if the Court would  
13 simply just take judicial notice of the attachments, but this  
14 is the Higgins Lake Special Level Assessment District  
15 document put out by Roscommon County that's available on the  
16 website that they themselves noticed. And it's their  
17 statements as to the -- the process by which they believe is  
18 appropriate. It's a -- I think I've mentioned, Exhibit F to  
19 us. I guess I would move for the admission of Exhibit F as  
20 an exhibit in this case. Or the Court can simply take notice  
21 of that as -- as part of our submission.

22 THE COURT: Okay. Well, that was part of the flyer  
23 that was mailed; Is that correct?

24 MR. ELLISON: That, I don't know if that  
25 specifically was mailed. I know the notice was mailed, to



1 the hearing, and this was -- I can tell you -- I can  
2 represent to the Court that Exhibit F is on the public  
3 website that is available.

4 THE COURT: Okay. That's what this is. Got it.

5 MR. ELLISON: So, it is a public record that is  
6 available, in that respect.

7 THE COURT: The county has published this as part  
8 of this process, so I'll take judicial notice that that  
9 exists.

10 MR. ELLISON: Okay. Very good.

11 Okay. With that, Judge, that's our objections and  
12 we would ask -- We would ask this Court, obviously, which --  
13 but, again, understanding what the Court is so far has told  
14 us or telegraphed to us, we would ask the Court to do a --  
15 require the -- the county to have a cost study, an  
16 appropriate spec -- special assessment district, so the Court  
17 could determine the proportionality and legality, as well as  
18 the timeliness of these petitions, based on the statutory  
19 requirements under Part 307.

20 THE COURT: Okay. Thank you.

21 MR. ELLISON: Thank you.

22 THE COURT: Kevin Kessler.

23 MR. KESSELER: Your Honor, I have a question of  
24 clarification. You said that there will be another hearing  
25 to address the "necessity." Is that -- will that happen

1 automatically or is that if somebody objects?

2 THE COURT: No. That's something that the county,  
3 through the board of commissioners, has to do.

4 MR. KESSELER: Okay. That -- so, that will  
5 automatically happen.

6 THE COURT: And --

7 MS. HISSONG: Your Honor, I -- I would wish to  
8 clarify that.

9 THE COURT: Sure.

10 MS. HISSONG: So, I'm not gonna use the word  
11 "necessity" as was used in that --

12 THE COURT: Right.

13 MS. HISSONG: -- section. So, the determination as  
14 to whether there should be a lake level itself, and the  
15 necessity from that, I -- I believe counsel broadly, in -- in  
16 the objections with regard to a project versus a non-project,  
17 is somewhat using the term loosely. Like, the statute is set  
18 up not only for the original establishment but thereafter the  
19 operation and maintenance. And so, when we're talking about  
20 necessity for a lake level where there would be a hearing,  
21 that hearing took place in the 1920's with regard to  
22 "necessity." And so, the necessity of a lake level in  
23 general, that has taken place, and this Court has continuing  
24 jurisdiction with regard to that.

25 With regard to the establishment of a special

1 assessment district, that is a decision that the county board  
2 can make. That does not require a public hearing. That is  
3 made at a county board of commissioners meeting, and that  
4 took place in both counties with regard to that. There can  
5 be questions whether the wording needs to be different or  
6 specific, but I believe that it -- and contend that it met  
7 the requirements of the statute to petition this court as  
8 "necessary," as it says in the resolution, to confirm the  
9 boundaries thereof.

10 So, that -- the hearing, as to whether a lake level  
11 is necessary, took place in the 1920's. The hearing, as to  
12 who's in and who's out of that district, is now. No hearing  
13 is required for the county board of commissioners to take the  
14 action that they took in 2022. For purposes of any levying  
15 of an assessment, there will be a hearing, not in court, but  
16 a hearing conducted by the counties through their delegated  
17 authority as to the proposed special assessment amounts, its  
18 methodology, and the computation of costs; There will be a  
19 hearing. There will be an opportunity to go object as to the  
20 costs purposed to be levied through a computation of costs  
21 and the assessment amount or the methodology. After those  
22 hearings, that will -- and those costs -- go back to the  
23 county board of commissioners in both counties, to be  
24 approved, then they would be levied. And after -- there is a  
25 time period -- 15 days after -- if you're in Crawford County,

1 after they pass their resolution; If you're in Roscommon  
2 County, after they pass their resolution -- to appeal that  
3 decision -- those decisions in a court of competent  
4 jurisdiction.

5 So, it's a little bit different -- my position is a  
6 little different than the Court communicated as to that word  
7 "necessity." The decision to have a special assessment  
8 district has been made; Did not require a public hearing by  
9 the counties -- both counties. And this is a public hearing  
10 -- but I don't wanna say -- when I say "public hearing" --  
11 this is the court "proceeding" where the Court takes evidence  
12 and testimony as to regard to that. So, I don't even view  
13 this as a public hearing. I view this as a court proceeding  
14 where one of the -- one of the considerations is the Court  
15 receiving testimony and evidence from interested persons.

16 MR. KESSELER: So --

17 MS. HISSONG: We're following the statute.

18 MR. KESSELER: Yeah. Okay. Let me try --  
19 [indiscernible] -- So, it's your -- your position that there  
20 will not necessarily be a court hearing at which people can  
21 object to the levying of a tax.

22 MS. HISSONG: So, this -- in the statute -- So, if  
23 you wish to appeal the decision -- and I am not your legal  
24 counsel, this is if the Court -- if the -- my position to  
25 this Court, answering these questions is, if, after the

1 county board of commissioners determines assessments to be  
2 levied in an assessment roll -- which we are not required to  
3 get to that point yet -- then property -- any interested  
4 person can file an action contesting that in a court of  
5 competent jurisdiction.

6 MR. KESSELER: So, your -- your position is that no  
7 -- no hearing is -- is automatically necessitated --

8 THE COURT: I think we're confusing the word  
9 "hearing" with county commission "meeting."

10 MR. KESSELER: I -- I -- no. I'm talking about a  
11 legal proceeding.

12 THE COURT: There would not be a legal proceeding  
13 unless one filed one.

14 MR. KESSELER: Okay.

15 MS. HISSONG: So, I think to answer your question.  
16 Under the statute, it is my position, in the -- if the Court  
17 enters an order confirming that boundaries, there is no other  
18 action needed by the county board of commissioners to levy  
19 assessments that would require circuit court action. If  
20 someone contested any part of the process, they have a right  
21 to file an action.

22 MR. KESSELER: Your Honor, did -- do you agree with  
23 that assessment?

24 THE COURT: My reading of the statute, yes.

25 MR. KESSELER: Okay. I have no further -- further

1           comments at this time. Thank you.

2                   THE COURT: Okay.

3                   MR. DEWEY: Your Honor, I just simply want to make  
4 it clear on the record, I strongly object to the position of  
5 Ms. Hissong on this issue. She misleads the statute, in my  
6 opinion. The statute is very clear and I think you have to -  
7 - you can establish the lake levels, which were done, but now  
8 she wants to establish a SAD. And the statute specifically  
9 says that they have to prove that it -- that a SAD is  
10 necessary. And she is saying, "Oh; No." If -- if your Honor  
11 approves their -- their district, the -- the issue of  
12 necessity is gone and nobody ever has the right to question  
13 it. She says that the issue of necessity was established  
14 when the lake levels were established. That has nothing to  
15 do with establishing the need for a SAD and I strongly object  
16 to it.

17                   THE COURT: Okay. Thank you, sir.

18                   John Miller.

19                   MR. Ellison: And, Judge, while he's making his  
20 way, we would join in those -- On behalf of my clients, we  
21 would join in those same objections, obviously.

22                   THE COURT: All right.

23                   MR. MILLER: Your Honor.

24                   THE COURT: Good morning.

25                   MR. MILLER: Feel like Eric Ostergren trying to get

1 to the dam here.

2 I saw the meeting on YouTube, an April meeting with  
3 Roscommon County Commissioners. I watched that meeting and I  
4 got kind of fired up so I took a trip down to the dam and I  
5 walked in there. I had to park my boat about 100 yards away,  
6 it's only about this deep; A lot of rocks in there. And I  
7 went down to the dam and I looked it over. It's about 100  
8 feet wide; Maybe like from that door to this door. And  
9 there's a spot in the middle about 4 feet wide, it's about 3  
10 feet deep, the -- all the water goes right through that. You  
11 guys know this. And you can -- you can stand there in your  
12 bathing suit and your -- in your water-shoes and it just  
13 comes up to about here and it doesn't blow ya away or  
14 anything. It's a very small dam.

15 Have you inspected the dam, Mr. O'Brien?

16 THE WITNESS: Yes.

17 MR. MILLER: Nothing needs to be done; Correct?

18 MS. HISSONG: I'm gonna object, your Honor, to  
19 relevancy for the purpose of the petition. Mr. O'Brien is  
20 not here, and we have not prepared any discussion as to the  
21 needs for maintenance of the dam, and I believe that is under  
22 litigation in a different case and I would hate to have this  
23 case become evidence in a dis -- an attempt at discovery in a  
24 -- in a different case.

25 THE COURT: Mr. Miller.

1 MR. MILLER: This is just a public meeting. I'm  
2 just asking the guy if he's inspected the dam. He said he  
3 has; Correct?

4 THE WITNESS: I have seen it; Yes.

5 MR. MILLER: And there's nothing wrong with it;  
6 Isn't that correct? Correct?

7 THE WITNESS: Now --

8 MR. MILLER: By your non-answer I assume that --  
9 that you agree with me. You're not saying anything. I don't  
10 know, she's probably nod -- nodding her head at it. So --  
11 but --

12 MS. HISSONG: For the record, I did not nod my head  
13 or do anything to direct the witness to answer or not answer.

14 MR. MILLER: Well, you -- you talked about how you  
15 did some work down in Midland County, Wixom, and Sanford Dam,  
16 you're familiar with those.

17 MR. O'BRIEN: They're projects that are being  
18 worked on --

19 MR. MILLER: They had a hu --

20 MR. O'BRIEN: -- by Spicer Group.

21 MR. MILLER: They had a huge problem. They had a  
22 big storm and the Tittabawassee River washed 'em out. But  
23 that's nothing compared to the Houghton -- err -- the Higgins  
24 Lake Dam; Is that correct?

25 MS. HISSONG: Your Honor, I continue the objection



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THE COURT: Mr. Miller, yeah.

MS. HISSONG: -- with regard to relevancy.

THE COURT: This is about the district itself.

MR. MILLER: I understand.

THE COURT: Okay.

MR. MILLER: I'd just make a comment then; I object to this SAD. It's unnecessary. I guess I'm talking to the commissioners at this time. Look at this monster we've created; Okay? We've spent tens-of-thousands of dollars to this point. And as Mr. Frye indicated that they can get some help paying for this. So, now we're going to have administration.

Mr. Kessler had a real nice article in the paper yesterday about the SAD that we have for the sewer problem. Now, that's a huge problem. It's \$130,000,000 project. We need a SAD for that; Okay. Now, here we have a SAD for nothing. It's much to do about nothing. And my -- my point, and a lot of people I've talked to, just think we need to stop this thing right now, drop it, because it's gotten out of hand. It's much to do about nothing. We could split hairs on this. All these lawyers come up here and we pay 'em a ton of money. And, you know, I appreciate that process, but now we're gonna have another target for legal proceedings, legal money, and it just goes on and on and on.

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1 Administration; How much is it gonna cost to have the SAD  
2 administered? You're gonna have to write people -- you're  
3 gonna write all the people into the thing and that costs a  
4 ton of money. You have to have staff, you have to have  
5 office supplies, and it's just completely out of hand to fix  
6 something that doesn't need fixing.

