PROCEDURES FOR LOCATING, ESTABLISHING AND CONSTRUCTING A COUNTY DRAIN

The legal process the Water Resources Commissioner's Office must follow upon receipt of a petition to establish a 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 must be filed with the Water Resources Commissioner. It shall be signed by not less than ten freeholders, five of whom will be liable to assessment for construction of the proposed drain, or by the County Board of Health, County Board of Road Commissioners, or a city, village or township when duly authorized by its governing body. A property owner may only sign a petition one time even if he/she owns more than one parcel of land in the district. Both a husband and wife may sign a petition as property owners, counting as two signatures.
- 2. The Water Resources Commissioner orders a survey to be made. Taxes and special assessments of the landowners are checked, and if 33-1/3% or more of the lands in the proposed district are tax delinquent, no further action is taken.
- 3. The Water Resources Commissioner prepares an order designating a change district and files it in his/her office. This order is to specify the boundaries of the drainage district. The Water Resources Commissioner then gives notice of such order in a newspaper of general circulation.
- to locate, establish and construct a drain is filed with the 4. After a drainage district is established, a petition Water Resources Commissioner. This petition be signed by a number of freeholders equal to one-half of the number of freeholders whose lands would versed by or abut on said drain. This petition shall be accompanied by a description of the land wned by each signer and a certificate of the County Treasurer as whose land certificates show taxes or assessments are to payment of taxes or assessments ed. A petition may also be submitted by one or more city(s), unpaid for three years, shall not be village(s), or township(s), when zed by its governing' body(s), if it will be liable for assessments at thò the drain. large for at least a portion.
- 5. A Board of Determinate, consisting of three persons owning land within the County, but not within the drainage district, is then a pointed by the Water Resources Commissioner, and a time is set for a meeting when the Board will determine the necessity or non-necessity of the drain. Notice of this meeting will be published in a newspaper of general circulation, and sent to the County Road Commission, County Clerk, the Clerk of each Control of the district, and the state Highway Department, if involved, and by first class mail to each person in the drainage district. The Notice shall contain a description of land in the district and the proposed drain length. The Water Resources Commissioner
- 6. If the Board finds the drain to be necessary to the public health, convenience or welfare, it then files an Order of Necessity with the Water Resources Commissioner. Any public corporations liable for assessment must be so notified by the Water Resources Commissioner within ten days, and has twenty days in which to appeal the order of the Board of Determination to the Probate Court. If no appeals are made, the Water Resources Commissioner then files his/her First Order of Determination. If the Board determines that the drain is not necessary, the petition is dismissed and a new one will not be considered within one year. Anyone feeling aggrieved by the decision may appeal by instituting proceedings in the Washtenaw County Circuit Court. Appeal must be made within ten days after the determination of II necessity or no necessity.
- 7. 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 Water Resources Commissioner shall proceed under provision of Michigan's Uniform Condemnation Act.

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- 8. After obtaining right-of-ways, the Water Resources Commissioner files his/her Final Order of Determination. S/he 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, County Clerk, the Clerk of each city, village or township in the district, and the state Highway Department, if involved, and by first class mail to each person in the drainage district.
- 9. Sealed bids are received and the contract for construction of the drain is let.
- 10. A computation of costs is prepared and allocated to landowners and affected governmental units according to benefits received.
- 11. At the day of review, property owners may call or come into the Drain Office 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 readrainage improvement projects. If you have questions or need any further information, please call the Water Resources Commissioner's Office at (734) 222-6860.

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PETITION FOR LOCATING, ESTABLISHING AND CONSTRUCTING A DRAIN OR DRAINS OR ANY PORTION THEREOF

To the County Water Resources Commissioner of the County of Washtenaw:

	The undersigned petitioners are freeholders in the Drainage District as Laid Out and Designated in the order
of	, in the County of Washtenaw , State of Michigan, in which District
the «Dra	in» Drain, being applied for is to be located, established and constructed.

The petitioners constitute a number of freeholders in the Drainage District whose lands would be liable to an assessment for benefits equal to 50% of the number of freeholders whose lands would be traversed by the drain or drains applied for, or abut on the part of any highway or street along either side of which the drain extends between the point where the drain enters the highway and the point where it leaves the highway.

The following named persons constitute all the freeholders whose lands would be traversed by the drain or drains applied for or abut on any highway or street along either side of which the drain extends between the point where the drain enters the highway and the point where it leaves the highway.

The locating, establishing and constructing of said Drain or Drains, or any part thereof, is necessary and conducive to the public health, convenience or we have.

The undersigned petitioners there is, make petition, and ask you to locate, establish and construct, a drain or drains, or any portion thereof, which will plopedly drain the lands in the district, under the provision of Act No. 40 of the Public Acts of 1956, as amended. The location of the drain or drains, or any portion thereof, are as given in your Order for Laying Out and Designating the Drains Drainage District, to be substantially as follows:

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Signatures of Freeholders	Address	Township	Tax Code Number
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Signatures of Freeholders (Continued)	Address	Township	Tax Code Number
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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. Name of Circulator Address Phone Number STATE OF MICHIGAN COUNTY OF _____ , 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 person dated _ Notary Public, _____County, Michigan My Commission expires: INSTRUCTIONS FOR PETITION SIGNERS ON A PE FOR EOCATING, ESTABLISHING AND CONSTRUCTING A DRAIN OR DRAINS OR ANY PORTION THEREOF:

The Petition shall be signed by a number of fa drainage district whose lands would be liable to an assessment for benefits, equal to 1/2 the number of freeholders whose lands would b d by or is abutted by the drain.

Husband and wife are counted as 2 free Leach is to sign in his/her own behalf. Each must sign with a given name, nor Mr. or Mrs._____.

getition signers must be verified by the Water Resources Commissioner.

The circulator of the petition MUST six the affida Drain Office or may be done before it is brought in. the affidavit on the back of the petition before a Notary Public. This can be done when it is brought to the

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