

GUIDE FOR DRAINAGE IMPROVEMENTS

The legal process the Water Resources Commissioner's Office must follow upon receipt of a petition for "clean-out" is dictated by the Michigan Drain Code (Act 40 of 1956). The steps are as follows:

1. Petition signed by (A) five or more landowners (can include husband and wife if both appear on the deed of the property) in the drainage district liable for assessment, or (B) the Health Department, or (C) the Township, City or Village, and submitted to the Water Resources Commissioner. A property owner may only sign a petition one time even if he/she owns more than one parcel of land in the district.
2. Signatures of petitioners verified by the Water Resources Commissioner's Office (petitions submitted by landowners ONLY).
3. Public hearing held where a three-member Board of Determination (appointed by the Water Resources Commissioner or Chair of the Board of Commissioners) will listen to testimony from landowners in the Drainage District and make a determination, based on that testimony, as to whether the project is necessary and should proceed or not. Detailed cost estimates will not be available at this time because the amount of money available to expend prior to a determination that the project will or will not continue is minimal. If the project is determined unnecessary, another petition cannot be submitted for a period of one year and the petition process ends. If the project is determined necessary, engineering, design and scope of project will be completed along with the following steps.
4. After receipt of engineering report, the Water Resources Commissioner will proceed to bidding the project, or will first hold an informational meeting with landowners in the Drainage District if there are alternatives or unusual issues to discuss. Cost estimates will be available at this time.
5. Bid letting and a Day of Review, where landowners may come into the Water Resources Commissioner's Office to discuss their apportionment, will then be held. Apportionment may be appealed to the Probate Court.
6. If the Water Resources Commissioner determines cost of the project is reasonable, project will then continue. If costs are significantly higher than anticipated, input from local governments and affected citizens will be secured. The Water Resources Commissioner will halt the project if costs are considered excessive. Costs incurred up to this point will be assessed against the Drainage District.

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 Water Resources Commissioner's Office at (734) 222.6860.

AFFIDAVIT OF CIRCULATOR OF PETITION

I Hereby Certify that I did personally circulate this petition and the signatures to same were made in my presence and are the genuine signatures of those whose names are affixed.

Dated: _____, 20____

_____ Name of Circulator

_____ Address

_____ Phone Number

STATE OF MICHIGAN)
)SS.
COUNTY OF _____)

On _____, 20____, before me, a Notary Public in and for said County, personally appeared to me known to be the person described in and who circulated the foregoing petition dated _____, 20____.

_____, Notary Public
County, Michigan
My Commission Expires _____

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

Re: «Drain»

Dear Ms. Bobrin:

At a Regular Meeting held by the Board for the municipality(ies) of «Township» on _____, the following action was taken:

Motion by _____ and supported by _____ to adopt the resolution concerning the «Drain» 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

THE MUNICIPALITY(IES) OF «Township»
COUNTY OF WASHTENAW, STATE OF MICHIGAN
RESOLUTION REGARDING THE «Drain» DRAIN

Minutes of a Regular Meeting of the Board for the the municipality(ies) of «Township», Washtenaw County, Michigan, held in said municipality(ies) on the _____ day of _____, 20__.

MEMBERS PRESENT:

MEMBERS ABSENT:

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

WHEREAS, the Board for the municipality(ies) of «Township» hereby petitions the Washtenaw County Water Resources Commissioner to clean out, relocate, widen, deepen, straighten, tile, extend or relocate along a highway as needed the «DRAIN» Drain; and

WHEREAS, the Board for the municipality(ies) of «Township» 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 municipality(ies) of «Township» hereby petitions to the Washtenaw County Water Resources Commissioner to clean out, relocate, widen, deepen, straighten, tile, extend or relocate along a highway as needed the «DRAIN» 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 Board.

ROLL CALL VOTE:

AYES:
NAYES:
ABSENT:
ABSTAIN:

RESOLUTION DECLARED ADOPTED.

Clerk/Treasurer

Dated: _____

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board for the municipality(ies) of «Township» County of Washtenaw, State of Michigan, at a regular meeting held on _____, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said act.

Clerk/Treasurer

Dated: _____