7 The people on Higgins Lake pay a ton of money in  
8 their taxes. A lot of them are non-residence so they pay  
9 double taxes; They don't have the homestead exemption. But  
10 we pay -- pay plenty of taxes that if a little bit of money  
11 has to repair the dam, I -- I looked at the dam personally  
12 and there's nothing wrong with it. Okay. And if -- if it  
13 needs to be buttressed, that would be a very simple process.  
14 It's about the simplest dam I've ever seen.

15 So, I object to this whole proceeding and I just  
16 want you guys to know it. Thank you.

17 THE COURT: Thank you, Mr. Miller.

18 MR. MILLER: Thank you.

19 THE COURT: Mary Jo Oppy.

20 MS. OPPY: I'm gonna stay right here. So, I just  
21 have two questions but first off, I want to clarify, I am on  
22 the -- I'm a trustee on Gerrish Township Board but I'm not  
23 here representing Gerrish Township Board. I'm here as a  
24 concerned resident who actually has had -- has the  
25 opportunity, maybe, of listening to a lot of the concerns

1 about the new proposed SAD and so, perhaps, I'm speaking a  
2 little bit on that behalf too; I don't know. Anyway, the  
3 board did not -- doesn't even know I'm speaking today so  
4 there we go; I just wanted to clarify it.

5 Two questions. And I don't know if this can -- my  
6 question is, can Higgins Lake be removed from the SAD  
7 project? Houghton Lake, Lake Saint Helen, need it. Higgins  
8 Lake, not needed. So, I don't know if that's something you  
9 can answer or not but --

10 THE COURT: It's up -- up to the county  
11 commissioners. They're --

12 MS. OPPY: Okay. So -- so, maybe they can --

13 THE COURT: They're the ones that made this  
14 resolution.

15 MS. OPPY: Maybe you all do have the authority to  
16 exclude Higgins Lake from it, and if so, please, please,  
17 again, please consider that; Not including Higgins Lake in  
18 that because as we -- this gentleman said very clearly, as --  
19 of the people, it's -- Higgins Lake will survive with or  
20 without the dam as that woman greatly said.

21 And I wanted to make sure that the Court did  
22 receive the Gerrish Township resolution opposing the SAD. I  
23 just wanted to make sure that was part of the records or  
24 whatever.

25 THE COURT: It's in -- it's in the file, yes.

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MS. OPPY: It does. Okay. Thank you.

THE COURT: All right. Thank you.

Tom Szynski.

MR. SZYNSKI: Morning -- morning, your Honor.

Thank you for this opportunity. We own property and sometimes reside at 2752 West Higgins Lake Drive. We've been there about 26 years. Couldn't afford to buy it today being we're retired. And I object. My wife and I object to the SAD district. We think it's unnecessary. And, I'd like to know, how many on the board of -- the county board has property in and around Higgins Lake and who would be affected by this SAD? Anybody else?

I -- I really object to you guys imposing this on us. It's a tax burden that is unnecessary. The majority of the property owners that will be affected are absentee owners. So, this, in essence, is taxation without representation. Okay. That's what our nation was founded on. Apparently, the county board thinks that all property owners are wealthy. We're not. And there's some that are but the majority of the people, you know, are not wealthy. And I think the county commissioners have failed their duty to maintain the previous court order and they've spent tens-of-thousands of dollars on needless litigation on this matter. So, I just want it on record that we are against this SAD and I -- I would urge you to decline the request.

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Thank you.

THE COURT: Thank you.

Gary Wales.

MR. WALES: Thank you, your Honor.

THE COURT: Thank you.

MR. WALES: I have a comment about this. I don't know what the "age of law" means as whether it's legitimate or not. She's imposed several times it's a 70-year-old law. I don't know why age has anything to do with it. But getting into the special assessment district and putting that together, I was involved in one in Oakland County. My subdivision had 25-year-old roads. They were deteriorating. Oakland County wasn't going to pay for it. So, the process of Oakland County and my township was to first find out if the people involved in a special assessment district wanted to even have roads improved. So, we went around -- the process was, they said, we first had to get the approval of a majority of residence. Unbeknownst to us, they set this special district up without any availability for us to vote yes or no on it. Oakland County had that in the process. We went around and we set up -- I went house to house getting ballots approved -- not approved. We had a majority of residence say, yes. At that point, they set up the special assessment district. They excluded over 100 houses because they -- that's part of a subdivision was a year-and-a-half -

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1 two years old. So, they were excluded from the special  
2 assessment district, left 300 houses to pay for the roads.  
3 When we set up the requirements and told people we were gonna  
4 charge them \$5,000 per house to get the roads done. When you  
5 get a special assessment district passed, that is an open  
6 checkbook. When the final process and costs came through, we  
7 had to pay \$10,000 per house.

8 So, I'm thinking that the process that Phil Ellison  
9 came through was the same way that Oakland had set up their  
10 process is finding out, do the residence really want an SAD.  
11 In their infinite wisdom they say we do. I disagree.

12 Is there a need for dam improvement? I guess that  
13 -- that issue will come in the future. But I'm thinking that  
14 the process is not right. Now, I've -- I've sent your clerk  
15 an email and I've sent a registered letter to you. Both of  
16 them state a couple cases, one from Royal Oak and one from  
17 Flint, stating the process of the SAD, and the SAD was not  
18 allowed in those two court cases I sent you. I would like  
19 you to look at 'em and I thank you for your time.

20 THE COURT: Thank you.

21 Christine Kinsman.

22 MS. KINSMAN: Hello, your Honor. I don't have any  
23 questions but I do have an objection that the SAD is not  
24 necessary. And just thank you to all the neighbors, who --  
25 kind of people, that could take the time. You pretty much

1 covered all of the questions and objection and thank you.

2 THE COURT: Thank you.

3 And, Claudia Wood.

4 MS. WOOD: I have no questions. Thank you.

5 THE COURT: Laura LaLonde.

6 MS. LALONDE: I have no more questions.

7 THE COURT: All right.

8 MS LALONDE: Thank you.

9 THE COURT: Paula Coleman.

10 MS. COLEMAN: I don't really have a question I just  
11 have a couple comments.

12 THE COURT: Sure.

13 MS. COLEMAN: First of all, the gentleman that said  
14 the acou -- acoustics were bad, is true. We cannot hear you  
15 back here so we're all on -- and I have no hearing problems  
16 so maybe that's something that needs to be looked at.  
17 Because it's very difficult to hear everybody's comments, to  
18 be honest.

19 I think you need to go to a microphone if you don't  
20 have a big voice like mine and you need to stand there. When  
21 you turned around and talked to us, we could hear you. But  
22 we could not hear you with your back to us; Number one.

23 Number two, I -- I disagree with the SAD. I find  
24 it interesting that only one person on the board would be  
25 affected by it and everybody else thinks it's a great idea.

1 Yea; It's not coming out of your pocket. So, that's my  
2 comment.

3 THE COURT: Thank you.

4 Lois Trapp.

5 MS. TRAPP: I pass.

6 THE COURT: And Timothy --

7 MR. CZERNEY: Czerney.

8 THE COURT: Thank you.

9 MR. CZERNEY: I have no further comment or  
10 questions, thank you.

11 THE COURT: All right.

12 And Glenn Artz.

13 MR. ARTZ: I do. I'm president of the Alameda Beach  
14 Association and I'm not here speaking on their behalf; I'm  
15 here on my own. But I think many of us are here because of  
16 this Higgins Lake Lake Level's letter that's sent out. It  
17 sounded like you were gonna adjudicate on the lake level as  
18 opposed to the establishment of the SAD, which is a great  
19 acronym for it.

20 The ninth-hour, or eleventh-hour, or whatever  
21 expression is used, the board appointed Jodi Valentino,  
22 County Administrator/Controller, delegated authority of  
23 Higgins Lake. How many people on that board are sitting here  
24 today?

25 One; Two.



1 UNIDENTIFIED SPEAKER: What was the question again?

2 MR. ARTZ: How many people from the board that  
3 appointed Jodi the delegated authority for Higgins Lake, are  
4 on the board today? Just two of you? And so, three of you  
5 are new.

6 UNIDENTIFIED SPEAKER: Yes.

7 MR. ARTZ: I'm not sure how the outgoing board  
8 appoints somebody the authority for the lake and the incoming  
9 board doesn't have any input on it. I'm also unsure about  
10 the necessity for a SAD. It seems like the cart is in front  
11 of the horse in terms of determining a district when we  
12 haven't determined a necessity. When I was president of the  
13 HLEEC we offered to put in a restrictor that was recommended  
14 by the Spicer's study when they were having trouble in the  
15 lake levels after 2010. So, costs can be [indiscernible], we  
16 fix eurasian milfoil, we fix snail troubles, we fix swimmer's  
17 itch -- and -- and we do that funding it ourselves not  
18 through a mandate in a public fund. Thanks.

19 THE COURT: Thank you.

20 Any other public comment?

21 MR. OSTERGREN: Your Honor, I have a question of  
22 Ms. Hissong. I -- I would just like her to clarify a little  
23 bit of something she said earlier and I think it'll help  
24 clear -- clarify everything to the audience. She said in the  
25 allocation -- and we haven't gotten to that portion yet --

1 that we as commissioners can, for example, maybe as part of  
2 the assessments every year, 50 percent is paid for by the --  
3 by the -- by the county so everybody in the county benefits.  
4 Maybe it's 10 percent, maybe it's \$10,000 a year, whatever  
5 that amount is, I have -- from what I understand what you  
6 explained earlier, Ms. Hissong, is that that allocation is  
7 dependent upon us, as commissioners, to apply so much. For  
8 example, right now it's \$10,000 a year is supposed to be  
9 applied, and we've talked about this as a commission before,  
10 it's supposed to be applied to each -- each dam district.  
11 Maybe we make that \$20,000 so it's more evenly shared, maybe  
12 it's \$30,000; Who -- who knows whatever the number is but we  
13 do have the authority and ability to allocate those monies so  
14 keep that in mind as we go forward if -- if this is done.  
15 And I'm not in favor of it and I haven't been but if it's  
16 gonna happen, we need to share, I believe, as a county, in  
17 the resources of all of our lakes.

18 And -- and -- Am I correct on that Stacy? You  
19 wanna get into that a little bit further?

20 MS. HISSONG: So, as I mentioned before, the county  
21 board can decide to pay costs on its own, outside of this  
22 special assessment district if it so chooses. And then it  
23 also -- So, as an example, let's see it's \$100,000 bill. The  
24 county board can decide to pay zero or \$100,000 of that  
25 before going to levying an assessment on the special

1 assessment district. And they would also be a payor in the  
2 special assessment district, above and beyond what they  
3 choose to pay for out of general funds before going to that  
4 percentage.

5 MR. OSTERGREN: How would that happen; How would  
6 that happen? If they decide to -

7 MS. HISSONG: So, the county board can decide.  
8 Let's say there's a -- I'm gonna pick a different lake.  
9 Let's say it's Houghton Lake, as an example, that has a  
10 district now, and let's say there's \$25,000 worth of repairs.  
11 The county board can say, we're gonna pay, out of our general  
12 funds, \$25,000. They could say, we're gonna pay \$10,000 and  
13 assess \$15,000 to the district, and then the delegated  
14 authority comes up with the methodology for, based on what  
15 the district boundaries set by the court, holds a hearing  
16 then it comes back to the county board to approve the roll  
17 and to approve that cost.

