LEGAL NOTICE

ARTICLE OF INCORPORATION OF THE NORTH EVERGREEN SEWAGE DISPOSAL AUTHORITY

These Articles of Incorporation are adopted by the incorporating municipalities for the purpose of creating an Authority under the provisions of Act No. 233 of the Michigan Public Acts of 1955.

ARTICLE I

The name of this Authority is "North Evergreen Sewage Disposal Authority".

ARTICLE II

The names of the municipalities creating this Authority are City of Birmingham, City of Bloomfield Hills, City of Troy and Township of Bloomfield, all in Oakland County, Michigan, sometimes herein referred to as the "constituent municipalities".

ARTICLE III

The purpose of this Authority is to acquire, own, improve, enlarge, extend and operate a sewage disposal system or systems, as defined in said act.

ARTICLE IV

This Authority shall be a municipal authority and a body corporate with power to sue or to be sued in any court of this state. The Authority shall be comprised of the territory lying within the incorporating municipalities; provided, that any outside territory annexed to any city within six months after the effective date of these articles shall be included in the territory of the Authority. No change in municipal jurisdiction over any territory within the Authority shall in any manner affect the Authority or its boundaries. It shall have a corporate seal.

ARTICLE V

This Authority shall continue in existence until dissolved by act of the parties or by law; provided, that it shall not be dissolved if such dissolution would operate as an impairment of any of its contract obligations.

ARTICLE VI

The fiscal year of the Authority shall commence on the first day of July in each year and end on the 30th day of June of the following year.

ARTICLE VII

The governing body of this Authority shall be a Board of Trustees, sometimes hereinafter referred to as the "Board", which shall be constituted of one member from each constituent municipality who shall be appointed by the governing body of such municipality on or before the 15th day of June of each year, and shall serve during the next fiscal year following his appointment and until his successor is appointed. Each member of the Board shall have one vote. The members of the Board shall serve without compensation but the Board in its discretion may authorize the payment of the actual expenditures of any member incurred in connection with the business of the Authority. The Board shall meet on the first day in July of each year which is not a Sunday or legal holiday, at 2:00 o'clock P.M. at the place of holding the meetings of the Board for the purpose of organization. At such organization meeting the Board shall select a Chairman, a Vice-Chairman and a Secretary, who shall be members of the Board, and a Treasurer, who may or may not be a member of the Board. Such officers shall serve until the organization meeting in the following year and until their respective successors shall be selected. Within twenty (20) days after this Authority shall become effective, the governing body of each constituent municipality shall select its representative on the Board to serve for the remainder of the then fiscal year and within thirty (30) days after such effective date the Board Members shall meet for the purpose of organizing the Board for the balance of such fiscal year. The time and place of such meeting shall be fixed in writing by members of the Board holding at least fifty-one per centum of the voting power of the entire Board, and notice thereof served upon all members in the manner provided in Article IX. The agreement for such meeting may name the temporary chairman thereof. The governing body of each constituent municipality shall at the time of appointing its regular representative on the Board of Trustees also appoint an alternate representative who shall have the right to act in the place of the regular representative in event of the latter's absence from any meeting of the Board of Trustees but his authority shall be limited to the business conducted at such meeting. For any other purpose he shall not be considered a member of the Board. It shall not be necessary to serve notices of meetings upon such alternates. No appointment to the Board and no selection of an officer of the Board shall be deemed to be invalid because it was not made within or at the time specified in these Articles. Any Board Member or any alternate may be removed at any time by action of the governing body of the municipality which he represents. Any officer may be removed by action of the Board of Trustees.

ARTICLE VIII

In event of a vacancy on the Board, the governing body of the municipality entitled to such representative, shall fill the vacancy for the unexpired term. In event of a vacancy in any office of the Board, such vacancy shall be filled by the Board for the unexpired term. In case of the temporary absence or disability of any officer, the Board may appoint some person to temporarily act in his stead except that, in event of the temporary absence or disability of the Chairman, the Vice-Chairman shall so act.

