



JANIS A. BOBRIN
DRAIN COMMISSIONER
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DENNIS M. WOJCIK, P.E.
Chief Deputy Drain Commissioner

Telephone 734.222.6860
Fax 734.222.6803

Dear Official:

Enclosed per your request is a petition package to locate, establish and construct a county drain. The package includes the filing information required by a municipality in the proposed district. Please review, sign the forms and return them to our office. Once the district is established and the Order filed, a petition package will be sent to you for establishing the drain within the drainage district. It will be necessary for you to again petition the Drain Commissioner to establish the drain.

If you have any questions, please feel free to contact our office at 734.222.6860 between the hours of 8:30am and 5:00pm.

Sincerely,

Deborah L. Shad
Director of Administrative Services

DLS/

Enclosures

PROCEDURES FOR LOCATING, ESTABLISHING AND CONSTRUCTING AN INTERCOUNTY DRAIN

The legal process the Drain Commissioner's Office must follow upon receipt of a petition to establish an inter-County Drain Drainage District is dictated by the Michigan Drain Code (Act 40 of 1956). The steps are as follows:

1. Application for laying out and designating a drainage district under Chapter 5 of the Michigan Drain Code, must be filed with the drain commissioner. It shall be signed by a number of freeholders in said drainage district whose lands would be liable to an assessment for benefits, equal to 50% of any of the freeholders whose lands would be traversed by the drain or drains applied for.
2. Within 20 days of receipt the drain commissioner forwards the petition to the state director of agriculture and to the county drain commissioner of each county in which lie lands liable for assessment.
3. The state director of agriculture shall call a meeting not less than 15 days and not more than 60 days from the receipt of such notice. The board shall consist of the drain commissions of each liable county and the director of agriculture or any deputy designated by him.
4. If the drain is found to be practical the board orders a survey to be made. The director prepares an order designating a drainage district and files it in his/her office and the office of the county drain commissioner of each county within 10 days. This order is to specify the boundaries of the drainage district and a description of the drain to serve the district as recommended by the engineer showing the beginning and ending of the drain, the type of construction and an estimated cost. The director then gives notice of such order in a newspaper of general circulation in each county once in each week for 2 successive weeks.
5. After a drainage district is established, a Chapter 6 petition to locate, establish and construct a drain is filed with any commissioner having jurisdiction of any of the lands identified in the order designating the drainage district. This petition must be signed by a number of freeholders equal to one-half of the number of freeholders whose lands would be traversed by or abut on said drain. This petition shall be accompanied by a description of the land owned by each signer and a certificate of the County Treasurer as to payment of taxes or assessments. Any signer, whose land certificates show taxes or assessments are unpaid for three years, shall not be counted. In lieu of a petition signed by freeholders, the petition may be signed solely by a city, village or township in each county involved, when duly authorized by its governing body, or by any combination of such municipalities.
6. Upon filing of a petition, within 20 days, the drain commissioner must submit the petition to the state director of agriculture and to the county drain commissioner of each county in which lie lands liable for assessment. The director sets a time for a meeting when the Board will determine the necessity or non-necessity of the drain. A minimum of 10 days prior to the meeting date, said notice shall be published in a newspaper of general circulation in each county, sent to the county Road Commission and county clerk for each liable county, and the clerk of each city, village or township in the district via certified mail. Property owners within the district boundaries are also to be notified by first class mail. In districts where the state Highway Department is involved notification must be a minimum of 20 days prior to the meeting date via certified mail. The Notice shall contain a description of land in the district and the proposed drain length.
7. If the Board finds the drain to be necessary to the public health, convenience or welfare, it then files a First Order of Determination, showing the determination of necessity, determination of percentages between the counties, and determination of number of installments. A copy of the order shall be filed in the office of the county drain commissioner of each county into which the drainage district extends. Any person feeling aggrieved by the decision may institute an action in the circuit court for the county in which the real property is located. Appeal must be made within ten days after the determination of necessity or no necessity.