18 MR. OSTERGREN: Okay. For example, right now, in -  
19 - in our meetings, what has been established is that right  
20 now the bills for Higgins Lake are over \$120,000 and that's  
21 for Spicer Group, for the attorney's fees and so forth. That  
22 amount has, as a board, I think we have made a decision or  
23 going to make the decision that we can take that -- that  
24 money out of the tax fund.

25 Is that correct, Jodi? You said that we could do

1 that? Okay. Well --

2 MS. HISSONG: I -- I'll answer the question.

3 MR. OSTERGREN: Okay. Yeah. Okay.

4 MS. HISSONG: The county board can make that  
5 determination as they wish. I'm not sure that the board  
6 decided it or not. I haven't been present at their meetings  
7 but they have the opportunity to make that decision.

8 MR. OSTERGREN: Okay that's -- okay. That's good  
9 enough. That's good.

10 THE COURT: All right. There was some individuals  
11 -- we'll start over here and I'll work this way.

12 Sir.

13 UNIDENTIFIED SPEAKER: Thank you. If -- I -- I  
14 want to state that I'm against the SAD district but if this  
15 SAD district is approved, can parcels be added or taken off  
16 when they find out that they don't comply with what --

17 THE COURT: That's what today's hearing was about.

18 UNIDENTIFIED SPEAKER: Okay. So, what happens if  
19 you find something later, that a parcel should be added on?

20 MS. HISSONG: So, that's what -- So, in order to  
21 add parcels to the boundaries, we would have to come back to  
22 circuit court, notice everybody, to add parcels to the  
23 boundaries. That's why we work so hard to ask for  
24 information through all this public engagement to ensure.  
25 This is the time to add those. If, as an example, we find

1 out that a parcel doesn't benefit or we have a large parcel,  
2 like the engineer spoke about, and some of that was split and  
3 didn't retain -- retain lake rights, then they would still be  
4 within the boundaries but we might give them a zero.

5 UNIDENTIFIED SPEAKER: Okay.

6 UNIDENTIFIED SPEAKER: How accurate is this map?

7 THE WITNESS: That's our recommended map. That's a  
8 recommended district.

9 UNIDENTIFIED SPEAKER: You say that they -- county  
10 roads are not included. What about private roads that go  
11 into the lake?

12 THE WITNESS: If there's a private road and a plat,  
13 it depends on, you know, how the plat is dedicated.

14 UNIDENTIFIED SPEAKER: Did you add or did you have  
15 any private roads when you did your assessment that had  
16 backlotters?

17 THE WITNESS: There was some of the plats that we  
18 went through today, that backlots had access to the lake,  
19 yeah.

20 UNIDENTIFIED SPEAKER: So, would they be included  
21 in the SAD district?

22 THE WITNESS: Yes.

23 UNIDENTIFIED SPEAKER: So, the coloring should show  
24 up on this map?

25 THE WITNESS: If they met that criteria, yes.

1 UNIDENTIFIED SPEAKER: I can show you, right now, a  
2 road that's on here, it's a private road that has four  
3 parcels, it's clearly -- those are not added into here.

4 THE COURT: Well, just being a road wouldn't add it  
5 in, sir. Is it a --

6 UNIDENTIFIED SPEAKER: It's a private road.

7 THE COURT: Okay. But that doesn't add it in  
8 either. Did they -- did the individuals have --

9 UNIDENTIFIED SPEAKER: They have -- the people --  
10 off-lotters have easements, went to that road to put docks  
11 out and boats out there.

12 THE COURT: Well, that's the question. If they  
13 have easements and -- I can't answer the question because I  
14 haven't done the study but there was testimony that folks  
15 with easements were included in this map.

16 UNIDENTIFIED SPEAKER: Were?

17 THE COURT: Are.

18 UNIDENTIFIED SPEAKER: They're not on this map.

19 MS. HISSONG: Okay. Your Honor, again, any  
20 information --

21 Did you receive -- did you attend any of the  
22 webinars or any of that with regard to --

23 UNIDENTIFIED SPEAKER: No. This is the first time  
24 I've seen this map too.

25 MS. HISSONG: Okay. You didn't go onto the website

1 and look at the map before.

2 UNIDENTIFIED SPEAKER: No.

3 MS. HISSONG: Okay. So, we don't have access to  
4 all of that type of information. We took information like  
5 that the best we could before today to get as much  
6 information to this court. If there's information with  
7 regard to a private road, and there are recorded easements,  
8 the assessor may or may not have been aware of that. Because  
9 we asked the assessor for all of that type of information and  
10 so I don't have information to respond to that.

11 THE COURT: Right. Well, that similar thing  
12 happened in Houghton Lake and you had to do an amendment  
13 after.

14 MS. HISSONG: Right. For those amendments after,  
15 that was information that we had received prior to the  
16 hearing but did not have an opportunity to amend that. If  
17 this Court wishes, we can get the parcel information and the  
18 deed information from this property owner and reconvene  
19 simply for that purpose to provide an updated recommendation  
20 to the Court.

21 THE COURT: Okay. And your name sir?

22 UNIDENTIFIED SPEAKER: "Cause I know the assessor  
23 has the information because they tried to include a piece of  
24 property that my parents had 10-15 years ago. I get -- I  
25 objected to why the taxes were on it, and she says, "'Cause

1 you've got access through the road." I said, "No, it  
2 doesn't." She says, "Yeah, you do." I said, "You better  
3 check." She calls a few days later and she says, "You're  
4 right; There's no assessment but there are four other lots  
5 that do have it."

6 THE COURT: All right.

7 UNIDENTIFIED SPEAKER: And they're not included on  
8 this map 'cause they clearly would show up, those four lots.

9 THE COURT: All right. And your name, sir, is?

10 MR. HINMAN: Bruce Hinman, H i n m a n.

11 THE COURT: Okay. Thank you.

12 Next --

13 MS. HISSONG: Your Honor?

14 THE COURT: Yeah.

15 MS. HISSONG: Before -- for the expediency of the  
16 Court, we'll get through this, but I would like to have  
17 someone take Mr. Hinman aside so -- because the map is  
18 somewhat hard to read.

19 THE COURT: Yeah.

20 MS. HISSONG: I don't want to reconvene a hearing  
21 when maybe --

22 THE COURT: Don't need to; Correct.

23 MS. HISSONG: -- we can resolve it before the end  
24 of the day, so.

25 Mr. Hinman, could you step aside -- outside with



1 Mr. Hinman and then we can get on the website and see what  
2 information and make sure they're not already in before we  
3 take any other action.

4 THE COURT: Thank you.

5 MS. HISSONG: Thank you, your Honor.

6 THE COURT: All right, sir.

7 MR. CLARK: Your Honor, Dean Clark. Passed on the  
8 judgment before from the comment. I'd like to make one. I'm  
9 retired military. I'm gonna paraphrase either a famous  
10 general or famous admiral during World War II, "Once you  
11 allow the camel's nose to enter your tent the body will soon  
12 follow." Thank you.

13 THE COURT: Thank you.

14 Sir, in the back. John we'll -- I'll get back to  
15 Mr. Miller in a second.

16 UNIDENTIFIED SPEAKER: For clarification on the  
17 road-ends, the public being public. I live along Sam-O-Set  
18 Boulevard. None of the roads that are been -- approach the  
19 lake, actually hit the lake; They end at Sam-O-Set Boulevard.  
20 The roads don't continue to the lake frontage. The township,  
21 in my opinion it's in error, issues permits to people --  
22 backlotters -- to put in a road-end dock for public access.  
23 Now, that's -- that's against the Michigan Statute because  
24 the roads don't extend to the lake. But they do that. The  
25 people have to pay, in permit fee, to the township. They put

1 in personal property; They buy insurance on that property in  
2 order to put in the dock. I -- I don't understand how they  
3 can be excluded when they're given, basically, all the  
4 ownership responsibilities to do that. And they have access  
5 themselves and the people that utilize that. But to exclude  
6 'em, I don't think is fair to everybody else. That's it.

7 THE COURT: Thank you.

8 Mr. Miller.

9 MR. MILLER: John Miller, again. I -- I -- in my  
10 notes I had something else I wanted to add. Larry Meade, who  
11 is commissioner from the Gerrish Township District, District  
12 2, I believe, and Ken Melvin, operated the dam for a long  
13 time and there's an order in place from the court, it has to  
14 be followed, this doesn't change that a bit; Okay. Now, look  
15 at all the hairs we're splitting here. We're gonna be back  
16 on litigation, who's included, who's got a road-end, who gets  
17 value from the lake. This can go on and on and on. We could  
18 have, you know, lawyers fighting over this, and like -- like  
19 it's been indicated, you know, there's no -- nothing needs to  
20 be repaired. Nothing needs to be done, okay. And so, I -- I  
21 just totally object and it sounds like everybody else here  
22 does too. And I'm talking to the commissioners and I respect  
23 that they -- or I respectfully ask that they take that into  
24 consideration and, really, just make a vote to stop this mess  
25 because it's just gonna go on and on and on. It's gonna be

1 appearances in court, there's gonna be court fees, there's  
2 gonna be attorney fees, and that doesn't give us a darn bit  
3 of good -- "dam" bit of good -- doesn't do us any good for  
4 the lake. I -- I just wanna make that point. I think  
5 everybody else here basically agrees with me. I ask ya to  
6 take that into consideration.

7 THE COURT: Sir.

8 UNIDENTIFIED SPEAKER: Two points. First one --

9 MS. HISSONG: Your Honor, should we be getting  
10 names?

11 THE COURT: That was John Miller again. And you  
12 are?

13 MR. RUSSOW: Glenn Russow. Did you say the total  
14 number of parcels from in the back was two-thousand and how  
15 many?

16 THE WITNESS: -19.

17 MR. RUSSOW: 2,019. So, your Honor, as you  
18 consider the special assessment district as requested by the  
19 commissioners, it'd be interesting to note how many of those  
20 2,000-plus parcels are actually homestead or have voting  
21 rights to note is this being requested by 10 percent of the  
22 people or a significant majority. [indiscernible] after the  
23 webinar, I emailed your office regarding a piece of land that  
24 does not have a parcel ID on the lakefront, and based on the  
25 county map, there's no way to know how you've included it.

1 Because this is a boundary meeting, is it included or isn't  
2 it included in your boundaries, because there's no parcel ID  
3 number.

4 MS. HISSONG: And, again --

5 MR. RUSSOW: And it's private, not public; Private  
6 property, as determined by the court.

7 MS. HISSONG: I would be happy to have one of my  
8 co-counsels step outside with this person. I don't recall  
9 every single email or -- that we receive from our office to  
10 address that.

11 THE COURT: Okay, thank you.

12 Thank you, sir.

13 MS. HISSONG: So, Kyle -- would you mind step -- Do  
14 you mind stepping outside for a moment --

15 MR. RUSSOW: Sure.

16 MS. HISSONG: -- to talk to him about that?

17 UNIDENTIFIED SPEAKER: My question is about how the  
18 state and the DNR are to be compelled to participate in the  
19 SAD as far as revenue collection? I understand the county  
20 has ways to make property owners in the county participate  
21 but if they chose to, I assume they could allot a 1/3 or more  
22 to the state parks and the DNR from their own property and  
23 this ditch that they have on Higgins Lake.

24 MS. HISSONG: So, the DNR is a property owner so  
25 they can be assessed. And we will look at the methodology or

1 I will make recommendations -- if I continue to be counsel  
2 for this board and Spicer Group -- as to what the methodology  
3 will be. Ultimately, they need to approve it. That  
4 methodology has to be applied consistently with regard to who  
5 the property owner is but given campground sites, boat  
6 launches, you know, things that look to the intensity of use,  
7 it is likely that the DNR's is -- will be the largest  
8 assessment payor in the district because they are the -- one  
9 of the largest land owners.