ARTICLE IX

Meetings of the Board shall be held at least monthly, at such times and place as shall be prescribed by resolution of the Board. Special meetings of the Board may be called by the Chairman, or any two (2) members thereof, by serving or causing to be served written notice of the time, place and purpose thereof, upon each member of the Board, personally, or by leaving it at his place of residence, at least twenty-four (24) hours prior to the time of such meeting, or by depositing the same in a United States Post Office or mail box within the limits of the Authority, at least seventy-two (72) hours prior to the time of such meeting, enclosed in a sealed envelope specifically addressed to him at his home or office address, with postage fully prepaid thereon. Meetings of the Board at which all members are present shall be deemed to be valid even though no written notice thereof may have been given as above provided. Any member of the Board may waive notice of any meeting either before or after the holding thereof. Five members of the Board of the Board holding more than fifty percentum of the total voting power of the entire Board, shall be required for a quorum. The Board shall act by motion, resolution, or ordinance. For the passage of any motion, resolution or ordinance, there shall be required the affirmative vote of members of the Board possessing more than one-half of the total voting power of the entire Board, except where a larger vote is required by these Articles. The Board shall have the right to adopt rules governing its procedure which are not in conflict with the terms of any statute or of these Articles. The Board shall keep a journal of its proceedings, which shall be signed by the Chairman and Secretary. All votes shall be by "Yeas" and "Nays". The journal shall show how each member voted.

ARTICLE X

The Chairman of the Board shall be the presiding officer thereof. Except as herein otherwise provided, he shall not have any executive or administrative functions other than as a member of said Board. In the absence or disability of the Chairman the Vice-Chairman shall perform the duties of the Chairman. The Secretary shall be the recording officer of the Board. The Treasurer shall be custodian of the funds of the Authority and shall give its bond in an amount as required by the Board, conditioned upon the faithful performance of the duties of his office. The cost of said bond shall be paid by the Authority. He shall be the chief accounting officer of the Authority and, subject to the approval of the Board may employ such assistants as may be necessary. All moneys shall be deposited in a bank or banks, to be designated by the Board, and all checks or other forms of withdrawal therefrom shall be signed by the Treasurer and countersigned by either the Chairman or Secretary of the Board. The officers of the Board shall have such other powers and duties as may be conferred upon them by the Board.

ARTICLE XI

The Board shall have power to secure all necessary services to carry out the functions of the Authority and to fix the compensation therefor; provided that no officer or employee of any constituent municipality shall receive any compensation from the Authority except by the vote of members of the Board possessing at least three-fourths of the total voting power of the entire Board.

ARTICLE XII

The Board shall cause an annual audit to be made of its financial transactions by a certified public accountant, and shall furnish a copy thereof to each constituent municipality.

ARTICLE XIII

This Authority shall possess all the powers granted by statute, and especially by said Act No. 233 of the Michigan Public Acts of 1955 insofar as they pertain to the purpose of this Authority as set forth in Article III above, and all powers necessary to carry out the purpose of its incorporation and those incident thereto. The enumeration of any powers herein shall not be construed as a limitation upon its general powers unless the context shall clearly indicate otherwise.

ARTICLE XIV

No contract made by the Authority shall be canceled or modified if the same would impair the obligation of any bond contract.

ARTICLE XV

Each constituent member of the Authority shall advance to the Authority its proportionate share of the expense of obtaining maps, plans, designs, specifications and cost estimates of a sewage disposal system, which advancements shall be repaid to the constituent municipalities upon the issuance of bonds to defray the cost of such system. The said advancements shall be made in the following proportions: City of Birmingham 25%, City of Bloomfield Hills 25%, City of Troy 25% and Township of Bloomfield 25%. The Board of Trustees may also provide for the payment by the constituent members of any other preliminary capital or administrative expenses in respect to this Authority. The legislative body of each constituent member shall raise the amounts herein required by tax or pay the same from its general funds.

