

Bond Case Briefs

Municipal Finance Law Since 1971

SPECIAL ASSESSMENTS - MICHIGAN

Grossmann v. Oakland County Bd. of Com'rs

Court of Appeals of Michigan - July 1, 2014 - Not Reported in N.W.2d - 2014 WL 2972020

A special assessment was issued to lakefront homeowners under the Natural Resources and Environmental Protection Act ("NREPA) to pay for a small dam to regulate the level of Bush Lake.

After filing an appeal of the assessment with the Michigan Tax Tribunal (which rejected the suit for lack of jurisdiction), plaintiffs brought action in the Circuit Court, and alleged that County Board of Commissioners: (1) did not follow the NREPA's notice procedures for the special assessment; (2) improperly calculated the assessment by including legal fees incurred from the suit that opposed the dam project; and (3) violated their right to due process. They asked the court for a writ of mandamus that would order defendants to void the special assessment and return all funds collected.

The Court of Appeals held that:

- The County complied with the NREPA's notice provisions;
- Court costs were properly included in the assessment; and
- There had been no violation of homeowner's due process rights.