10 I have personally been legal counsel for -- as --  
11 as an example, Silver Lake Sand Dunes in Oceana County. The  
12 assessment to the DNR was over a quarter of a million dollars  
13 for a project. The Murphy Lake -- I can't remember what the  
14 percentage the DNR was but they were, by far, the highest  
15 assessment payor in the district. And without a special  
16 assessment district the only way to get DNR to pay funds to  
17 assist with costs is to have a special assessment district  
18 and assess them.

19 THE COURT: All right. Thank you.

20 All right. Well, we -- we had cards and now it's  
21 kind of turning into an open forum. So, I'm just gonna  
22 entertain a couple more.

23 Sir, you've been asking for quite a while.

24 UNIDENTIFIED SPEAKER: Thanks, your Honor. I -- I  
25 -- I hate to extend this proceeding and I thank you for your

1 -- your patience in -- in conducting this and you are in an  
2 awkward position, as I read the statute as well.

3 I am not a Michigan resident. I'm a resident of  
4 the State of Indiana. My wife and I do own a property on  
5 Higgins Lake that is included within the special assessment  
6 district. My wife also has an undivided half interest in a  
7 second property, and her family -- some are from here and  
8 about seven or eight more -- I'm in Pinewoods Association  
9 Area. You are my only audience, your Honor. I do not have  
10 an audience with the commissioners. I can go to their  
11 meetings, I can make public comments, but I have no ability  
12 to control what they do because I cannot vote them in or out.  
13 And You can guess what I might do if I had that ability  
14 because I do not believe this assessment is legal.

15 I join Mr. Dewey's objection to the exclusion of  
16 the need -- not for the lake level -- the need for a project.  
17 If there is no project, and then there is no need, then there  
18 is nothing for which a special assessment district can be  
19 established. If that's not the case -- and I did submit my  
20 own objections -- I joined in Mr. Ellison's but I also  
21 submitted objections on behalf of my wife and myself because,  
22 as non-residence, non-voters, I believe that the application  
23 of this statute to us in this instance is unconstitutional.  
24 And if in fact need is not an element to be considered at  
25 this point of the proceeding then I would further assert,

1           sir, that this -- that the statute itself is unconstitutional  
2           on its face because you cannot assess what is effectively a  
3           tax without some demonstration of the need for the tax.  
4           That's basic.

5                     I'm an environmental lawyer, I'm not a constitution  
6           -- not a constitutional lawyer. But my understanding of the  
7           tax law, you can't do that. So, I very strongly object to --  
8           to the exclusion of the discussion of "need."

9                     And I would like to ask Mr. Ellison too, I think  
10          probably -- I don't know if you have asked for the admission  
11          of the statement of Greg Semack, which was included in your  
12          objections, I think that's very important because Mr. Semeck,  
13          as a member of the HLPOA board -- and I'm also on that board  
14          -- attended, I think, every one of the meetings or at least  
15          reviewed the -- the transcripts of those meetings -- the  
16          recorded transcript, and in his statement he said -- and he  
17          did -- he asked time and time and time again, "What is the  
18          need?" And the answer was nothing; There was no answer.  
19          And, really, the only thing in -- in the record for this  
20          proceeding that talks about "need" is the December 22  
21          inspection report. And I join with Mr. Dewey in submitting  
22          that -- we did include that with our written objections --  
23          and I would ask to the Court reconsider the exclusion of that  
24          exhibit and I will at some point object if it is not  
25          included. That report determined that the structure was in

1 good working condition and specifically that no repairs, zero  
2 repairs, are required. If there are no repairs required to  
3 the dam, to the lake level control -- control structure, what  
4 are we talking about? Why are we even discussing this?

5 I would also ask that the Court consider -- again,  
6 I know it's an awkward situation but I have to say that this  
7 proceeding has very much muddied my understanding of what  
8 this proceeding is and how it goes but I think if the Court  
9 would consider including, in its order, an order to the  
10 commissioners that when they consider a meeting -- which I  
11 think is at the point where they make the actual assessments  
12 even though I disagree with that -- if the Court would order  
13 them to consider the need for the project at that point. I  
14 think that would help so I'm asking the Court to consider  
15 that.

16 I would also ask that the Court also consider  
17 including, in its order, that the SAD that -- that the county  
18 commissioners must consider the treatment of the -- of the  
19 township road-ends. It's nice to say that they will; Ms.  
20 Hissong has said, "Oh. They will; They will." But as I  
21 understood the proceeding so far, there've been a lot of, "We  
22 wills; We wills" that don't come true. And if there's no  
23 control on that, that's just a promise. This is my only  
24 audience. If they fail their promise, I can't do a darn  
25 thing about it. But if they violate your order, I can.



1                   Those are my comments.

2                   THE COURT: Thank you.

3                   MR. DEWEY: Thank you, your Honor. I join with --  
4 with Mr. Devoe and his comments.

5                   With all due respect, when I listen to all of the  
6 controversy that has gone on here today, I would just  
7 respectfully suggest that this hearing be adjourned so that  
8 the various people could consider all of what has occurred  
9 here today. And you do not have to then necessarily make a  
10 ruling based upon what you've heard today, but give the  
11 opportunity to the commissioners to very carefully consider  
12 the objections that they have heard with regard to not only  
13 the issue of creation of the SAD but also what's to be  
14 included, etcetera. I honestly think that that would be the  
15 best thing for everybody involved. Like if you were to rule  
16 today my understanding is that the statute says that your  
17 ruling can be appealed within 15 days and that would be a  
18 very likely occurrence.

19                  THE COURT: Yeah, that's the -- you're mixing up  
20 the -- the "15-day," that's on a decision from the county  
21 board of commissioners.

22                  MR. DEWEY: Well, they don't -- they don't -- they  
23 don't agree with your prior suggestion that they need to have  
24 a hearing on the -- on -- on the ruling of necessity.  
25 They're prepared to go ahead.

1 THE COURT: I think you misunderstood that comment  
2 but I'll leave it at -- with that. But there -- there's  
3 appellate rights that would apply to this ruling that have  
4 nothing to do with the 15-day rule; That applies to the  
5 county commissioners.

6 MR. DEWEY: Well, there's got to be a way to appeal  
7 your ruling.

8 THE COURT: There is; It's spelled out in the  
9 Michigan Court Rules.

10 MR. DEWEY: Right. And -- and in the event if you  
11 were to rule it probably is going to end up in an appeal  
12 which is gonna cost everybody a lot of money, whereas if you  
13 would be willing to adjourn this matter for say, 30-days, a  
14 lot of people can maybe take a second look at what this is  
15 all about.

16 Thank you.

17 UNIDENTIFIED SPEAKER: Your Honor, I forgot to  
18 state my name for the court recorder. May I?

19 THE COURT: Thank you. Yes.

20 MR. DEVOE: Yes. I'm sorry. My name is -- I'm  
21 embarrassed to say I go by my middle name -- but it's S.  
22 Curtis Devoe, D e v o e, and my wife is Carolyn T.

23 THE COURT: Thank you.

24 MR. DEVOE: And we did submit our objections. And  
25 I think you noted that the person who spoke before Mr. Miller

1 also failed to state his name, over there in the -- right  
2 there.

3 MR. DOUGLAS: Gregory Douglas.

4 THE COURT: Thank you.

5 Thank you, Mr. Devoe.

6 MR. DEVOE: For the court recorder.

7 THE COURT: Right.

8 Two -- two more questions.

9 UNIDENTIFIED SPEAKER: One thing I failed to add --

10 MS. HISSONG: Your name again, sir.

11 MR. SZYNSKI: Tom Szynski, 2752 West Higgins Lake  
12 Drive.

13 How -- I'd like to address the county board. How,  
14 in good conscience, can you impose this SAD district on us  
15 people here when you in turn have no repercussions of it?  
16 It's not imposed on you, you're imposing it on us, and you  
17 don't have a stake in what it's gonna cost.

18 Thank you.

19 THE COURT: Thank you.

20 Ms. Oppy.

21 MS. OPPY: Mary Jo Oppy, again. I'm not real sure  
22 how the DNR are funded; I think it's through the state,  
23 maybe, and that comes out of the tax-payers and so we have  
24 the -- we pay for the DNR that we support, the township has  
25 lakefront property that's in the SAD, and then there's our

1 own personal. And I'm not in the SAD except that I'm a  
2 backlotter and I don't get to see that view every day. But,  
3 yeah, so that is like a triple tax. Just -- just saying.

4 THE COURT: Thank you.

5 MR. ARTZ: Judge, just for my association's  
6 benefit. I -- it's probably out of order but would -- would  
7 it be okay if I were to ask the members here attending if  
8 they're in favor or not -- they're not in favor of this SAD  
9 and raise their hands if they're in favor.

10 THE COURT: It's not relevant, it's not a vote, and  
11 it's not -- it's not information that is part of the criteria  
12 I'm to look at under the statute. I understand your  
13 sentiment and I get a general sense of the room.

14 MR. ARTZ: Well, it'd be great for my -- my  
15 President's Report, that's all. Can I do that?

16 THE COURT: You can put down that the general  
17 consensus of the room is in opposition.

18 MR. ARTZ: Oh. Thank you, Judge.

19 MR. ELLISON: Judge -- I don't wanna cut anybody  
20 else off -- the -- Mr. Devoe asked about the declaration of  
21 Mr. Semack as part of our submission as well. Mr. Semack  
22 offered an affidavit declaration that there was no project  
23 plans or related cost calculations and I think that's been  
24 clearly established today through other witnesses. I think  
25 you could take notice of that fact with -- with or without

1 Mr. Semack's statement and I leave that to your --

2 THE COURT: Well, there's been no testimony to any  
3 of that so you'd be correct.

4 MR. ELLISON: And my cross-examination established  
5 there is no -- nothing that's been established by that -- by  
6 this particular witness that's on the stand as well, so.

7 THE COURT: Correct.

8 MR. ELLISON: I have nothing further.

9 THE COURT: Okay.

10 Last question. Yes, sir.

11 MR. ANDERSON: My name is Peter Anderson. I came  
12 here thinking that we're talking about whether we're going  
13 forward with this or not in deciding the area that's going to  
14 be taxed that lends it to me to think it's already a done  
15 deal. Is it a done deal as far as the -- the SAD? I'm  
16 against it.

17 THE COURT: I have -- Sir, this court has no role  
18 in assessing the tax.

19 MR. ANDERSON: Okay.

20 THE COURT: Zero. I'm not part of that process at  
21 all. I'm not the tax man.

22 MR. ANDERSON: The -- the SAD should be determined  
23 before it's mapped out, I would think, but that's my opinion.

24 THE COURT: Okay. That -- thank you.

25 MS. HISSONG: Your Honor?

1 THE COURT: Ms. Hissong.

2 MS. HISSONG: I have a couple of follow-up  
3 questions --

4 THE COURT: Sure.

5 MS. HISSONG: -- for Mr. O'Brien to clarify some  
6 things.

7 REDIRECT EXAMINATION

8 BY MS. HISSONG:

9 Q. I talk louder than you so you need to talk loud for  
10 everybody.

11 A. Okay.

12 Q. All right. I want to ask one question about benef -- some  
13 questions about benefit but, first, about your understanding  
14 of an inspection report that's performed for EGLE; Yes. Is a  
15 perspe -- an inspection report for EGLE, what -- what are  
16 they looking for in terms of maintenance? When they say  
17 "maintenance" is needed, what does that mean to you?

18 A. If there's anything that needs to be addressed immediately is  
19 -- is typical.

20 Q. In terms of the safety of the structure or in terms of - this  
21 could better maintain a lake level; What are you referring  
22 to?

