

Gregg
Miller
Nash

PLUMBROOK DRAIN & BRANCHES
INTER-COUNTY DRAINAGE BOARD
JANUARY 22, 2019
11:30 A.M.
AGENDA

	<u>Page</u>
1. Call meeting to order and roll call	
2. Approval of Agenda	
3. Public participation	
4. Approval of minutes of meeting of October 17, 2005	3
5. Gibson Drain/Plumbrook Drain Improvement Discussion – Daryl Gapshes	5
6. Old Business	
7. New Business	
8. Adjourn	

PLUMBROOK DRAIN (INTERCOUNTY) - OPEN

CLINTON TOWNSHIP/SHELBY TOWNSHIP/STERLING HEIGHTS/UTICA - CHAPTER 21



Drain Length (Feet/Miles):
53,656.80 / 10.16

- Legend**
- Plumbrook Drain
 - Major Roads

A meeting of the Inter-County Drainage Board for the **PLUMBROOK DRAIN & BRANCH** was held in the Office of the Macomb County Public Works Commissioner, 115 South Groesbeck Highway, Mount Clemens, Michigan on October 17, 2005.

PRESENT: Michael Gregg, Chairman
Michigan Department of Agriculture

William Misterovich, Acting Secretary
Chief Deputy, Macomb County Public Works Commissioner

Joseph Kozma, Member
Deputy Oakland County Drain Commissioner and Manager

ALSO PRESENT: Lynne Seymour, Engineer, Robert Sinnamon, Project Coordinator and Lara Sucharski, Division Director, Macomb County Public Works Commissioner's Office; Steve Korth, Oakland County Drain Office and Sal Conigliaro, City of Sterling Heights

The Chairman called the meeting to order at 10:00 a.m. The minutes of the meeting of September 2, 1999 were presented. A motion was made by Mr. Kozma, supported by Mr. Misterovich and unanimously carried to approve the minutes as presented.

Mr. Misterovich provided background information regarding the previous steps taken to create the Drainage District. A Final Order of Determination was issued in the 1970s but no final apportionments were made and no contracts were let.

Ms. Seymour described the current problem regarding the condos, located on Dequindre, south of 18 Mile Road. The south side of the drain is eroding and the top of the bank is only 30' from the residents' deck. The Oakland County Road Commission built a bridge and has jurisdiction in that area. Oakland County was asked to re-do the banks while the bridge was being constructed. The bank work was never completed as it was out of Oakland County's easement. The bridge was enlarged and the spans were shifted from their original position, also adding to the problem.

Several months ago, a resolution to establish a new Chapter 21 Drainage District known as the Gibson Drain (Sterling Heights-Troy Branch) was prepared by Geoffrey Seidlein and sent to the cities of Troy and Sterling Heights for approval. Those petitions cover the area of the Gibson Drain in question but have not been approved by the cities.

Discussion following regarding the relationship between the old Chapter 6 Drain, the Chapter 20 Gibson, Chapter 21 Plumbrook Drain and Branch and the new Chapter 21 Drain involving Troy and Sterling Heights. Mr. Kozma suggested it would be helpful to have a map prepared showing all four drains. Currently, there is an easement for the Chapter 20 Gibson Drain; there is no easement for the Chapter 21 Plumbrook Drain and Branch. Macomb and Oakland Counties will check to see if a permit was issued for the bridge work.

Mr. Misterovich said an opinion was requested from Bodman, LLP regarding the legal status of the drainage district in connection with a project to build a new bridge on the Plumbrook. He said eventually the bridge was constructed under a Chapter 20 project, so he presumed Bodman advised against using the Chapter 21 Drain proceedings. There was a consensus that it would not be prudent to attempt to proceed under the 1970's Chapter 21 project because of the

possibility of litigation challenging the proceedings. Instead, it was suggested that the new Chapter 21 petition involving Troy and Sterling Heights petition be pursued

There being no further business coming before the Board, the meeting was adjourned at 10:45 a.m. on a motion by Mr. Kozma, supported by Mr. Misterovich and unanimously approved.



WILLIAM MISTEROVICH, Acting Secretary
Plumbrook Drain & Branch Inter-County Drainage Board

STATE OF MICHIGAN
COUNTY OF MACOMB

I certify that the foregoing is a true and correct copy of proceedings taking by the Inter-County Drainage Board for the Drainage District shown on the attached set of Minutes, on October 17, 2005, the original of which is on file in the Public Works Commissioner's Office. Public notice of the meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1975, including, in the case of a special or rescheduled meeting or a meeting secured for more than 36 hours, notice by posting at least 18 hours prior to the time set for the meeting.