8. Release of right-of-ways must be secured from each property owner whose land the drain will cross. If any property owner refuses to grant the right-of-way, the drain age board shall proceed under provision of Michigan's Uniform Condemnation Act.
9. After securing the right-of-ways, the drain commissioner from each county affected shall apportion the benefits for the construction of the drain. The chair of the board then gives notice for receiving bids for construction of the drain and also for holding a public meeting at which the apportionments and assessments may be reviewed. Notice will be published in a newspaper of general circulation and sent to the county Road Commission and county clerk for each liable county, and the clerk of each city, village or township in the district and the state Highway Department, if involved, via certified mail. Property owners within the district boundaries are also to be notified by first class mail.
10. Sealed bids are received and the contract for construction of the drain is let.
11. A computation of costs is prepared and allocated to landowners and affected governmental units according to benefits received.
12. A day of review will be scheduled that property owners may attend to review their apportionment and assessment. At the day of review, interested persons will be advised of the procedure for appeal of special assessments.

The above information is a general guide for persons interested in the petition process for drainage improvement projects. If you have questions or need any further information, please call the Drain Commissioner's Office at (734) 222-6860.

Janis A. Bobrin
Washtenaw County Drain Commissioner
P.O. Box 8645
Ann Arbor, MI 48107-8645

Re: _____ Drain

Dear Ms. Bobrin:

At a Regular Meeting held by the City/Village Council/Township/Board for the City/Township of _____ on _____, the following action was taken:

Motion by _____ and supported by _____ to adopt the resolution concerning the _____ Drain.

ROLL CALL VOTE:

AYES:
NAYES:
ABSENT:
ABSTAIN:

Motion Carried.

Enclosed is a copy of the adopted resolution.

Should you have any questions, please feel free to contact me at _____.

Sincerely,

Clerk/Treasurer

Enclosure

CITY/VILLAGE/TOWNSHIP OF _____
COUNTY OF WASHTENAW, STATE OF MICHIGAN
RESOLUTION REGARDING THE _____ DRAIN

Minutes of a Regular Meeting of the City/Village Council/Township/Board for the City/Village/Township of _____, Washtenaw County, Michigan, held in said City/Village/Township on the _____ day of _____, 20__.

MEMBERS PRESENT:

MEMBERS ABSENT:

The following preamble and resolution were offered by _____ and supported by _____.

WHEREAS, the City/Village/Township of _____ hereby petitions the Washtenaw County Drain Commissioner to lay out and establish a drainage district in the Township of _____ under the provisions of Act No. 40 of the Public Acts of 1956, as amended. The location of the drain to be substantially as noted herein, and, as may be finally determined by you; and

WHEREAS, the City/Village/Township of _____ hereby petitions the Washtenaw County Drain Commissioner to lay out and establish a drainage district, which will properly drain the lands in the district, under the provision of Act No. 40 of the Public Acts of 1956, as amended, the _____ Drain; and

WHEREAS, the City/Village/Township of _____ acknowledges that it will be liable for an assessment at large for a percentage of the total amount to be levied for the proposed work; and

WHEREAS, it has been determined necessary to proceed as soon as possible to accomplish the aforesaid improvements.

NOW THEREFORE BE IT RESOLVED, that the City/Village/Township of _____ hereby petitions to the Washtenaw County Drain Commissioner to lay out and establish a drainage district, which will properly drain the lands in the district, under the provision of Act No. 40 of the Public Acts of 1956, as amended, the _____ Drain.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be attached to the petition.

BE IT FURTHER RESOLVED, that the _____ and _____ be authorized to execute the petition on behalf of the City/Village Council/Township Board.

ROLL CALL VOTE:

AYES:

NAYES:

ABSENT:

ABSTAIN:

RESOLUTION DECLARED ADOPTED.

Clerk/Treasurer

Dated: _____