23 A. The inspection for --

24 MR. DEWEY: Your Honor, I'm -- I'm gonna object to  
25 -- to this line of testimony. He has no bases; He's not

1 qualified to answer these questions.

2 THE COURT: You -- Sir, you --

3 MR. DEWEY: It's all speculation.

4 THE COURT: This isn't a trial and you don't have a  
5 right to make an objection. The question can be asked.

6 You can ask the question.

7 BY MS. HISSONG:

8 Q. So, people asked, this is needed or this not is needed; It  
9 depends on what "it" is; Correct?

10 A. Yes.

11 Q. And so, for purposes of a dam inspection report that's  
12 submitted to EGGLE --

13 A. Which I have performed in the past.

14 Q. Yes. What -- what type of -- what is the "it" with regard to  
15 improvements to a dam or the -- the whether a dam is  
16 considered in not needing anything?

17 A. Yeah. So, I haven't performed an EGGLE inspection for this  
18 particular dam but typically what they're looking for is in  
19 terms of safety and failure. They're looking --

20 Q. Not necessarily how well it's maintaining or not maintaining  
21 lake level.

22 A. They're not looking at the operations and how well it's  
23 maintained.

24 Q. And so, if a dam inspection report says "satisfactory" or  
25 "good", that's to the "safety" of the water-control

1 structure.

2 A. Correct.

3 Q. Not necessarily as to the efficiency of maintaining or  
4 operating a lake level.

5 A. That's correct.

6 Q. I have some questions with regard to benefit. Again, it is  
7 your understanding or your recommendation that the special  
8 assessment boundaries are based on lakefront or private legal  
9 access; Correct?

10 A. Correct.

11 Q. Is it your opinion that having a lakefront property on a lake  
12 and -- has an impact on the value of that property?

13 A. Yes.

14 Q. Is it your opinion that having a backlot lot or a parcel on a  
15 lake that has private-legal access to the lake, has an impact  
16 on the value of the property?

17 A. Yes.

18 Q. Can a lake level water-control structure impact the rights of  
19 riparians that are on a lake?

20 A. Yes.

21 Q. Can it impact flooding?

22 A. Yes.

23 Q. Can it impact soil erosion that may damage or, opposite,  
24 protect a piece of property on a lake?

25 A. Yes.



1 Q. Does it impact or may it impact fishing?

2 A. Yes.

3 Q. Wildlife?

4 A. Yes.

5 Q. Boating?

6 A. Yes.

7 Q. Swimming?

8 A. Yes.

9 Q. Docks?

10 A. Yes.

11 Q. Seawalls?

12 A. Yes.

13 Q. Does it impact the opportunity for recreational or  
14 conservation uses on the property?

15 A. Yes.

16 Q. Thank you.

17 MR. DEVOE: Mr. O'Brien, I have a question for you.  
18 Did you consider any of those other factors that Ms. Hissong  
19 just mentioned? As I understood your testimony previously,  
20 the only thing you mentioned was access, access, access. Did  
21 you consider any of those other benefits when you determined  
22 what properties would be within this -- this special  
23 assessment district?

24 MS. HISSONG: I -- I think he asked and answered  
25 that. I said, "Do lakefront owners have a benefit or have

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that" --

MR. DEVOE: I didn't ask for that. I asked, --

MS. HISSONG: Excuse -- excuse me.

MR. DEVOE: -- did he consider --

MS. HISSONG: Excuse me, sir; Excuse me, sir.

THE COURT: Let's keep this orderly. This isn't a debate.

MS. HISSONG: -- "and that does a lake level, that has lakefront, have those benefits?" Correct?

THE WITNESS: Yes.

MR. DEVOE: Did he consider those benefits when he determined the -- the boundaries of the district?

THE WITNESS: Those benefits that you're talking about get applied to the actual assessing portion of this which is a future phase.

MR. DEVOE: So, you did not --

THE WITNESS: Who's in and who's out.

MR. DEVOE: -- consider any of those factors when you determined the boundary; Is that correct?

THE WITNESS: How the boundary is determined is based on Part 307 which is based on access to the property.

MR. DEVOE: And the only factor that you -- that you considered was access; Correct?

MS. HISSONG: Your Honor, this is as -- asked and answered. I -- I believe he -- This is not exactly how he

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1 testify and so we can continue with this and then I'll have  
2 to follow up to clarify it, once again, if the Court wishes.

3 THE COURT: Again, this --

4 MR. DEVOE: You just asked him the questions.

5 MS. HISSONG: Sir --

6 THE COURT: Everyone, stop. This isn't a trial,  
7 there isn't cross-examination, it's even suspect whether the  
8 rules of evidence apply at this hearing. So, if you have a  
9 question just ask the question and then we'll get -- have the  
10 witness answer the question.

11 So, your question is?

12 MR. DEVOE: Then I'll -- I'll ask again. Did you  
13 consider any factors other than "access" when you determined  
14 the boundaries of this special assessment district; Did you  
15 consider any of the other factors that Ms. -- Ms. Hissong  
16 just mentioned: erosion, wildlife, boating? Any of those  
17 factors?

18 THE WITNESS: No. It's based on access.

19 MR. DEVOE: Correct. Perfect. Thank you.

20 MS. HISSONG: And then I'll ask a follow up  
21 question to that.

22 REDIRECT EXAMINATION CONTINUED

23 BY MS. HISSONG:

24 Q. Does access --

25 MR. DEVOE: I'm sorry, I had -- I had one other qu

1 -- Well, go ahead; Continue with that. I have one other  
2 question about the exhibit that I don't [indiscernible].

3 THE COURT: All right. Sit -- sit down.

4 MS. HISSONG: Your Honor -- err -

5 BY MS. HISSONG:

6 Q. Mr. O'Brien, when you say "access", you considered access  
7 because a lakefront owner is impacted by all of those things  
8 that I mentioned with regard to that. So, a lakefront owner  
9 benefits by having a lake -- a lake -- anyone with lake  
10 access, benefits.

11 A. Yes. Those are all benefits they have by having access.

12 Q. And so was that inherent in your -- that those benefits  
13 accrue to people with lake access? Is that inherent in your  
14 recommendation?

15 A. Yes. Those people that have access have those benefits.

16 MR. DEVOE: Okay. Was that also true of the people  
17 who have access through a deeded -- a deeded access? Do they  
18 suffer from shore erosion, for example?

19 THE WITNESS: There would be some things that they  
20 don't benefit but some things that they do.

21 MR. DEVOE: But did you consider those things when  
22 you determined the boundaries or are these just theories that  
23 are out there that you might consider at some point?

24 MS. HISSONG: And I believe he already answered  
25 that when he said it was inherent.

1 THE COURT: They were incumbent in his assessment  
2 of the lakefront access and easement access.

3 MR. DEVOE: All right. And as to the exhibit, your  
4 Honor, I would submit that the -- the dam -- the dam -- the  
5 dam inspection report speaks for itself. It does, in fact,  
6 deal specifically with maintenance and repairs and the answer  
7 to whether any maintenance and repairs is required. The  
8 answer is, no.

9 And, I also would submit, no offense to Mr. O'Brien  
10 but I don't think he's qualified to -- to discuss and provide  
11 an opinion as to what that document says or does not say.  
12 And I would add that that inspection report was specifically  
13 ordered by, and prepared for, one of the Roscommon County  
14 Commissioners.

15 THE COURT: Thank you. All right.

16 We -- two -- These are the last two questions.

17 UNIDENTIFIED SPEAKER: I'd like to ask the witness,  
18 would a individuals or a private corporation utilizing a  
19 road-end, through Public Act 56 access, receive the direct  
20 benefit by installing a dock at a road-end.

21 MS. HISSONG: The question -- would an individual  
22 receive --

23 UNIDENTIFIED SPEAKER: Would -- would -- if the  
24 individuals or private corporations, that are licensed by the  
25 townships, that install a private dock -- or, I'm sorry --

1 that installed a dock at a public road-end, do they receive a  
2 benefit similar to a riparian installing a dock?

3 THE WITNESS: The benefit is not to the property  
4 though. That dock is public. The township's ordinances all  
5 state that people can put docks in but they're still public.  
6 Anybody could use that dock even though the corporation or  
7 person installs it.

8 UNIDENTIFIED SPEAKER: So, would the proximity of  
9 non-riparian properties to that dock not be included also in  
10 the property value.

11 THE WITNESS: Those properties do not have a  
12 specific right to use that -- the dock can be removed.

13 UNIDENTIFIED SPEAKER: But they have the org --  
14 people organize and form public -- or private corporations,  
15 registered in the State of Michigan, in order to facilitate  
16 access -- statutory access on a road-end. That receives the  
17 same direct benefit as a riparian does putting a private dock  
18 for their own accord.

19 THE COURT: That -- that answer's -- that  
20 question's been answered by the comments and the discussion  
21 we had with regard to the county's ability to assess roads in  
22 this special assessment district.

23 UNIDENTIFIED SPEAKER: Agreed, but --

24 THE COURT: Well, then what's the point of the  
25 discussion?

1 UNIDENTIFIED SPEAKER: That the non-riparians  
2 themselves, as owners of those private corporations, are then  
3 having the benefit and should be included in the boundaries  
4 of the special assessment district.

5 THE COURT: I don't know what private corporations  
6 you're talking about.

7 UNIDENTIFIED SPEAKER: The private corporations  
8 that are licensed by the townships in order to put the docks  
9 in.

10 THE COURT: What townships are doing that?

11 UNIDENTIFIED SPEAKER: Both; Gerrish -- Gerrish  
12 Township, through a police department and Public Act 56, has  
13 an application process by which individuals and/or private  
14 corporations can put a road-end dock.

15 THE COURT: Right.

16 UNIDENTIFIED SPEAKER: Lyon Township also has an  
17 ordinance and an application process. So, they're both  
18 administering access which is statutorily granted --

19 THE COURT: Right.

20 UNIDENTIFIED SPEAKER: -- to people.

21 THE COURT: Which is why the county can assess  
22 those roads as part of their special assessment district.

23 MR. DEVOE: But "can" and "must" are two separate  
24 points.

25 THE COURT: I can't address what --

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UNIDENTIFIED SPEAKER: And if we can't have "must" then --

THE COURT: I can't address what the coun -- what the county does, sir, on that; I -- I can't answer that question.

MS. HISSONG: So, the -- the townships -- So - If I may, your Honor.

I absolutely understand the point that you're making and this is going to be something that the county board is going to have to figure out. The problem with the boundary -- So, the township -- the townships are included, at large, in this special assessment district and a consideration in their assessment is the road-ends. That can't be determined until the Court says that the townships are in. That's what this hearing about. Then the county board will make the determination as to how much. It is -- it is -- I -- I understand what you're saying and I -- I -- I think it is important that, you know, that to be taken into consideration for the township to look at that at the townships assessment. But those ordinances and those licenses can change year to year and they impact people or corporations and not properties attached to that and it can change annually. And so, if the township charges, and they get charged by the county, then the township will have to re-coop that through how they do their ordinances, if they

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1 choose to, through their ordinances or their permit fees to  
2 collect what they're now having to pay as the assessment  
3 that's going to be levied by the county.