William Misterovich, Acting Secretary
Plumbrook Drain & Branch Inter-County Drainage Board

DATED: 10/20/05

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Brian Baker <brian.baker@macombgov.org>

FW: Gibson-Plumbrook Drain

1 message

Gregg, Michael (MDARD) <greggm@michigan.gov>

Tue, Jan 8, 2019 at 5:22 PM

To: Candice Miller <candice.miller@macombgov.org>, "nashj@oakgov.com" <nashj@oakgov.com>

Cc: "Korth, Steve" <korths@oakgov.com>, "Brian Baker (Brian.baker@macombgov.org)" <Brian.baker@macombgov.org>

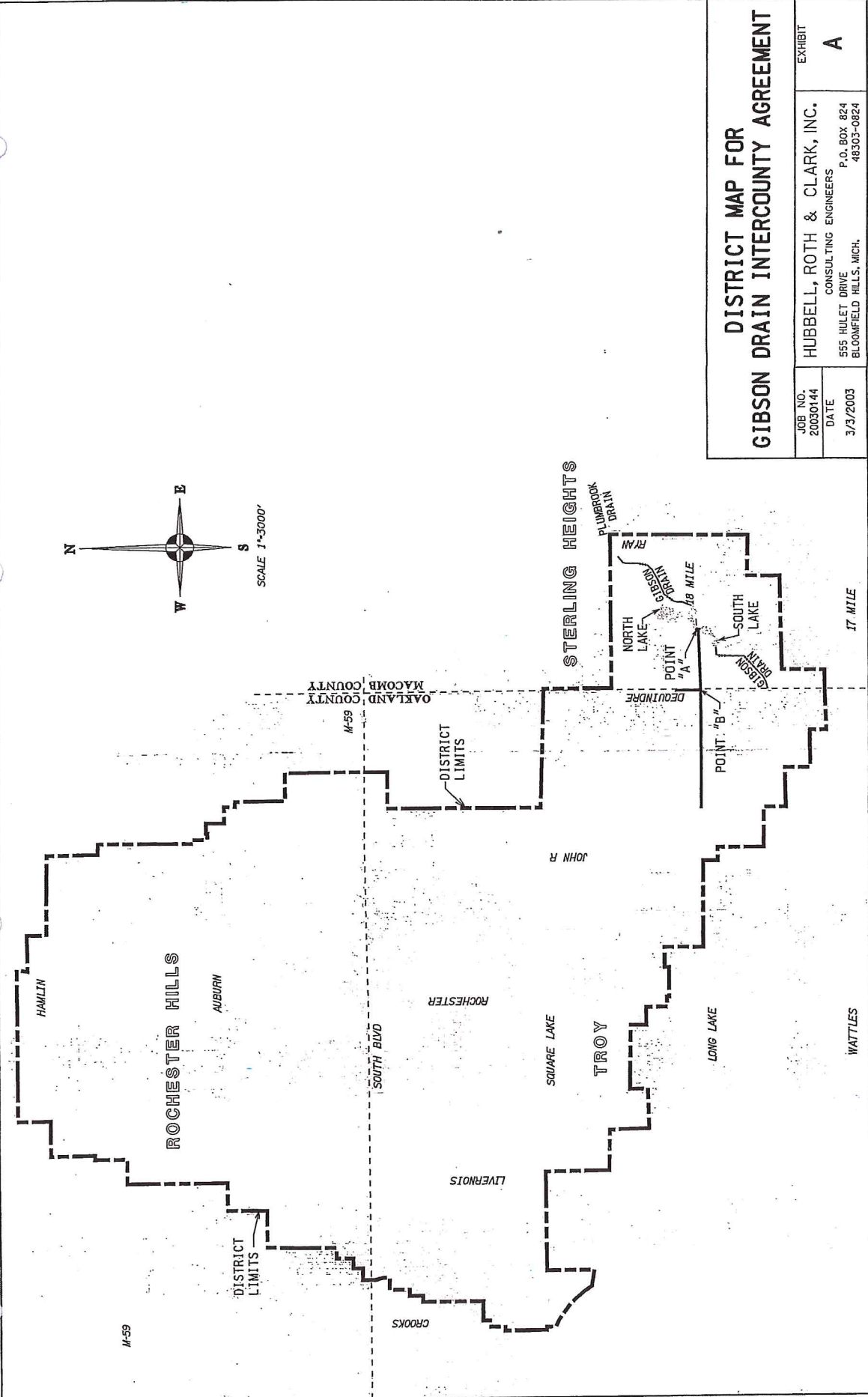
Commissioners,

At the request of Macomb County through conversations with Mr. Ives (since retired) and Mr. Jonik (see following email) there has been renewed interest in performing maintenance/improvements to the proposed "Gibson" drain physically located in Sterling Heights and Troy. It is not legally established as an intercounty drain but I understand that portions may be established as a Chapter 20 drain? Petitions to establish the Gibson as an intercounty under Chapter 21 from both Sterling Heights and Troy were passed in 2005 but not acted on and at this point should be considered null and void.

