

Dear Shiawassee County Property Owner,

This brochure offers a basic explanation of the Drain Petition process that facilitates the opportunity for property owners to petition for the establishment of a drainage systems in Shiawassee County under my jurisdiction.

A properly maintained drainage system is important to county residents and businesses for everything from crop production to keeping roads passable and minimizing flood damage. A routinely maintained system is more cost effective, avoiding the need for large, expensive drain projects often required to rebuild a system that has been neglected for years.

If after reading this brochure, you still have questions about Drain Petition Procedures, please do not hesitate to contact me or my staff.

Respectfully,

Brent Singer

Shiawassee County Drain Commissioner

We are the Stewards of the Great Lakes



Water Facts

- ◆ The Great Lakes contain 20 percent of the world's available fresh water. Michigan has over 3,200 miles of shoreline on four of the five Great Lakes: Erie, Huron, Michigan, and Superior.
- ◆ Approximately half of Shiawassee County's surface water drains to Lake Michigan via the Maple and Grand River systems. The other half drains to Lake Huron via the Shiawassee and Flint River systems.
- ◆ The Shiawassee County Drain Commissioner maintains approximately 2,500 miles of open and tiled drains representing more than 500 county drains.



ESTABLISHING A NEW DRAIN: PETITION PROCEDURES

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Drain Petition Procedures

Who is in charge of Drains and Drain

Projects? Drainage activities are generally governed by the Michigan Drain Code and administered in Shiawassee County by the Drain Commissioner, the elected official in charge. The Drain Commissioner has jurisdiction over established county drains and performs the duties set forth in the Drain Code. Basically, the Drain Commissioner administers the establishment, construction, maintenance and improvement of county drains, and is responsible for the assessment of the costs incurred.

How does a drain project begin? Generally, drain projects are started when a “petition” is submitted to the Drain Commissioner. The petition states that drainage problem exists and the petitioners would like the Drain Commissioner to solve the problem. A petition can be filed on an existing drain for maintenance or improvements to be undertaken, or in can be filed for the establishment of a new drain.

For an existing drain, see other brochure **DRAIN PETITION PROCEDURES**.

For a new drain, an application to establish a drainage district is required before you can petition to establish a County Drain. A drainage district is the area of land that benefits from the drain and will be liable for any assessments. The application must be signed by at least ten (10) property owners in the township - five of whom must own land in the proposed drainage district and be liable for an assessment. If there are fewer than 20 property owners in the proposed drainage district, then only one of the signers needs be in the drainage district and be liable for an assessment.

If determined practical, the Drain commissioner the formally establishes the drainage district boundary. A petition to locate, establish, and construct the new drain is required. The petition must be signed by fifty percent (50%) of the property owners whose property would be traversed by the new drain.

Once circulated, notarized, and confirmed to be valid which includes checking property tax records to assure signers have paid taxes to date within the preceding 3 years the Drain Commissioner can proceed with the next step.

Who can petition for a drain project? A petition can be filed by property owners in the drainage district, a Township, City, Village, the County Road Commission or MDOT.

Who decided whether to forward with a drain project? Once petitioned, a Board of Determination convenes. The Board of Determination is a three member board appointed by the Drain Commissioner. The members must be residents of the County, but cannot own property in the drainage district or in the Township, City, or Village the drain is proposed to be in. The role of the Board of Determination is to receive testimony and evidence at a public hearing to determine:

- A) Whether a project is necessary and conducive to public health, convenience or welfare.
- B) Whether all or a portion of the project benefits the municipalities in the district for the protection of public health; and in some instances
- C) Whether lands should be included in or added to a drainage district.

The Board’s decisions are made by majority vote of the Board Members and not by a vote of the attendees. The Drain Commissioner does not vote on the above issues.

The Board of Determination does **not** determine the scope of the project or the cost of the project, and does not determine how much property owners and municipalities will be assessed for the project. The Drain Commissioner makes these decisions after the engineering is performed, but before construction occurs.

How am I notified of the Hearing? The Shiawassee County Drain Office will mail notices to all property owners in the district and publish a legal notice in the local newspaper at least 10 days prior to the hearing. Notices will also be

mailed to all municipalities in the district County Clerk, County Road Commission and Michigan Department of Transportation (MDOT).

What can I do to challenge the decision of the Board of Determination? If any person feels aggrieved by the decision of the Board of Determination that the petition is or is not necessary that person may file an appeal of that decision to the Shiawassee County Circuit Court within ten (10) days after the determination of the Board. Municipalities may appeal the decision within twenty (20) days after the determination.

What happens after the appeal process has expired? The Shiawassee County Drain Commissioner hires a competent engineer to inspect and design a viable and cost effective solution to the petition request.

Prior to construction, the Drain Commissioner shall acquire easements (right of ways) from the landowners whose property will be traversed by the new drain.

Who Pays for the drain project? Landowners and municipalities within a given drainage district pay for drain projects within the drainage district. Each property will be assigned its share, which is calculated on the “benefit” received by each property. The Drain Commissioner can use various methods in determining benefit. The Drain Commissioner will also determine the terms of payment for any assessment. Large projects may be financed by the issuance of notes or bonds, with costs and assessments spread over many years.