4 And, again, I cannot guaran -- we have to follow  
5 the statutory process. And the first part of that statutory  
6 process is con -- to confirm the boundaries; Who's in and  
7 who's out. Then, and only then, can the county board get  
8 working on the very difficult and complex issue of who pays  
9 what for that. And they are hearing -- I am hearing, they  
10 are hearing, the comments and the concerns with regard to the  
11 road-ends and it is up to them to decide. So, you are not  
12 hearing "absolutely" this is what will happen because it  
13 would be inappropriate to say this is what absolutely will  
14 happen, because we are not there as part of the statutory  
15 process yet. It would be appropriate for you, after the  
16 Court confirms and includes these townships -- as we've  
17 recommended to receive an assessment above and beyond what  
18 properties they own, that that should be heavily considered  
19 in an assessment to those townships because of the roadside  
20 use -- to attend the county board meetings to recommend that.  
21 Then, the townships are likely gonna get a -- receive an  
22 assessment and then, perhaps, have to re-evaluate the fees  
23 for permitting that use, etcetera. Those are all beyond the  
24 bounds of any direction I've been given by the county because  
25 we aren't there yet and, in my opinion, above the bounds of

1 what this Court can address today through the petition and  
2 under the statute.

3 UNIDENTIFIED SPEAKER: My -- my -- yes. To -- I --  
4 That is one possible path.

5 MS. HISSONG: Yeah. Yep.

6 UNIDENTIFIED SPEAKER: Another possible path is  
7 that this Court could find that indeed there is meaningful  
8 non-riparian access granted through Public ACT 56 sites and  
9 therefore we now need to wait until a political body may or  
10 may not take some action, may or may not take an action to  
11 assess themselves, that this Court could rule that the  
12 boundaries, as defined, are not proper, they're not fair, and  
13 essentially don't meet any sense of proportionality. Because  
14 my neighbor, who literally is my next-door neighbor,  
15 literally walks to a Public 56 access-site and would be  
16 required to pay zero and yet I pay my fair share. This Court  
17 could very easily deny the petition and send you back and say  
18 you must include all non-riparians in the township, all non-  
19 riparians within one mile, within 100 feet, could do any sort  
20 of thing to bring a sense of fairness and proportionality  
21 that, at this point, the boundaries are exclusively to  
22 riparians. And that's just, quite frankly, not fair.

23 MS. HISSONG: I don't disagree -- I don't disagree  
24 -- So, that's a clarification of your position and I  
25 appreciate that clarification. And so, that is within the

1 bounds of the Court to decide that, I think, based on  
2 testimony and a review of the law that the boundaries should  
3 exceed what we are recommending. And I can tell you, in  
4 other cases, that that has been recommended or proposed by  
5 other property owners. Other courts have said, no, because  
6 we have to look at a special assessment that's specific to a  
7 property. So, this Court has the right to do that. However,  
8 we are not recommending that because of the proceedings that  
9 I have been a part of and witnessed and my research in other  
10 special assessment districts.

11 But that is your right to make that argument,  
12 absolutely. And that is a right for the Court to consider  
13 that.

14 UNIDENTIFIED SPEAKER: Well, that was the official  
15 objection I filed with the Court.

16 THE COURT: Thank you.

17 UNIDENTIFIED SPEAKER: Very quickly, your Honor --

18 THE COURT: I -- We're --

19 UNIDENTIFIED SPEAKER: -- I have one more question.

20 THE COURT: Yeah; I think we're -- we're done but  
21 we've -- I'm not -- this could go on until midnight. And the  
22 evidence is in, everyone's had a fair opportunity to ask  
23 questions, and now we're getting basically re-cross on  
24 redirect, on re-cross on redirect, on -- and so it's gonna  
25 stop here. Thank you.

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MR. MILLER: Counsel was allowed to limit his testimony on whether or not the dam needs any repairs.

THE COURT: Mr. Miller; Yeah. We're done; We're done with questions.

MR. MILLER: He didn't answer my question and she's opened the door on that, so.

THE COURT: Mr. Miller, we're done with questions. Thank you.

MR. MILLER: I'd like him to answer that question.

THE COURT: We're done with questions.

MR. MILLER: Thank you, your Honor.

THE COURT: Everyone's had a fair opportunity. And now we're -- we're getting into a cross -- cross-questions and turning this into a town-square debate, which this is not. Okay.

MS. HISSONG: Your Honor, if I could have a slight recess to consult with the engineers on the two questions that were posed by property owners that we asked to look into.

THE COURT: Yes.

MS. HISSONG: All right. I don't think I need more than five minutes.

THE COURT: Thank you.

(At 12:15 p.m., court in recess)

(At 12:35 p.m., court in session)

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THE COURT: Okay. Ms. Hissong, anything else?

MS. HISSONG: Thank you for the time to go through the comments, your Honor. We appreciate that. And we certainly appreciate everyone who spent a nice day, where they could be on the lake, in this courtroom.

And so, based on testimony that was provided, we went through and we found three different situations that were called into question. The first one deals with a strip of property with no parcel ID number that is next to Hitchcock Road, which is a road-end. That strip of parc -- that property is included in the special assessment district boundaries but does not have a parcel ID. The last deed of ownership took place in 1926. So, it's been treated as "no-man's land" for close to a century and some of the docks, including Dewitt Landing and Dock Association, have started to utilize that in conjunction with the road-end at Hitchcock Lake. That is currently in the district boundaries and in the coming months, when we get to the part of actually putting together a special assessment roll, we will evaluate whether that needs to be considered road-end, who the owner is to levying an assessment, etcetera, but we do not recommend a change from the boundaries at that time.

THE COURT: Okay.

MS. HISSONG: The other issue was the one that Mr. Hinman brought up with regard to a parcel that's been used

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1 for access and that is 007-014-010-0040. And Mr. Hinman said  
2 that there were four different parcels that were utilizing  
3 that parcel for access. We met with the township assessor  
4 and we looked these parcels up and it turns out that all of  
5 the four parcels that are utilizing that parcel, that  
6 accessed parcel, the lakefront parcel, own part of that  
7 lakefront parcel. And so, it's basically a keyhole parcel  
8 for the backlots. Accordingly, four keyhole parcels, that is  
9 a methodology question, a parcel that's being used by  
10 multiple backlot owners but not necessarily having an easement,  
11 the -- how much that parcel will be assessed will be taken  
12 into consideration -- or it would be my recommendation to  
13 take that into consideration -- as a factor in the  
14 methodology for how much. So, we appreciated that  
15 information because it will likely be a recommendation as to  
16 how that parcel should be treated in the methodology but we  
17 don't recommend a change to the boundaries as a result of  
18 those comments.

19 THE COURT: Okay.

20 MS. HISSONG: We had a comment in the hallway but  
21 we also looked that up for Mr. Frye, relating to another  
22 keyhole parcel with a similar situation, and that parcel was  
23 004-022-009-0090. We also consulted the assessor and, again,  
24 there's same properties owners involved and we believe that  
25 also to be a keyhole parcel situation and that will be con --

1 considered -- made note of and considered in the methodology.  
2 But we do not have a recommendation as to making any change  
3 to the boundaries with regard to that.

4 During the break -- one more thing, I can't make it  
5 easy. One more thing, during the break, we heard much  
6 concern about ensuring that the county is gonna take in  
7 consideration the road-ends when making determinations of  
8 assessments to the townships, as an example, in the  
9 assessment. Accordingly, I've spoken with the delegated  
10 authority with regard to this and we would propose, not  
11 necessarily a change in the map, but a change in what we had  
12 proposed as the order that I have hand-written in to state  
13 that the boundary shall include road-ends -- public road-ends  
14 for --

15 This is not the one I wrote on.

16 I'm asking her to give me something that I have in  
17 my hand.

18 -- include the road-ends -- the public road-ends on  
19 Higgins Lake. So, that will be part of the order and will  
20 not necessarily be shown in red on the map but it will be  
21 part of the order that the boundaries -- I wrote -- of the  
22 special assessment district shall include all public road-  
23 ends on Higgins Lake. I believe that will give further  
24 assurance to the property owners, considerate -- to ensure  
25 that the county board of commissioners takes that into

1 consideration when applying the methodology.

2 THE COURT: Okay.

3 MS. HISSONG: And as such, I have a proposed order  
4 for the Court's consideration, if it wishes, to confirm the  
5 boundaries that we have proposed and were -- been recommended  
6 by Spicer Group with the addition of a sentence in the order  
7 that the boundaries of the special assessment district shall  
8 also include all public road-ends on Higgins Lake.

9 THE COURT: Okay.

10 MS. HISSONG: Thank you, your Honor.

11 THE COURT: Thank you.

12 MR. ELLISON: Your Honor, I guess in response to  
13 that, is an amended request. We would continue to reassert -  
14 - and I think probably everyone's gonna nod -- as they re-  
15 asset -- we reassert all of our objections previously made to  
16 the proposed amended final order as well.

17 THE COURT: Okay. Thank you, Mr. Ellison.

18 And looking at the, maybe more for benefit of  
19 clarification than anything else -- Looking at the statutory  
20 scheme that's at play here with regard to the inland lake,  
21 the Natural Resources Environmental Protection Act that we're  
22 dealing with here, Part 307, the sequencing of the statutes  
23 is interesting. The first statute that has -- that isn't  
24 just definitions is 324.30702. That's the statute that  
25 allows the county board of a county in which an inland lake



1 is located may upon the board's own motion, make a request  
2 for court determination of a lake level. There's also a  
3 mechanism that allows the public to do it outside of the  
4 board, requiring a 2/3 of the owners of lands abutting the  
5 inland lake to petition for such a lake level.

6 So, that's where the operative statutes of Part 307  
7 start. Part of that statute, if the Court determined a  
8 normal level is established, the delegated authority of the  
9 county or the counties in which the lake is located shall  
10 maintain that normal level.

11 The next statute is 30703 which authorizes the  
12 county for -- by resolution, may require a cash payment from  
13 petitioners sufficient to cover costs associated with that  
14 lake level determination. And then it spells out different  
15 things that -- a list of different things that are expected  
16 as legitimate costs.

17 The next statute is 30704:

18 "If the county board, based on a preliminary study,  
19 finds it expedient to have and resolves to have  
20 determined and established the normal level of an inland  
21 lake, the county board shall direct the prosecuting  
22 attorney or other legal counsel of the county to  
23 initiate a proceeding by proper petition in the court of  
24 that county for determination of the normal level for  
25 the inland lake and for establishing a special

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assessment district.”

Now when this statute was developed, it was well After the lake level for Higgins Lake was established in the 1920’s and well after it was established by the court order we’re working out of, which was Exhibit 1 here today, in 1982.

Now, the next operative statute here actually allows the State of Michigan to do all of that on its own, regardless of the county and regardless of the citizens of the county. That hasn’t happened but it could.

The next operative statute 30707, Paragraph 4,

“In a determination of a normal level in an inland lake, the court shall consider all the following...”

And, again, it lists factors that have been discussed and continue to be discussed regarding Higgins Lake -- and Lake Saint Helen and Houghton Lake as well, but particularly Higgins Lake.

And then there’s Paragraph 5:

“The court shall determine the normal lake level to be established and maintained, shall have continuing jurisdiction, and may provide for departure from the normal level as necessary to accomplish the purpose of this part. The court shall confirm the special assessment district boundary within 60 days following the lake level determination.”

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1 Now, there's been an objection placed with regard  
2 to that statute of limitation. I've ruled on that. There is  
3 two cases that are applicable, on point, with regard to that  
4 60-day not being a firm statute of limitation period but a  
5 direction. For the very reason that Higgins Lake, as an  
6 example, the lake level was decided before this statute was  
7 law. This 60-day limitation was not in existence in the  
8 1920's therefore to take the objection to a -- to its  
9 logical-legal conclusion, a special assessment district could  
10 never be done on a lake that had a lake level enacted before  
11 this statute. The Court of Appeals did not adopt that  
12 thinking therefore they determined, and in a published case,  
13 determined that this is a direction and not a firm statute of  
14 limitation. And I referenced those cases earlier.

