



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

Notice of Drainage Board Meeting For Determination of Practicability

DUNCAN LAKE INTERCOUNTY DRAIN (Barry, Allegan and Kent Counties)

DATE: December 7, 2021
TIME: 6:00 p.m.
LOCATION: Duncan Lake Middle School Performing Arts Center
9757 Duncan Lake Ave., Caledonia, Michigan

The Duncan Lake Intercounty Drain Drainage Board will meet at the above date, time and location to consider the petition, dated April 12, 2021, for maintaining and improving of an intercounty drain, located in Thornapple Township in Barry County; Leighton Township in Allegan County and Caledonia Township and Gaines Township in Kent County, pursuant to Chapter 8 of Public Act 40 of 1956, as amended, to determine the sufficiency of signatures on said petition, to go over the route of the intercounty drain, and to further determine whether the maintenance and improvement of the intercounty drain is practicable.

Proceedings conducted at this public meeting will be subject to the provisions of the Michigan Open Meetings Act. Public comment will be received at the meeting from anyone owning lands liable to an assessment, or whose lands will be crossed by the drain, or any municipality affected. Written comments may be submitted prior to the meeting, or additional information may be obtained from the following offices:

Jim Dull
Barry County Drain
Commissioner
220 W. State St.
Hastings, Michigan
49058
269-945-1385

Denise Medemar
Allegan County Drain
Commissioner
113 Chestnut St.
Allegan, Michigan
49010-1350
269-673-0440

Ken Yonker
Kent County Drain
Commissioner
1500 Scribner Ave. NW
Grand Rapids, Michigan
49504-3233
616-632-7910

Persons with disabilities needing accommodations for effective participation in the meeting should contact the Drain Commissioner of their County at the number listed above or through the Michigan Relay Center at 7-1-1 (TDD) at least 24 hours in advance of the meeting to request mobility, visual, hearing or other assistance.

Dated: November 17, 2021

Brady Harrington, Deputy
For Gary McDowell, Director
Michigan Department of Agriculture
and Rural Development

Explanation of Drain Code Procedure

Meeting to Determine Practicability for Intercounty Drains

This meeting is convened in response to a petition from Thornapple Township, which was received by the Barry County Drain Commissioner. This petition requests to maintaining and improving the Duncan Lake Intercounty Drain, located in Barry, Allegan and Kent Counties, under the provisions of Section 192 of Act. No. 40 of the Public Acts of 1956, as amended.

The petition is an assertion of drainage issues and a request for the drainage board to consider relief to those drainage issues out. Under the Drain Code the intercounty drainage board is required to hold this public meeting to determine that the petition is sufficient to grant them jurisdiction to proceed, to receive testimony from persons and affected local units of government with regards to drainage issues, and to determine if it is practical to proceed to the next step of retaining an engineer or surveyor to design one or more solutions for the drainage issues.

The decision to determine practicability is the judgment of the drainage board by a majority vote of its members. Practicability can be generally described as the determination of whether the petition is properly worded to grant the Drainage Board authority to respond to the problems brought forth in the petition and public testimony, and that the desired improvements are possible to complete. **One of the two following decisions will be made by the drainage board at this meeting:**

If determined practicable: The drainage board must employ a professional engineer or surveyor to survey the drain and develop one or more plans, with cost estimates, to accomplish the improvements requested. Following the engineer's report, a second public meeting will be convened to determine the necessity of a project. Proposed solutions and project costs are presented at that meeting. Testimony is received on the necessity of a project. A decision will be made, again by majority vote of the drainage board members, to proceed to construct the project or end it. The necessity decision may be appealed to the circuit court of the county you reside in within 10 days of that meeting. There is no appeal of the decision on practicability.

If determined NOT practicable: The procedure terminates, no appeals by statute are permitted. A new petition may be resubmitted.

Cost Information: There is no cost information available at this meeting. If determined practicable, overall project cost estimates will be presented at a future meeting to determine necessity, for which you will receive notice. If a decision is made at that meeting to proceed with a project, individual costs via special assessments will be made at an additional future meeting, called the day of review of apportionments, which will be held by your drain commissioner, for which you will also receive notice. At that time, construction bids will have been received and the actual cost of the construction is known, as well as costs for engineering, legal counsel, land acquisition and financing. The special assessments determined by the commissioner at the day of review may be appealed to probate court for establishment of a board of review. In addition to private landowners, public corporations (townships, cities, and villages) are assessed for benefits to public health, the counties are assessed at-large for benefits to county roads and the Michigan Department of Transportation for benefits to any state trunkline highways.

AGENDA

**Meeting to Determine Practicability of Petition
for Proposed Maintenance and Improvements**

DUNCAN LAKE INTERCOUNTY DRAIN

(Barry and Allegan Counties)

Duncan Lake Middle School Performing Arts Center
9757 Duncan Lake Ave., Caledonia, Michigan
December 7, 2021 - 6:00 p.m.

1. Call to Order
2. Introduction of Drainage Board Members

Brady Harrington, Michigan Dept. of Agriculture & Rural Development
Jim Dull, Barry County Drain Commissioner
Denise Medemar, Allegan County Drain Commissioner
Joe Bush, Ottawa County Water Resources Commissioner, acting as special drain commissioner on behalf of Ken Yonker, Kent County Drain Commissioner
3. Motion to elect secretary – Board Members
4. Approval of the agenda and meeting minutes
5. Reading of petition, explanation of procedures and voting rules – Chair
6. Motion on sufficiency of the petition – Board Members
7. Public comment and questions (**please complete a speaker card**)
 - Please state name and relation to proposed project
 - Limit comments to 5 minutes until everyone has their first opportunity to speak
 - Be specific/describe problems or desired changes
8. Board Members comments
9. Motion regarding practicability of the drain – Board Members
10. Motion to select an engineer or surveyor
11. Closing comments – Board Members
12. Adjourn