The outlet of the Gibson is Plumbrook Creek which itself was petitioned under Chapter 21 in the 1970's. The proceedings took it through establishment by the augmented board but there was no final order of apportionment and apparently no easements acquired or construction performed. Our files for that drain were partially destroyed by accident so I may have incomplete information.

If there is resolve to finally tackle these two drains we should discuss whether they should be done separately or as one because it's all the same watershed? I would recommend that we convene a meeting of the Chapter 21 board for the Plumbrook. The purpose would be to report on findings of the file searches of each of your offices and confirm or improve on my conclusions of the status of both drains. We may also want to engage representatives of the Cities of Sterling Heights, Troy and Rochester in the discussion to better understand the short and long term objectives of this watershed. If the conclusion is to move forward I would recommend that we engage legal counsel to draft the necessary petition to implement what ever scope of "project" we believe would best accomplish the objectives.

We could add this to the list of meetings already scheduled for January 22nd or defer to the February 26th meetings. I am not opposed to meet independently of these dates as well.



DISTRICT MAP FOR GIBSON DRAIN INTERCOUNTY AGREEMENT		JOB NO. 20030144	EXHIBIT A
		DATE 3/3/2003	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH. 48303-0824

USER NAME - user DESIGN FILE - I:\2003\0144\Gibson\Map.dwg DATE - 03/03/2003 12:58 PEN TBL - 1480443\pmling\black and TWE - 03/JAN/2003 12:58

GIBSON DRAIN INTERCOUNTY AGREEMENT

SUMMARY OF FACILITIES AND OVERVIEW OF FUTURE MAINTENANCE

Date : March 6, 2003

The Gibson Drain begins in the City of Sterling Heights at its confluence with the Plumbrook Drain. Included in the Gibson Drain District are the Cities of Sterling Heights, Troy and Rochester Hills along with the Michigan Department of Transportation, the Macomb County Road Commission and the Road Commission for Oakland County. The approximate area of the district is 12.75 square miles. The system includes 5,700 feet of open drain, a 9.9 acre North Lake, a 4.6 acre South Lake, and 9,075 feet of 60" to 24" storm sewer. Excluded from the system are the 18 Mile Road Bridge and the Dehlia Park Culvert.

In the future, system maintenance will likely consist of the removal of sediment from the South Lake and possibly the North Lake as well. It is estimated that a cleanout of the lake would be required within the next ten years. Maintenance on the open drain and storm sewer portions of the system are not anticipated.



40555 Ulica Road • P.O. Box 8009
Sterling Heights, MI 48311-8009
TEL 586.446.CITY(2489)
WWW.SHT www.sterling-heights.net
EMAIL cityhall@sterling-heights.net

CITY COUNCIL
Mayor Richard J. Nott
Mayor Pro Tem Joseph V. Romano
Councilman Richard L. Bracci
Councilwoman Deanna Koski
Councilman Steve Rice
Councilwoman Maria G. Schmidt
Councilwoman Barbara A. Ziarko
CITY MANAGER
Mark D. Vanderpool

April 8, 2005

Macomb County Public Works Office
115 South Groesbeck Highway
Mt. Clemens, MI 48043

Attention: William Misterovich

RE: Gibson Drain Intercounty Drain

Dear Mr. Misterovich:

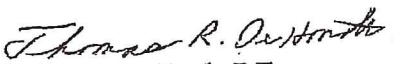
As you may recall, on February 21, 2003, a meeting was held to discuss the establishment of the Gibson Drain located in the City of Sterling Heights from Dequindre Road to the confluence with the Plumbrook Drain as an Intercounty Drain. The Drain would include the open drain on the south side of 18 Mile Road, the existing lakes on the north and south side of 18 Mile Road and the two pipes on the north side of Dequindre Road between Dequindre Road and the north lake.

Hubbell, Roth & Clark, Inc. later transmitted a copy of the "District Map," "Route Description," and "Summary of Facilities and Overview of Future Maintenance" to the Macomb County Public Works Office on March 6, 2003.

Please advise the current status of the subject project.

If you have any questions, please contact this office.

Very truly yours,


Thomas R. DeHondt, P.E.
City Engineer

TRD:el

Cc: Daniel F. Bishop, City Development Director
Guy Kebbe, Public Works Director
Sal Conigliaro, Engineering Services Manager
Mike MacDonald/Wally Alix, HRC
Steve Vandette, City of Troy
Joe Kozma, OCDC



Macomb County
Public Works Commissioner
Anthony V. Marrocco

July 29, 2005

Thomas R. DeHondt, P.E.
City of Sterling Heights
40555 Utica Road - P.O. Box 8009
Sterling Heights, MI 48311-8009

RE: Gibson (Sterling Heights--Troy) Drain

Dear Mr. DeHondt:

Enclosed find a Resolution and Petition to create a Chapter 21 Drainage District for the purpose of operating and maintaining the improvements recently constructed on the Gibson Drain pursuant to agreement between Sterling Heights and Troy. Upon approval by City Council, have the documents executed and returned to me for further processing.

