

Subdivision Road Information

Who owns our subdivision roads? Our subdivision roads are public, “deeded to” Livingston County.

Is the WPH HOA involved in subdivision road maintenance? No.

Who is responsible for subdivision road maintenance? State law ([MCL - Section 224.21\(2\)](#)) requires that: *a county shall keep public roads in reasonable repair, so that they are reasonably safe and convenient for public travel.* The Livingston County Road Commission has been making spot-repairs (pothole-filling) to our roads.

Will the County Road Commission do more than “pothole-filling” to slow the deterioration of our subdivision roads? No. The Road Commission evaluated our subdivision roads in June 2025. The pavement condition was evaluated using the Michigan Pavement Surface Evaluation and Rating system (PASER). PASER ratings range from 10 (new construction) to 1 (severe loss of integrity). Our subdivision roads were rated at 1 or 2. The table below is an excerpt from the [PASER Michigan-Specific Cheat Sheet \(Appendix A\)](#).

Asphalt 4	Asphalt 3	Asphalt 2
<p>◆ Block cracking: < 1” blocks ◆ Wheel-path cracking (longitudinal) ◆ Rutting: ½” - 1” deep Surface raveling: severe Patches: fair condition</p> <p><u>First signs of structural weakening</u></p> <p>Possible Action: Structural overlay > 2” Underseal</p>	<p>◆ Block cracking: severe (like alligator) ◆ Alligator cracking: initial, < 25% ◆ Rutting: 1”- 2” deep Patches: fair/poor condition Potholes: occasional</p> <p>Possible Action: Structural overlay > 2” Patching & repair prior to an overlay Milling to extend overlay life</p>	<p>◆ Alligator cracks: > 25% ◆ Rutting or distortion: > 2” Patches: extensive, all in poor condition Potholes: frequent</p> <p>Possible Action: Reconstruction with base repair Crush and shape</p>
		<p>Asphalt 1</p> <p>Like PASER 2 but with visible base and: Surface distress: severe with loss of integrity</p> <p>Possible Action: Reconstruction with base repair</p>

Due to the poor pavement conditions, treatments such as crack sealing, seal coating, overcoating, or structural overlay would not address the underlying problems. The Livingston County Road Commission Engineering staff recommended the road be rehabilitated as follows:

- 4.0” Mill, Crush & Shape and Resurface
- Subgrade undercutting and base improvements, as necessary
- Wing Curb Replacement
- Drainage Repairs, as necessary

Estimated cost of above “rehabilitation” is **\$500,000** (Based on 2025 road rehabilitation contract prices).

What is the process to have the Livingston County Road Commission “rehabilitate” our subdivision roads? Property owners must petition the Township to create a special assessment district (SAD) for the road improvement. If more than 50% (based on road frontage) of the property owners to be assessed sign a petition, the Hamburg Township Board can approve the project. The SAD process is well defined and includes two mandated public hearings. Since property owners can remove their name from the petition during the public hearing process, the Hamburg Township Board generally requires the support of 60% of the property owners to start the SAD process.

The Livingston County Road Commission will typically provide the engineering. The residents will be assessed for the road improvement cost. The Township will sell bonds to pay the project costs, and the residents will reimburse the bond loan with interest over a pre-set time period (typically 10 years) through annual special assessment payments on the December tax bill.

How much would the road rehabilitation cost me? A rough estimate, based on the Road Commission cost estimate (2025 dollars):

- Apportioned cost per lot (assuming equal apportionment) = \$500,000 / 43 lots = \$11,628/lot
- Lot owners can pay entire apportioned amount in a single payment or over the bond period.
- Annual Principal Payment (assuming 10-year bond) = \$1,163 / year
- Interest payment (bond interest rate determined when bonds are sold). If bond rate was 4%, first year interest would be \$465. Interest payments decrease in later years as the principal decreases.

An updated cost estimate and cost apportionment to each lot would be provided at the time the SAD petition is circulated for signature.

When would/could the road work be done? 2028 or later. Hamburg Township likes to have ten subdivisions planning to create SAD's before moving forward and selling bonds. In June 2025 they were just completing a group of ten subdivisions. As of April 2026, three additional subdivisions have requested a road SAD be established. The township expects bonds will not be issued for construction to begin until 2028. Hamburg Township will let us know when they are ready for the next round. Best estimate is that the petition process would be in Spring 2028. We could move forward at that time to request informational meetings and circulate a petition if there is sufficient interest in the subdivision. The petitions are only valid for 90 days. If we miss the 2028 bond sale it is likely the next opportunity would be 3 – 4 years later. One thing to consider is that the deterioration of the road will accelerate because the unsealed cracks allow water to penetrate into the base level preventing it from properly supporting the pavement.

Do I have to pay off my special assessment when I sell my home? The Township does not require that special assessments be paid off when property is sold. That is a buyer-seller decision. The assessment is against the property, not the property owner. The assessment will continue with the parcel when ownership changes. Lenders could require the special assessment to be paid off as a condition of financing.

Are Special Assessments tax deductible? Special assessments are different from general property taxes, and are, generally, not tax deductible. A special assessment is a charge against property for a public improvement that confers a special benefit to that property different from the benefit enjoyed by the general public [Fluckey vs. City of Plymouth, 358 Mich 447, 100 N.W.2d 486 (1960)].

Why do I have to pay for the rehabilitation of my subdivision roads through a special assessment district? Special assessments are sustained upon the theory that the value of property in the special assessment district is enhanced by the improvement for which the assessment is made. Knott v City of Flint, 363 Mich 483, 499; 109 NW2d 908 (1961). The SAD facilitates the collection of funds and implementation of projects that fall outside the standard municipality budget.

What is the lien priority of a special assessment? Special assessments generally have a high priority in the hierarchy of liens, ranking just below property taxes. This ranking implies that when a property is subjected to multiple liens, special assessments must be satisfied before most other subordinate liens, thus ensuring municipalities can recoup the funds needed for improvements effectively.

Links to source material and additional information:

[FREQUENTLY ASKED QUESTIONS – ROAD IMPROVEMENT SPECIAL ASSESSMENT DISTRICTS](#)

[Citizens Guide to Special Assessment Districts - Hamburg Twp](#)

[Hamburg Twp Road Improvement SADs](#)

[Public Act 188 S.A.D. Process - Hamburg Twp](#)

[Special Assessments Township Bonds: MCL - Act 188 of 1954 - Michigan Legislature](#)

[Special Assessments Explained - Michigan Property Consultants 989 793-7373](#)

[What is alligator cracking in asphalt](#)

For specific questions please contact the Utilities/Special Projects Coordinator, Brittany K. Campbell, at (810) 231-1000 ext. 210, or her direct line at (810) 222-1193. You may also reach her via email at bcampbell@hamburg.mi.us.