15 Now, if you read that sentence, with that  
16 understanding, the sentence would read, "The court shall  
17 confirm the special assessment district when it -- when it  
18 establishes a lake level."

19 The sequencing here is interesting because the very  
20 next statute:

21 "After the court determines the level -- the normal  
22 level of an inland lake in a proceeding initiated by the  
23 county, the delegated authority of any county or  
24 counties in which the inland lake is located shall  
25 provide for and maintain that normal level."

1           Okay. So, what does that mean? Well, the very  
2 next statute answers that question, and that is, a special  
3 assessment district. The sequencing here is important  
4 because, in the statutory scheme, setting the stat -- the  
5 special assessment district proceeds the apportionment in the  
6 very flow of the statutes. And that's the basis why the  
7 objection is misplaced; And I wanted to make that clear.

8           Now, I also want to make this clear. For this  
9 hearing, a hearing required by the statute in connection with  
10 a creation of a special assessment district is not a full  
11 trial. Due process is satisfied by hearing at which all  
12 interested parties may present evidence and arguments  
13 allowing the circuit court to ensure that the county has  
14 considered the varying public interest in reaching its policy  
15 decision and protect the public against arbitrary government  
16 action and the court -- and in this particular case the  
17 judge, in Oscoda County, allowed thorough cross-examination  
18 of their witnesses. The court said -- the Court of Appeals  
19 said the circuit court went beyond the statutory requirements  
20 in allowing that questioning at that hearing. That's what  
21 this is today. And the county has complied with that  
22 statutory provision; That's the due process provision.

23           The bigger concern in my listening to the  
24 objections and reading the information that was supplied to  
25 the court over the last several weeks is -- and it -- Ms.

1 Hissong very clearly delineated these points at the start of  
2 today -- The special assessment district isn't needed;  
3 There's no necessity to repair or fix the dam -- which  
4 dovetails back to, the special assessment district isn't  
5 needed.

6 There are issues and concerns regarding the lake  
7 that extend beyond the dam. The special assessment district  
8 isn't just about a dam, it's about other concerns as well.  
9 But that's not the fruit or the portion of this hearing,  
10 that's for the county commissioners to determine at their  
11 normal course of business. They determine methodology,  
12 costs, and set up an apportionment roll within that district.  
13 There are avenues for citizens in that special assessment  
14 district to voice their opinions, objections, and appeals.

15 It even extends further. And Mr. Ellison, in his  
16 objection, relied heavily on a case -- a *Dixon* case. And I  
17 read the case because I was like, okay, I better take a look  
18 at what this says in detail; So, I did. And that case is a  
19 tax-tribunal appeal after the apportionment, has nothing to  
20 do with the special assessment district, at all. That is not  
21 why we're here.

22 And there seems to be a real misunderstanding about  
23 those distinctions so I wanted to be very clear. My  
24 statutory duty, based on my reading of MCL 324.3070 -- 30707,  
25 Paragraph 5, is very limited. The county has made the

1 resolution. There's already an existing lake level order in  
2 place. The Court has continuing jurisdiction with regard to  
3 that order. The Court shall confirm the special assessment  
4 district based on the evidence with regard to the reasons for  
5 the -- the district and the district itself.

6 Now, getting to that, there are -- some of the  
7 other objections with regard to why just riparian; Those are  
8 all valid concerns and questions. Those have all been  
9 addressed by the courts in multiple cases that special  
10 assessment districts, that include legally described as  
11 having easements to the lake or riparian, are to be in those  
12 special assessment districts. That has been established in  
13 Michigan, all the way to the Supreme Court, for years.

14 So, based on my interpretation of those statutes  
15 and the sequence with which the legislature sought fit to  
16 enact them, the procedure is fairly clear. I understand the  
17 objections that were made with regard to the 60-day  
18 limitation; I understand the objections that were made with  
19 regard to -- some of the other issues with regard to no-  
20 riparian particularly with a public road-end. Those are all  
21 beyond the scope of today's hearing and I wanted to be very  
22 clear about that. My capacity here is limited by Paragraph  
23 5. And I've researched Paragraph 5 exhaustively and I cannot  
24 find where I have discretion; I can't find it. In other  
25 words, where I can just arbitrarily say, "No. I'm not doing

1 this because I decide not to." That power does not rest with  
2 me, folks. That's why we have a county commission.

3 So, for those reason I'm --

4 MR. ELLISON: Judge -- Judge, when you say  
5 paragraph -- you're talking about Section 30707, sub (5)?

6 THE COURT: Yes.

7 MR. ELLISON: Yeah. Okay.

8 THE COURT: Thank you, Mr. Ellison, --

9 MR. ELLISON: Yeah. Thank you.

10 THE COURT: -- if I misspoke.

11 MR. ELLISON: No; No. That's -

12 THE COURT: So, for those reasons I'm granting the  
13 order, as amended here today, at today's hearing.

14 MS. HISSONG: May I approach?

15 THE COURT: You may.

16 And I've reviewed that order with the additions  
17 that were placed here and I'll sign that with today's date.  
18 Okay.

19 I wanna thank everybody. I know that this is a  
20 very emotionally charged issue, as it should be. Those  
21 issues aren't lost on me but hopefully, with my clarification  
22 here at the end, the context is a little clearer; Probably  
23 isn't but I've tried. Thank you.

24 (At 12:53 p.m., proceedings concluded)

25

COUNTY OF ROSCOMMON)  
SS)  
STATE OF MICHIGAN)

I certify that this transcript, consisting of 147 pages, is a complete, true, and correct record of the Petition to Establish Lake Level Special Assessment District and Confirm Special Assessment District Boundaries for Higgins Lake, and testimony taken before the Honorable Robert W. Bennett, Circuit Judge, in this case on Friday, September 15, 2023.

Date: 12/19/2023

Susie Stein

Susan M. Stein, CER 9660  
500 Lake Street  
Roscommon, Michigan 48653  
(989) 275-1902



**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

PART 307  
INLAND LAKE LEVELS

**324.30701 Definitions.**

Sec. 30701. As used in this part:

(a) "Commissioner" means the county drain commissioner or the county road commission in counties not having a drain commissioner, and, if more than 1 county is involved, each of the drain commissioners or drain commissioner and road commission in counties having no drain commissioner.

(b) "County board" means the county board of commissioners, and if more than 1 county is involved, the boards of commissioners of each of those counties.

(c) "Court" means a circuit court, and if more than 1 judicial circuit is involved, the circuit court designated by the county board or otherwise authorized by law to preside over an action.

(d) "Dam" means an artificial barrier, structure, or facility, and appurtenant works, used to regulate or maintain the level of an inland lake.

(e) "Delegated authority" means the county drain commissioner or any other person designated by the county board to perform duties required under this part.

(f) "Inland lake" means a natural or artificial lake, pond, impoundment, or a part of 1 of those bodies of water. Inland lake does not include the Great Lakes or Lake St. Clair.

(g) "Interested person" means the department and a person who has a record interest in the title to, right of ingress to, or reversionary right to land that would be affected by a permanent change in the natural or normal level of an inland lake.

(h) "Normal level" means the level or levels of the water of an inland lake that provide the most benefit to the public; that best protect the public health, safety, and welfare; that best preserve the natural resources of the state; and that best preserve and protect the value of property around the lake. A normal level shall be measured and described as an elevation based on national geodetic vertical datum.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities of the Land and Water Management Division, with the exception of the farmland and open space preservation program, natural rivers program, and Michigan information resource inventory system, to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

**Popular name:** Act 451

**Popular name:** NREPA

**324.30702 Determination of normal inland lake level; motion or petition to initiate action; delegation of powers and duties by county board; maintenance.**

Sec. 30702. (1) The county board of a county in which an inland lake is located may upon the board's own motion, or shall within 45 days following receipt of a petition to the board of 2/3 of the owners of lands abutting the inland lake, initiate action to take the necessary steps to cause to be determined the normal level of the inland lake.

(2) Unless required to act by resolution as provided in this part, the county board may delegate powers and duties under this part to that county's commissioner, road commission, or other delegated authority.

(3) If a court-determined normal level is established pursuant to this part, the delegated authority of the county or counties in which the lake is located shall maintain that normal level.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities of the Land and Water Management Division, with the exception of the farmland and open space preservation program, natural rivers program, and Michigan information resource inventory system, to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

**Popular name:** Act 451

**Popular name:** NREPA

**324.30703 Preliminary study; costs; contents of study.**

Sec. 30703. (1) Before proceeding on a motion made or a petition filed under section 30702, the county board may require that a preliminary study be conducted by a licensed professional engineer. The county board, by resolution, may require a cash payment from the petitioners sufficient to cover the actual preliminary study costs or of \$10,000.00, whichever is less.

- (2) A preliminary study shall include all of the following:
- (a) The feasibility of a project to establish and maintain a normal level of the inland lake.
  - (b) The expediency of the normal level project.
  - (c) Feasible and prudent alternative methods and designs for controlling the normal level.
  - (d) The estimated costs of construction and maintenance of the normal level project.
  - (e) A method of financing initial costs.
  - (f) The necessity of a special assessment district and the tentative boundaries if a district is necessary.
  - (g) Other information that the county board resolves is necessary.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**324.30704 Initiating proceeding for determining normal inland lake level and establishing special assessment district; required finding; multicounty lake; joinder permitted.**

Sec. 30704. (1) If the county board, based on the preliminary study, finds it expedient to have and resolves to have determined and established the normal level of an inland lake, the county board shall direct the prosecuting attorney or other legal counsel of the county to initiate a proceeding by proper petition in the court of that county for determination of the normal level for that inland lake and for establishing a special assessment district if the county board determines by resolution that one is necessary as provided in section 30711.

(2) If the waters of an inland lake are located in 2 or more counties, the normal level of the lake may be determined in the same manner if the county boards of all counties involved, by resolution, direct the prosecuting attorney or other legal counsel of 1 or more of the counties to institute proceedings. All counties may make a single preliminary study.

(3) The department may join a proceeding initiated under this section.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**324.30705 Special assessment bonds or notes; lake level orders; proceedings; full faith and credit.**

Sec. 30705. (1) A special assessment district provided for in section 30704 may issue any of the following in anticipation of the collection of special assessments:

(a) Bonds or notes, subject to section 30716.

(b) Lake level orders.

(2) Bonds or notes issued under subsection (1) shall have a final maturity date not more than 40 years after the date of original issuance.

(3) All proceedings relating to the making, levying, and collection of special assessments authorized by this part and the issuance of bonds, notes, or lake level orders in anticipation of the collection of the special assessments shall conform as nearly as possible to the proceedings for levying special assessments and issuing special assessment bonds as set forth in the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630.

(4) A county board by a vote of 2/3 of its members may pledge the full faith and credit of the county for payment of bonds or notes issued by a special assessment district under subsection (1).

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995;—Am. 2002, Act 215, Imd. Eff. Apr. 29, 2002;—Am. 2020, Act 221, Imd. Eff. Oct. 16, 2020.

**Popular name:** Act 451

**Popular name:** NREPA

**324.30706 Initiation of proceedings by director of department.**

Sec. 30706. If the department finds it expedient to have the normal level of an inland lake determined, the department may initiate by civil action on behalf of the state, in the court of any county in which the lake is located, a proceeding for determination of the normal level.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**324.30707 Hearing; notice; service; powers and duties of court.**

Sec. 30707. (1) Upon filing of a civil action under this part, the court shall set a day for a hearing. The

prosecuting attorney or other legal counsel of the county or counties or the department shall give notice of the hearing by publication in 1 or more newspapers of general circulation in the county and, if the waters of the inland lake are situated in 2 or more counties, in 1 or more newspapers of general circulation in each of the counties in which the inland lake is located. The notice shall be published at least once each week for 3 successive weeks before the date set for the hearing.