Sincerely,

William Misterovich
Chief Deputy, Macomb County
Public Works Commissioner

Enclosure

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Macomb County
Public Works Commissioner
Anthony V. Marrocco

January 10, 2006

RECEIVED

Sal Conigliaro, Chief Engineer
City of Sterling Heights
40555 Utica Road – P.O. Box 8009
Sterling Heights, MI 48311-8009

JAN 11 2006

Sterling Heights
Office of Engineering

RE: Gibson (Sterling Heights-Troy) Inter-County Drain

Dear Mr. Conigliaro:

Enclosed for your information are copies of a Petition and Resolution recently filed by the City of Troy for establishment of the Gibson (Sterling Heights-Troy) Inter-County Drain. This project was requested by the two cities to establish a system for maintaining the drain improvements that have been installed by the communities.

A Petition and Resolution for the City of Sterling Heights to adopt was sent to Tom DeHondt, the previous City Engineer on July 29, 2005. Enclosed are copies of the transmittal letter to Mr. DeHondt and the Petition and Resolution. The Drain Code requires petitions and resolutions to be filed by both Troy and Sterling Heights in order to establish this as a Chapter 21 inter-county drain project.

Please advise.

Sincerely,

William Misterovich
Chief Deputy, Macomb County
Public Works Commissioner

Enclosures

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Office Location: 115 S. Groesbeck • Mt. Clemens, Michigan (2 Miles North of Metro Parkway) • Phone: 586-469-5325 • Fax: 586-469-5933
Mailing Address: P.O. Box 806 • Mt. Clemens, Michigan 48046-0806
Engineering Phone: 586-469-5910 • Fax: 586-469-7693 • Soil Erosion Phone: 586-469-5327 • Fax: 586-307-8264



Business of the City Council
Sterling Heights, Michigan

City Clerk's Use
Item No:
Meeting: 3/7/06

AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: To Adopt a Resolution to File a Petition for Establishment of the Gibson Inter-County Drain

Submitted By: Office of Engineering

Contact Person/Telephone: *Sal Conigliaro*
Sal Conigliaro, City Engineer/(586) 446-2580

Administration (initial as applicable)

Attachments

___	City Clerk	___	<u>X</u>	Resolution	___	Minutes
___	Finance & Budget Director	___	___	Ordinance	___	<u>X</u> Plan/Map
___	City Attorney (as to legal form)	___	___	Contract	___	Other
___	City Manager					

Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office

Executive Summary

The Gibson Drain is an existing drain flowing out of the City of Troy and into the City of Sterling Heights. Due to this cross-governmental responsibility for portions of the same drainage course, it is necessary to identify a governmental entity responsible for the future maintenance of this drain. The City of Sterling Heights and City of Troy have recognized the need for the establishment of the Gibson Drain as an inter-county drain. By establishing this drain as an inter-county drain, the City of Sterling Heights and City of Troy will benefit as it will provide for proper management of the storm water that passes through both communities and establish a framework for the future maintenance and apportionment of maintenance cost to the various governmental agencies that contribute flow to the drain. Other public bodies that may be subject to assessment for future cost for this inter-county drain are City of Rochester Hills, Macomb County, Oakland County and the Michigan Department of Transportation.

The Macomb County Public Works Office, in response to the City's request, has prepared a Petition and Resolution to initiate a Chapter 21 drain proceeding on the proposed Gibson Inter-County Drain.

The City of Troy City Council approved a similar resolution for petition to create the Gibson Inter-County Drain at their December 19, 2005 regular meeting.

Suggested Action:

MOVED BY:

SECONDED BY:

RESOLVED, to adopt the Resolution to File Petition for Establishment of the Gibson Inter-County Drain and direct the Mayor and City Clerk to sign the Petition on behalf of the City.

Cc: Guy Kebbe, Public Works Director
Greg McCaffery, Engineering Services Manager

**CITY OF STERLING HEIGHTS
STAFF REPORT
MARCH 7, 2006**

RE: Petition for Gibson Inter-County Drain

Prepared By: Sal Conigliaro, City Engineer

(586) 446-2580

GENERAL INFORMATION:

During design of the Long Lake Road (18 Mile Road) project within the City of Troy, discussions were held between the City of Sterling Heights and the City of Troy allowing an improved storm outlet from the City of Troy to the Gibson Lake on 18 Mile Road. As part of those discussions with the City of Troy, all parties recognized the need for the removal of sediment from the Gibson Drain South Lake as essential to allowing an improved storm outlet for the City of Troy and restoration of retention capacity necessary for downstream properties within the City of Sterling Heights. At that time, the City of Sterling Heights and City of Troy entered into a Cost Participation Agreement to complete that sediment removal project. Furthermore, the City of Troy committed to the future establishment of the Inter-County Drain for the continuing maintenance of the drain (see attached resolution dated 11-18-02).

