



Four Lakes Special Assessment District FAQs February 2021

The lake levels of each of the four lakes are legally established, along with the Four Lakes Special Assessment District. This was done under Part 307, Inland Lakes, of Michigan Natural Resource and Environmental Protection Act. P.A. 451 of 1994 as amended.

[Click here](#) for a legal opinion about Part 307 and the Four Lakes Special Assessment District. We encourage you to read this if you have concerns about the legality of the court order on the lake levels and Special Assessment District.

What Property Owners Should Know About Part 307

- Part 307 provides the legal framework for transferring privately-owned dams to public ownership and a path forward for long-term sustainability of the lakes
- On May 28, 2019, Midland Circuit Court Judge Carras (on behalf of Midland and Gladwin counties) established the “normal” levels for each of the four lakes and approved the Four Lakes Special Assessment District
- This was a final order, and anyone distressed by Judge Carras’ order had the right to appeal for 21 days after the entry of the order. There were no appeals of this order
- Financing for recovery and restoration is not related to the circuit court order. The circuit court has no jurisdiction over the project or project costs
- The special assessment is a way to fund specific improvements to lands within the Special Assessment District for a specific benefit, in our case the benefit of having lakes
- The special assessment can be general to all lakes, or lake-by-lake. FLTF is responsible for determining the factors that contribute to the “benefits derived”
- We have not yet enacted a special assessment on properties within the Special Assessment District
- In establishing the assessment rolls, Four Lakes Task Force and the counties will follow the process outlined in Part 307 to determine costs and special assessment rolls. This includes property owner notification and a meeting to hear objections, as approved by each of the County Boards of Commissioners
- All property owners have an opportunity to be heard prior to the final assessment roll as well as have the right to appeal

What are the regulations surrounding how the special assessment is distributed?

[Part 307](#) states that special assessments can be determined based on “benefits derived” to the property owner and that FLTF is responsible for determining the factors that contribute to the derived benefits. In general, there is no specific method of allocating the cost of improvements, except that the method selected must be fair, just, equal and in proportion to the benefits conferred. These benefits include factors like frontage, zoning and property use.



Are the factors that impact the assessment methodology the same as they were before the dam failures?

The planned methodology before May 2019 is similar to what will be proposed going forward as it relates to calculating benefits. Prior to May 2019, with hydropower there was not a significant difference between the overall costs, and the costs of repairs were not as significant as what is now being estimated. So now there will be a general assessment for the operations of the lakes and a capital assessment for each lake for the restoration or repair of the respective dam.

Have property owners paid the special assessment yet or paid for any project costs?

No. As of February 2021, we have not imposed a special assessment on properties within the Special Assessment District. FLTF cannot legally impose a special assessment without first following the procedures outlined in Part 307. No property owners have contributed to project costs through assessments at this point. We do appreciate the support and donations from property owners and others that have allowed us to get this far in restoring the lakes without assessments.

Once the assessment amount is established, what is the process for changing it in the future?

If we want to make any major changes to the assessment in the future, it must go through the process again as defined in Part 307.

Read other Four Lakes Special Assessment District frequently-asked-questions [here](#).