

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 cleaning out, relocating, widening, deepening, straightening, tiling, extending or relocating along a highway and to construct or reconstruct drainage systems in Shiawassee County under my jurisdiction.

The Drain Petition process begins with the petition circulation, Board of Determination decision and the Day of Review of apportionments costs for providing your land with storm drainage and to discuss your proposed share of the costs. This Day of Review also provides the opportunity for you to inform me and my staff of additional maintenance issues, helping us do a better job for you in the future.

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,

Anthony Newman

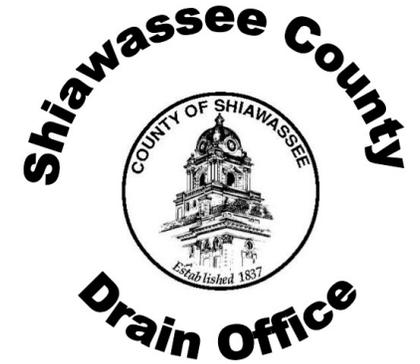
Shiawassee County Drain Commissioner

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.



DRAIN PETITION PROCEDURES

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Drain Petition Procedures

1. How do I request a petition and who prepares it?

Any person may request a petition. The petition is prepared by the Drain Commissioner's Office and is written to include activities such as cleaning out, relocating, widening, deepening, straightening, tiling, extending or relocating along a highway and the petition must be notarized after the circulation is completed. The petition must contain a minimum of five (5) signatures within the drainage district. Signature requirements accompany the petition. Municipalities can also petition for work.

2. Board of Determination The Board of Determination is appointed by the County Drain Commissioner after a petition has been 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 board appointees are disinterested persons, county residents and cannot currently be a member of the Shiawassee County Board of Commissioners.

3. 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, and Michigan Department of Transportation (MDOT).

4. What is the function of the Board of Determination? The board's decision is based on the public health, convenience or welfare. The Board does not determine the cost efficiency, define or delineate the scope of a project or what portions of a petition are necessary. Once it has made that

determination, the Drain Commissioner has the responsibility of finding the best alternative. The Board's decision is made by majority vote of the Board members and **not** by a vote of the attendees. The Drain Commissioner does not vote.

5. What happens during the Board of Determination? A three (3) member board is convened to hear testimony for and against the petition and determines if the petition is or is not necessary and conducive to public health, convenience or welfare. Public testimony and Board deliberations will be made in accordance with the Open Meetings Act. The Board will take two (2) votes: Necessity of the drain petition and if it is deemed necessary, whether all, part or none of the construction for protection of public health in one of more of the cities, villages or townships, specifying which municipality. The Board may also reconvene hearing to add lands to the drainage district based on additional survey and information.

6. 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 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.

7. 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. After design and contract bid opening, a computation of cost—including engineering, administration, construction and

contingencies. A review of apportionments will be held for one (1) day at the Drain Commissioner's Office.

8. What if I can not attend the Day of Review or I disagree with the proposed assessment for my property? If you are unable to attend the Day of Review and have questions regarding your assessment or the assessment process, please call the Shiawassee Drain Commissioner's office. It is possible to make an appointment at times other than the Day of Review, although the appeal period begins after the date of the Day of Review. An appeal of the Drain Special Assessments may be made to the Shiawassee County Probate Court within 10 days after the Day of Review.