Given that the storm sewer water passes through drains flowing out of the City of Troy, County of Oakland and into the City of Sterling Heights, County of Macomb, it is necessary to identify a governmental entity responsible for future maintenance. The creation of an inter-county drain will accomplish this and future maintenance contributions will be based on the inter-county drain apportionment of cost rather than individual agreements between cities each time there is a need for maintenance.

The Macomb County Public Works Office, in response to the City's request, has prepared a Petition and Resolution to initiate Chapter 21 drain proceedings on the proposed Gibson Inter-County Drain.

The City of Troy City Council approved a similar resolution for petition to create the Gibson Inter-County Drain at their December 19, 2005 Regular Meeting

TECHNICAL INFORMATION: Attached are two area maps that show the location of the Gibson Inter-County Drain and the drainage district identifying the governmental agencies that contribute flow to the drain.

STAFF ANALYSIS AND FINDINGS: The establishment of the Gibson Inter-County Drain will provide the Cities of Sterling Height and Troy a framework for the future maintenance and apportionment of maintenance cost to the various governmental agencies that contribute flow to the drain.

STAFF RECOMMENDATION: It is recommended that City Council approve the petition for the establishment of the Gibson Inter-County Drain under Chapter 21 of the Michigan Drain Code through the adoption of the Resolution to initiate proceedings on the Gibson Inter-County Drain presented by the Macomb County Public Works Office.

Cc: Guy Kebbe, Public Works Director
Greg McCaffery, Engineering Services Manager

STATE OF MICHIGAN
CITY OF STERLING HEIGHTS
COUNTY OF MACOMB

RESOLUTION TO FILE PETITION
FOR ESTABLISHMENT OF AN INTERCOUNTY DRAIN

At a regular meeting of the City Council for the City of Sterling Heights, Macomb County, Michigan, held in the Municipal Building, 40555 Dodge Park Road, Sterling Heights, Michigan, on March 7, 2006, at 7:30 p.m.

PRESENT: Kniaz, Koski, Notte, Romano, Schmidt, Ziarko

ABSENT: Bracci

The following Resolution was made by Kniaz and seconded by Ziarko.

WHEREAS, there is an established County Drain within the City of Sterling Heights, County of Macomb, known as the Gibson Drain, which is under the jurisdiction of the Macomb County Public Works Commissioners; and

WHEREAS, previously, a portion of the Gibson Drain was re-established as a public drain, and was widened, deepened and relocated, along with two lakes being created, pursuant to the provisions of Chapter 20 of the Michigan Drain Code of 1956, as amended (MCL 280.461-499; and

WHEREAS, the City of Sterling Heights in Macomb County and the City of Troy in Oakland County have caused a new drainage system to be constructed to serve a contiguous drainage area within their respective communities, such system generally consisting of drain tiles installed along the 18 Mile Road/Long Lake Road and Dequindre Road Rights-of-Way, with such tiles diverting stormwater runoff into the Gibson Drain; and

WHEREAS, conditions with these public and private drains in and through the Cities of Sterling Heights and Troy have created the need for long-term, comprehensive system for maintenance of all of the above-mentioned drains and drainage facilities; and

WHEREAS, Chapter 21 of the Michigan Drain Code of 1956 authorizes two or more public corporations to petition the Michigan Department of Agriculture to locate, establish and construct an intercounty drain necessary for the public health of the public corporations where the cost thereof is to be assessed wholly against the public corporations; and

WHEREAS, the public corporations that may be subject to assessments for future costs for this intercounty drain are as follows: the City of Sterling Heights, the City of Troy, the City of Rochester Hills, Macomb County, Oakland County and the Michigan Department of Transportation.

NOW THEREFORE BE IT RESOLVED that the City of Sterling Heights finds that the location, establishment and maintenance of an intercounty drain pursuant to Chapter 21 of the Michigan Drain Code is necessary for the public health and further that such drain is necessary for the management of storm water in the City.

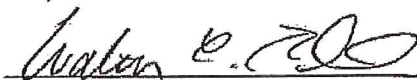
BE IT FURTHER RESOLVED that the City shall file with the Michigan Department of Agriculture its Petition for a drain to be located in and through the City of Sterling Heights and the City of Troy, which route is described in the attachment to this Resolution.

BE IT FURTHER RESOLVED that the City shall request the new drain be named the Gibson Intercounty Drain.

BE IT FURTHER RESOLVED that following the proceedings authorized by Chapter 21 of the Michigan Drain Code, the City will petition to locate, establish and construct the drain in conjunction with the other public corporation(s) authorized by law to so petition.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are authorized and directed to execute all documents and petitions necessary to carry out the intent of this Resolution.

I hereby certify that the above Resolution was adopted by the City Council for the City of Sterling Heights, County of Macomb at its regular session on March 6, 2006.



Walter C. Blessed, City Clerk

ROUTE DESCRIPTION
PROPOSED GIBSON INTERCOUNTY DRAIN

COMMENCING at a point of beginning being approximately 75 feet north and 650 feet west of the East ¼ Corner of Section 7, T2N, R12E, City of Sterling Heights, Macomb County, Michigan, said point also being the confluence of the Gibson Drain and the Plumbrook Drain; thence southerly and westerly approximately 2,200 feet along the open channel Gibson Drain to the easterly face of the Delia Park culvert crossing; thence southwesterly approximately 100 feet to the west face of the Delia Park culvert crossing; thence southwesterly approximately 900 feet along the open channel Gibson Drain to the weir control structure for the Gibson Drain North and South Lakes; thence southerly and westerly along the southern portion of the Gibson Drain North Lake approximately 900 feet to the north face of the 18 Mile Road Bridge, also being Point "A"; thence south approximately 120 feet to the south face of the 18 Mile Road Bridge; thence southwesterly through the middle of the Gibson Drain South Lake approximately 900 feet to the west bank of the Gibson Drain South Lake; thence westerly approximately 600 feet along the open channel Gibson Drain; thence southerly approximately 900 feet along said open channel Gibson Drain; thence southwesterly approximately 1,100 feet along said open channel Gibson Drain to the east face of the Dequindre Road Bridge, said point being approximately 60 feet east and 450 feet north of the West ¼ Corner of Section 18, City of Sterling Heights, to the point of terminus.

ALSO, BEGINNING at Point "A"; thence westerly approximately 2,010 feet along the route of the existing storm sewers along 18 Mile Road to Point "B," located at the intersection of 18 Mile Road/Long Lake Road and Dequindre Road in the City of Troy; thence continuing westerly along the route of the proposed storm sewer within the Long Lake Road right of way to a point of terminus approximately 4,215 feet west of Dequindre Road.

ALSO, BEGINNING at Point "B"; thence northerly along the route of the existing storm sewer located within the right of way of Dequindre Road in the City of Troy to a point of terminus approximately 735 feet north of 18 Mile Road/Long Lake Road.

**PETITION FOR ESTABLISHMENT OF AN INTERCOUNTY DRAIN
BY THE CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN**

TO: Director, Michigan Department of Agriculture

Your petitioner, pursuant to Section 513 of Chapter 21 of the Michigan Drain Code of 1956, as amended (MCL 280.513), respectfully submits this petition for locating, establishing and maintaining an intercounty drain in the City of Sterling Heights, Macomb County, and the City of Troy, Oakland County, Michigan, to be known as the Gibson Intercounty Drain.

Petitioner further respectfully shows that it is a public corporation liable for assessment at large for a percentage of the total amount to be assessed for the cost of the proposed work.

Your petitioner further declares that portions of said drain may be laid within the rights of way of a state trunk line highway, or county highway, and that the locating, establishing, and construction of this drain or drains, or any part thereof, is necessary for the public health, convenience or welfare. The City of Sterling Heights hereby consents to the location of the foregoing described intercounty drain within its limits.

Your petitioner further shows that the location of the drain will be in the City of Sterling Heights, Macomb County, and the City of Troy, Oakland County, and will be located generally as follows:

COMMENCING at a point of beginning being approximately 75 feet north and 650 feet west of the East ¼ Corner of Section 7, T2N, R12E, City of Sterling Heights, Macomb County, Michigan, said point also being the confluence of the Gibson Drain and the Plumbrook Drain; thence southerly and westerly approximately 2,200 feet along the open channel Gibson Drain to the easterly face of the Delia Park culvert crossing; thence southwesterly approximately 100 feet to the west face of the Delia Park culvert crossing; thence southwesterly approximately 900 feet along the open channel Gibson Drain to the weir control structure for the Gibson Drain North and South Lakes; thence southerly and westerly along the southern portion of the Gibson Drain North Lake approximately 900 feet to the north face of the 18 Mile Road Bridge, also being Point "A"; thence south approximately 120 feet to the south face of the 18 Mile Road Bridge; thence southwesterly through the middle of the Gibson Drain South Lake approximately 900 feet to the west bank of the Gibson Drain South Lake; thence westerly approximately 600 feet along the open channel Gibson Drain; thence southerly approximately 900 feet along said open channel Gibson Drain; thence southwesterly approximately 1,100 feet along said open channel Gibson Drain to the east face of the Dequindre Road Bridge, said

point being approximately 60 feet east and 450 feet north of the West ¼ Corner of Section 18, City of Sterling Heights, to the point of terminus.

ALSO, BEGINNING at Point "A"; thence westerly approximately 2,010 feet along the route of the existing storm sewers along 18 Mile Road to Point "B," located at the intersection of 18 Mile Road/Long Lake Road and Dequindre Road in the City of Troy; thence continuing westerly along the route of the proposed storm sewer within the Long Lake Road right of way to a point of terminus approximately 4,215 feet west of Dequindre Road.

ALSO, BEGINNING at Point "B"; thence northerly along the route of the existing storm sewer located within the right of way of Dequindre Road in the City of Troy to a point of terminus approximately 735 feet north of 18 Mile Road/Long Lake Road.

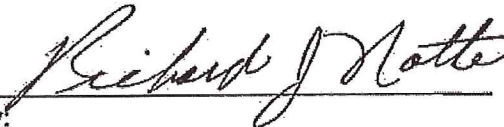
or in such other location deemed most feasible, efficient and serviceable as determined by the Drainage Board.

Petitioner hereby acknowledges that a Petition for this drain was also made/is being made by the City of Troy. Petitioner requests that the within Petition be considered in conjunction with the Petition heretofore filed by the City of Troy, the contents of which are incorporated herein by reference.

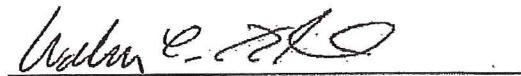
A certified copy of the resolution of the governing body of the City of Sterling Heights authorizing execution of this Petition is attached hereto.

Dated this 10th day of April, 2006.

CITY OF STERLING HEIGHTS


By: _____

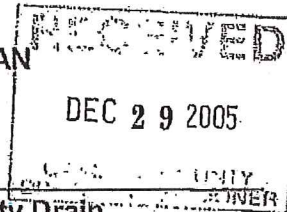
Its: Mayor


By: _____

Its: Clerk



CITY OF TROY
OAKLAND COUNTY, MICHIGAN



500 West Big Beaver
Troy, Michigan 48084
www.troymi.gov

RESOLUTION

F-8 Petition to Create the Gibson Intercounty Drain

- Area code (248)
- Assessing
524-3311
- Bldg. Inspections
524-3344
- Bldg. Maintenance
524-3368
- City Clerk
524-3316
- City Manager
524-3330
- Community Affairs
524-1147
- Engineering
524-3383
- Finance
524-3411
- Fire-Administration
524-3419
- Human Resources
524-3339
- Information Services
619-7279
- Law
524-3320
- Library
524-3545
- Parks & Recreation
524-3484
- Planning
524-3364
- Police-Administration
524-3443
- Public Works
524-3370
- Purchasing
524-3338
- Real Estate & Development
524-3498
- Treasurer
524-3334
- General Information
524-3300

Resolution #2005-12-555
Moved by Stine
Seconded by Beltrami

WHEREAS, There is an established County Drain within the City of Sterling Heights, County of Macomb, known as the Gibson Drain, which is under the jurisdiction of the Macomb County Public Works Commissioners;

WHEREAS, Previously, a portion of the Gibson Drain was re-established as a public drain, and was widened, deepened and relocated, along with two lakes being created, pursuant to the provisions of Chapter 20 of the Michigan Drain Code of 1956, as amended (MCL 280.461-499;

WHEREAS, The City of Sterling Heights in Macomb County and the City of Troy in Oakland County have caused a new drainage system to be constructed to serve a contiguous drainage area within their respective communities, such system generally consisting of drain tiles installed along the 18 Mile Road/Long Lake Road and Dequindre Road Rights-of-Way, with such tiles diverting stormwater runoff into the Gibson Drain;

WHEREAS, Conditions with these public and private drains in and through the Cities of Sterling Heights and Troy have created the need for long-term, comprehensive system for maintenance of all of the above-mentioned drains and drainage facilities;

WHEREAS, Chapter 21 of the Michigan Drain Code of 1956 authorizes two or more public corporations to petition the Michigan Department of Agriculture to locate, establish and construct an inter-county drain necessary for the public health of the public corporations where the cost thereof is to be assessed wholly against the public corporations;

WHEREAS, The public corporations that may be subject to assessments for future costs for this inter-county drain are as follows: the City of Sterling Heights, the City of Troy, the City of Rochester Hills, Macomb County, Oakland County and the Michigan Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy **FINDS** that the location, establishment and maintenance of an inter-county drain pursuant to Chapter 21 of the Michigan Drain Code is necessary for the public health and further that such drain is necessary for the management of storm water in the City; and

BE IT FURTHER RESOLVED, That the City shall **FILE** with the Michigan Department of Agriculture its Petition for a drain to be located in and through the City of Sterling Heights and the City of Troy, which route is described in the attachment to this Resolution; and

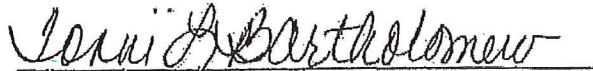
BE IT FURTHER RESOLVED, That the City shall request the new drain be **NAMED** the Gibson Inter-county Drain; and

BE IT FURTHER RESOLVED, That following the proceedings authorized by Chapter 21 of the Michigan Drain Code, the City will petition to **LOCATE, ESTABLISH** and **CONSTRUCT** the drain in conjunction with the other public corporation(s) authorized by law to so petition; and

BE IT FURTHER RESOLVED, That the Mayor and the City Clerk are **AUTHORIZED** and **DIRECTED TO EXECUTE** all documents and petitions necessary to carry out the intent of this Resolution.