ARTICLE XVI

These Articles shall be published once in the Birmingham Eccentric, a newspaper having a general circulation within the territory encompassed by the Authority. One printed copy of these Articles of Incorporation certified as a true copy thereof, with the date and place of such publication, shall be filled with each the Secretary of State and the Clerk of the County of Oakland. Elmer Kephart of the City of Bloomfield Hills, Michigan, is hereby designated as the person to cause these Articles to be published, certified and filed as aforesaid, all of which shall be done by him within 30 days after the full execution of these articles. In event he shall be unable to act or shall neglect to act, then Donald C. Egbert of the City of Birmingham, Michigan, shall act in his stead.

ARTICLE XVII

This Authority shall become effective upon the filing of printed copies of these Articles, as provided in the preceding Article.

These Articles have been adopted by the several incorporating municipalities, as hereinafter set forth in the following endorsements, and in witness whereof the Mayor and Clerk of each city, and the Supervisor and Clerk of the Township of Bloomfield, have endorsed hereon the statement of such adoption.

The foregoing Articles of Incorporation were adopted by the Commission of the City of Birmingham, Oakland County, Michigan, at a meeting duly held on the 19th day of April, 1956.

JAMES C. ALLEN,
Mayor of said City of Birmingham
IRENE E. HANLEY,
Clerk of said City of Birmingham

The foregoing Articles of Incorporation were adopted by the Commission of the City of Bloomfield Hills, Oakland County, Michigan, at a meeting duly held on the 8th day of May, 1956.

C. G. EDEN,
Mayor of said City of Bloomfield Hills
ROBERT J. STADLER
Clerk of said City of Bloomfield Hills

The foregoing Articles of Incorporation were adopted by the Commission of the City of Troy, Oakland County, Michigan, at a meeting duly held on the 30th day of April, 1956.

FRANK COSTELLO,
Mayor of said City of Troy
J. LAWSON LOCKHART,
Clerk of said City of Troy

The foregoing Articles of Incorporation were adopted by the Township Board of the Township of Bloomfield, Oakland County, Michigan, at a meeting duly held on the 7th day of May, 1956.

DAVID E. ANDERSON,
Supervisor of said Township of Bloomfield
ROBERT H. DUDLEY,
Clerk of said Township of Bloomfield

(9)

4-30-56

Most of Oakland County's surface was originally covered with a dense growth of hardwoods and pines, according to the Oakland County Planning Commission. A few of these wooded areas remain, one being Drehner Woods in Addison Township.

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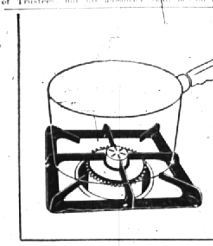

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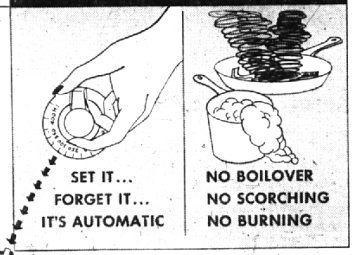

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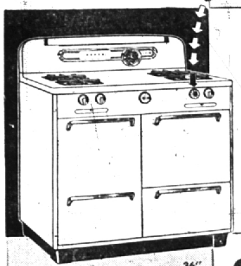

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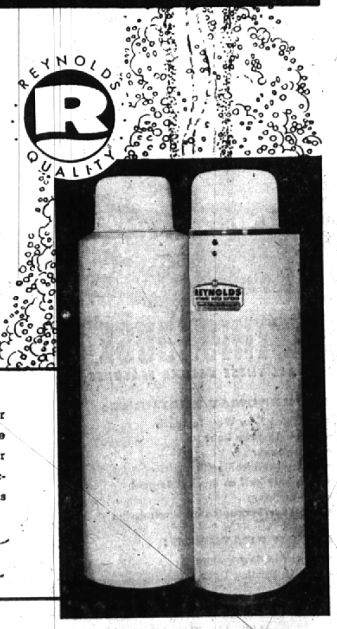

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