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Administrator
Craig Longnecker
Clerk of the Board
Debra A. Sutherland

RESOLUTION 2022 –20

ASSESSING COSTS TO THE HOWE ROAD DRAINAGE DISTRICT AND
THAT THE CLINTON COUNTY DRAIN COMMISSIONER APPORTION THE SUM TO THE
PARTIES THAT WOULD HAVE BENEFITTED IN THE
HOWE ROAD DRAIN DRAINAGE DISTRICT

WHEREAS, an Application for Laying Out and Designating a Drainage District for the Howe Road Drain (“Application”) pursuant to Chapter 3 of Public Act 40 of 1956, as amended, (“Drain Code”) was filed by freeholders with lands liable for assessments in the Howe Road Drain Drainage District on May 22, 2002; and

WHEREAS, preliminary engineering was performed and an Order for Laying Out and Establishing a Drainage District was entered on November 8, 2002; and

WHEREAS, a Petition for Locating, Establishing, and Constructing a Drain (“Petition”) pursuant to Chapter 4 of the Drain Code was filed by freeholders with lands liable for assessments in the Howe Road Drain Drainage District on June 5, 2002; and

WHEREAS, a Board of Determination found the petition not necessary at a public hearing on August 22, 2002; and

WHEREAS, the Board of Determination’s order of no necessity was appealed and the Clinton County Circuit Court entered an order on June 3, 2003 finding the petition necessary, and a re-convened Board of Determination entered an order on July 1, 2003 that the Howe Drain as set forth in the Petition was necessary for the protection of the public health in Eagle Township; and

WHEREAS, since the order of necessity, no project has taken place, no easements have been obtained, and the freeholders who filed the Petition no longer live in the Drainage District, and the Clinton County Drain Commissioner is moving forward with the issuance of an Order of Abandonment of Petition; and

WHEREAS, the Clinton County Drain Commissioner has prepared a computation of costs totaling \$32,082.11 for expenses incurred relating to the June 5, 2002 petition; and

WHEREAS, Section 306 of the Drain Code allows the Board of Commissioners to order the expenses to be spread over either the original property owners who filed the Petition or the drainage district; and

NOW, THEREFORE BE IT RESOLVED, that the costs totaling \$32,082.11 relating to the petition for locating, establishing, and constructing the Howe Road Drain dated June 5, 2002, be assessed to the Howe Road Drain Drainage District, and that the Clinton County Drain Commissioner apportion the sum to the parties that would have benefitted in the Howe Road Drain Drainage District as provided in Chapter 7 of the Drain Code for the purpose of permitting a review of the assessment roll as to the fairness of the apportionment only.

RESOLUTION approved this 25th day of October, 2022, by the Board of Commissioners of the County of Clinton.

MOVED: Commissioner Pohl

SECONDED: Commissioner DeLong

CARRIED: Seven ayes, zero nays. Motion carried.

I hereby certify that the above Resolution was adopted at the Clinton County Board of Commissioners regular meeting of the 25th day of October, 2022.

Debra A. Sutherland

Debra A. Sutherland
Clerk of the Board