Yes: All-5
No: None
Absent: Broomfield, Howrylak

I, Tonni L. Bartholomew, duly appointed City Clerk of the City of Troy, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Troy City Council at a Regular Meeting duly called and held on Monday, the 19th day of December, 2005.



Tonni L. Bartholomew, MMC
City Clerk

**PETITION FOR ESTABLISHMENT OF AN INTERCOUNTY DRAIN
BY CITY OF TROY, OAKLAND COUNTY, MICHIGAN**

TO: Director, Michigan Department of Agriculture

Your petitioner, pursuant to Section 513 of Chapter 21 of the Michigan Drain Code of 1956, as amended (MCL 280.513), respectfully submits this petition for locating, establishing and maintaining an intercounty drain in the City of Sterling Heights, Macomb County, and the City of Troy, Oakland County, Michigan, to be known as the Gibson Intercounty Drain.

Petitioner further respectfully shows that it is a public corporation liable for assessment at large for a percentage of the total amount to be assessed for the cost of the proposed work.

Your petitioner further declares that portions of said drain may be laid within the rights of way of a state trunk line highway, or county highway, and that the locating, establishing, and construction of this drain or drains, or any part thereof, is necessary for the public health, convenience or welfare. The City of Troy hereby consents to the location of the foregoing described intercounty drain within its limits.

Your petitioner further shows that the location of the drain will be in the City of Sterling Heights, Macomb County, and the City of Troy, Oakland County, and will be located generally as follows:

COMMENCING at a point of beginning being approximately 75 feet north and 650 feet west of the East ¼ Corner of Section 7, T2N, R12E, City of Sterling Heights, Macomb County, Michigan, said point also being the confluence of the Gibson Drain and the Plumbrook Drain; thence southerly and westerly approximately 2,200 feet along the open channel Gibson Drain to the easterly face of the Della Park culvert crossing; thence southwesterly approximately 100 feet to the west face of the Della Park culvert crossing; thence southwesterly approximately 900 feet along the open channel Gibson Drain to the weir control structure for the Gibson Drain North and South Lakes; thence southerly and westerly along the southern portion of the Gibson Drain North Lake approximately 900 feet to the north face of the 18 Mile Road Bridge, also being Point "A"; thence south approximately 120 feet to the south face of the 18 Mile Road Bridge; thence southwesterly through the middle of the Gibson Drain South Lake approximately 900 feet to the west bank of the Gibson Drain South Lake; thence westerly approximately 600 feet along the open channel Gibson Drain; thence southerly approximately 900 feet

along said open channel Gibson Drain; thence southwesterly approximately 1,100 feet along said open channel Gibson Drain to the east face of the Dequindre Road Bridge, said point being approximately 60 feet east and 450 feet north of the West ¼ Corner of Section 18, City of Sterling Heights, to the point of terminus.

ALSO, BEGINNING at Point "A"; thence westerly approximately 2,010 feet along the route of the existing storm sewers along 18 Mile Road to Point "B," located at the intersection of 18 Mile Road/Long Lake Road and Dequindre Road in the City of Troy; thence continuing westerly along the route of the proposed storm sewer within the Long Lake Road right of way to a point of terminus approximately 4,215 feet west of Dequindre Road.

ALSO, BEGINNING at Point "B"; thence northerly along the route of the existing storm sewer located within the right of way of Dequindre Road in the City of Troy to a point of terminus approximately 735 feet north of 18 Mile Road/Long Lake Road.

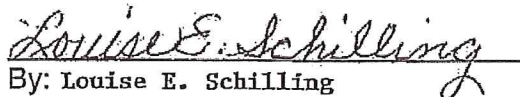
or in such other location deemed most feasible, efficient and serviceable as determined by the Drainage Board.

Petitioner hereby acknowledges that a Petition for this drain was also made/is being made by the City of Sterling Heights. Petitioner requests that the within Petition be considered in conjunction with the Petition heretofore filed by the City of Sterling Heights, the contents of which are incorporated herein by reference.

A certified copy of the resolution of the governing body of the City of Troy authorizing execution of this Petition is attached hereto.

Dated this 19TH day of DECEMBER, 2005.

CITY OF TROY


By: Louise E. Schilling
Its: Mayor


By: Tonni L. Bartholomew
Its: Clerk