(2) The commissioner shall serve a copy of the published notice of hearing by first-class mail at least 3 weeks prior to the date set for the hearing to each person whose name appears upon the latest city or township tax assessment roll as owning land within a tentative special assessment district at the address shown on the roll; to the governing body of each political subdivision of the state in which the lake is located; and to the governing body of each affected political subdivision of the state. If an address does not appear on the roll, then a notice need not be mailed to the person. The commissioner shall make an affidavit of mailing. The failure to receive a notice properly mailed shall not constitute a jurisdictional defect invalidating proceedings under this part.

(3) The prosecuting attorney or the legal counsel of the county shall serve notice on the department at least 21 days prior to the date of the hearing.

(4) In a determination of the normal level of an inland lake, the court shall consider all of the following:

- (a) Past lake level records, including the ordinary high-water mark and seasonal fluctuations.
- (b) The location of septic tanks, drain fields, sea walls, docks, and other pertinent physical features.
- (c) Government surveys and reports.
- (d) The hydrology of the watershed.
- (e) Downstream flow requirements and impacts on downstream riparians.
- (f) Fisheries and wildlife habitat protection and enhancement.
- (g) Upstream drainage.
- (h) Rights of riparians.
- (i) Testimony and evidence offered by all interested persons.
- (j) Other pertinent facts and circumstances.

(5) The court shall determine the normal level to be established and maintained, shall have continuing jurisdiction, and may provide for departure from the normal level as necessary to accomplish the purposes of this part. The court shall confirm the special assessment district boundaries within 60 days following the lake level determination. The court may determine that the normal level shall vary seasonally.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.30708 Maintenance of normal level; acquisition by gift, grant, purchase, or condemnation; contract for operation and maintenance of existing dam; dam in adjoining county; operation of pumps and wells.**

Sec. 30708. (1) After the court determines the normal level of an inland lake in a proceeding initiated by the county, the delegated authority of any county or counties in which the inland lake is located shall provide for and maintain that normal level.

(2) A county may acquire, in the name of the county, by gift, grant, purchase, or condemnation proceedings, an existing dam that may affect the normal level of the inland lake, sites for dams, or rights in land needed or convenient in order to implement this part. A county may enter into a contract for operation and maintenance of an existing dam. The county may construct and maintain a dam that is determined by the delegated authority to be necessary for the purpose of maintaining the normal level. A dam may be acquired, constructed, or maintained in a county adjoining the county in which the lake is located.

(3) For the purpose of maintaining the normal level, a delegated authority may drill wells or pump water from another source to supply an inland lake with additional water, may lower the level of the lake by pumping water from the lake, and may purchase power to operate pumps, wells, or other devices installed as part of a normal level project.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.30709 Powers of department.**

Sec. 30709. (1) After the court determines the normal level of an inland lake in a proceeding initiated by the department, the department may provide for and maintain that normal level.

(2) In a proceeding initiated by the department, the department has the same powers in connection with a normal level project as a county has under sections 30708, 30713, and 30718.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.30710 Condemnation of private property.**

Sec. 30710. If the department or the delegated authority determines that it is necessary to condemn private property for the purpose of this part, the department or county may condemn the property in accordance with the uniform condemnation procedures act, Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.30711 Defraying project costs by special assessment; special assessment roll; reassessment.**

Sec. 30711. (1) The county board may determine by resolution that the whole or a part of the cost of a project to establish and maintain a normal level for an inland lake shall be defrayed by special assessments against the following that are benefited by the project: privately owned parcels of land, political subdivisions of the state, and state owned lands under the jurisdiction and control of the department. If the county board determines that a special assessment district is to be established, the delegated authority shall compute the cost of the project and prepare a special assessment roll.

(2) If the revenues raised pursuant to the special assessment are insufficient to meet the computation of cost included in section 30712, or if these revenues are insufficient to meet bond obligations, the special assessment district may be reassessed without hearing using the same apportioned percentage used for the original assessment.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.30712 Computation of project costs.**

Sec. 30712. (1) Computation of the cost of a normal level project shall include the cost of all of the following:

- (a) The preliminary study.
  - (b) Surveys.
  - (c) Establishing a special assessment district, including preparation of assessment rolls and levying assessments.
  - (d) Acquiring land and other property.
  - (e) Locating, constructing, operating, repairing, and maintaining a dam or works of improvement necessary for maintaining the normal level.
  - (f) Legal fees, including estimated costs of appeals if assessments are not upheld.
  - (g) Court costs.
  - (h) Interest on bonds and other financing costs for the first year, if the project is so financed.
  - (i) Any other costs necessary for the project which can be specifically itemized.
- (2) The delegated authority may add as a cost not more than 15% of the sum calculated under subsection (1) to cover contingent expenses.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.30713 Contract with agency or corporation; provisions.**

Sec. 30713. The delegated authority of a county in which an inland lake is located may contract with a state or federal government agency or a public or private corporation in connection with a project for the establishment and maintenance of a normal level. The contract may specify that the agency or corporation will pay the whole or a part of the cost of the project or will perform the whole or a part of the work connected with the project. The contract may provide that payment made or work done relieves the agency or corporation in whole or in part from assessment for the cost of establishment and construction of the project.

Rendered Wednesday, November 1, 2023

Page 4

Michigan Compiled Laws Complete Through PA 176 of 2023

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**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**324.30714 Special assessment roll; public hearing; notice; approval; appeal.**

Sec. 30714. (1) A special assessment roll shall describe the parcels of land to be assessed, the name of the owner of each parcel, if known, and the dollar amount of the assessment against each parcel.

(2) The delegated authority shall set a time and place for a public hearing or hearings on the project cost and the special assessment roll. Notice of a hearing shall be by both of the following:

(a) By publication of notice at least twice prior to the hearing in a newspaper that circulates in the special assessment district, the first publication to be at least 10 days before the hearing.

(b) As provided in Act No. 162 of the Public Acts of 1962, being sections 211.741 to 211.746 of the Michigan Compiled Laws.

(3) At or after a public hearing, the delegated authority may approve or revise the cost of the project or the special assessment roll. Before construction of a project is begun, the county board shall approve the cost and the special assessment roll by resolution.

(4) The special assessment roll with the assessments listed shall be final and conclusive unless appealed in a court within 15 days after county board approval.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**324.30715 Assessment payments; installments; amount; interest, penalty, and collection; lien; preliminary study payment credited.**

Sec. 30715. (1) The county board may provide that assessments under this part are payable in installments.

(2) Assessment payments shall be sufficient to meet bond and note obligations of the special assessment district.

(3) Special assessments under this part shall be spread upon the county tax rolls, and shall be subject to the same interest and penalty charges and shall be collected in the same manner as county taxes.

(4) From the date of approval of the special assessment roll by the county board, a special assessment under this part shall constitute a lien on the parcel assessed. The lien shall be of the same character and effect as a lien created for county taxes.

(5) A payment for the cost of the preliminary study under section 30703 shall be credited against an assessment for the amount of the payment made by the person assessed.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**324.30716 Bonds and notes; issuance.**

Sec. 30716. With approval of the county board and subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, the district may issue bonds or notes that shall be payable by special assessments under this part. Bonds or notes shall not be issued exceeding the cost of the lake level project that is being financed.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995;—Am. 2002, Act 216, Imd. Eff. Apr. 29, 2002.

**Popular name:** Act 451

**Popular name:** NREPA

**324.30717 Acceptance and repayment of advance.**

Sec. 30717. The delegated authority may accept the advance of work, material, or money in connection with a normal level project. The obligation to repay an advance out of special assessments under this part may be evidenced by a note or contract. Notes and contracts issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995;—Am. 2002, Act 217, Imd. Eff. Apr. 29, 2002.

**Popular name:** Act 451

**Popular name:** NREPA

**324.30718 Dam construction or maintenance; plans and specifications; approval by department; bids; work relief project.**

Rendered Wednesday, November 1, 2023

Page 5

Michigan Compiled Laws Complete Through PA 176 of 2023

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Sec. 30718. Plans and specifications for a dam constructed or maintained under this part shall be prepared by a licensed professional engineer under the direction of the delegated authority. The plans and specifications shall be approved by the department before construction begins. The department shall review and approve or reject the plans and specifications within 30 days after they are received by the department. If the plans and specifications are rejected, the department shall propose changes in the plans and specifications that would result in their approval by the department. Bids for doing the work may be advertised in the manner the delegated authority directs. The contract shall be let to the lowest responsible bidder giving adequate security for the performance of the contract, but the delegated authority may reserve the right to reject any and all bids. The county may erect and maintain a dam as a work relief project in accordance with the law applicable to a work relief project.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.30719 Dam construction; underspill device; fish ladder.**

Sec. 30719. (1) The department may require that a new dam that is proposed to be constructed be equipped with an underspill device for the release of cold bottom waters for the protection of downstream fish habitats.

(2) The department may require the installation of a fish ladder or other device to permit the free passage of fish.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.30720 Unauthorized change of level; penalty.**

Sec. 30720. A person who is not authorized by a delegated authority or the department to operate a dam or other normal level control facility and who changes, or causes to change, the level of an inland lake, the normal level of which has been established under this part or any previous act governing lake levels, and for which the delegated authority or the department has taken steps to maintain the normal level, is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both, and shall be required to pay the actual cost of restoration or replacement of the dam and any other property including any natural resource that is damaged or destroyed as a result of the violation.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.30721 Establishment of normal inland lake level prohibited in certain cases.**

Sec. 30721. A normal level shall not be established for an inland lake in either of the following cases:

(a) The inland lake is used as a reservoir for a municipal water supply system, unless a normal level determination is petitioned for by the governing body of the municipality.

(b) The state has title, flowage rights, or easements to all riparian land surrounding the inland lake, unless a normal level determination is petitioned for by the department.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.30722 Inspection; report; repairs; penalty; expenditure.**

Sec. 30722. (1) The delegated authority of a county shall cause an inspection to be made of each dam on an inland lake within the county which has a normal level established under this part or under any previous act governing lake levels. The inspection shall be conducted by a licensed professional engineer. The inspection shall take place every third year from the date of completion of a new dam or every third year from the determination of a normal level for an existing dam. An inspection report shall be submitted promptly to the department in the form and manner the department prescribes.

(2) If a report discloses a need for repairs or a change in condition of the dam that relates to the dam's safety or danger to natural resources, the department shall conduct an inspection to confirm the report. If the report is confirmed and the public safety or natural resources are endangered by the risk of failure of the dam, the department may require the county either to repair or to replace the dam. Plans and specifications for the repairs or replacement shall be prepared by a licensed professional engineer under the direction of the delegated authority. The plans and specifications shall be approved by the department before construction

begins. The department shall review and approve or reject the plans and specifications within 30 days after they are received by the department. If the plans and specifications are rejected, the department shall propose changes in the plans and specifications that would result in their approval by the department. If the dam is in imminent danger of failure, the department may order an immediate lowering of the lake level until necessary repair or replacement is complete.

(3) A person failing to comply with this section, or falsely representing dam conditions, is guilty of misconduct in office.

(4) If an inspection discloses the necessity for maintenance or repair, the delegated authority, without approval of the county board, may spend not more than \$10,000.00 annually for maintenance and repair of each lake level project. An expenditure of more than \$10,000.00 annually shall be approved by resolution of the county board.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.30723 Other requirements not abrogated.**

Sec. 30723. This part does not abrogate the requirements of other state statutes.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA