



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

GARY MCDOWELL  
DIRECTOR

## Notice of Drainage Board Meeting for Determination of Practicability of Proposed Intercounty Drain

**DATE:** December 10, 2019

**TIME:** 1:00 p.m.

**LOCATION:** Antwerp Township Hall  
24821 Front Street, Mattawan, Michigan

The Intercounty Drainage Board will meet at the above date, time and location to consider the application, dated October 21, 2019, to lay out and designate an intercounty drain drainage district pursuant to Chapter 5 of Public Act 40 of 1956, as amended, to determine the sufficiency of signatures on said application, to consider the route and type of construction of the proposed intercounty drain and to further determine whether the proposed 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 potentially liable for an assessment, or whose lands may be crossed by the drain, or any municipality affected. Written comments may be submitted prior to the meeting to, or additional information may be obtained from the following offices:

**Joe Parman**  
Van Buren County Drain Commissioner  
219 E. Paw Paw St.  
Paw Paw, Michigan 49079  
269-657-8241

**Pat Crowley**  
Kalamazoo County Drain Commissioner  
201 W. Kalamazoo Ave.  
Kalamazoo, Michigan 49007  
269-384-8117

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 4, 2019

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



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

GARY MCDOWELL  
DIRECTOR

November 4, 2019

**CERTIFIED MAIL**

Mr. Joe Parman  
Van Buren County Drain Commissioner  
219 E. Paw Paw St.  
Paw Paw, MI 49079

Ms. Pat Crowley  
Kalamazoo County Drain Commissioner  
201 W. Kalamazoo Ave.  
Kalamazoo, MI 49007

**RE: Meeting Notice for Determination of Practicability**

Dear Commissioners:

Enclosed is a Notice of Meeting of the Drainage Board for the meeting to determine the practicability of the Chapter 5 application to lay out and designate an intercounty drainage district filed by Antwerp Township. Please retain a copy of the notice for your records.

Please follow the following instructions carefully. Notice of the meeting shall be served by each county, not less than 10 days before the meeting, as follows:

1. Publish the notice in a newspaper of general circulation in each county in which lands liable for assessments for the drain are located once a week for 2 consecutive weeks before the meeting.
2. Provide notice by personal service or certified mail to the county clerk and a member of the board of county road commissioners of each county, and to the supervisor of each township and clerk of each city and village in the proposed drainage district. If there are state highways in the drainage district, we also recommend service on the director of the Michigan Department of Transportation by certified mail, even though this is not specifically required in Section 102.
3. As no drainage district has been established, there is no requirement for notification of landowners by first class mail. This does not preclude you from sending mailings to affected property owners if you so choose.
4. Post the notice in your office or your building where other such notices are posted. If your county maintains a website that is accessible to the public, the notice shall also be posted on the homepage or other webpage dedicated to public notices.

All expenses of notification shall be paid by the treasurer county of the Drainage Board.

**Van Buren County**, please arrange for a court reporter to be present to take a transcript of the meeting.

Finally, **please provide this office with a copy of the Proof of Publication, Affidavit of Posting, and Proof of Service for the drain.** If you have any questions regarding any of these requirements, please contact me at 517-284-5624.

Sincerely,

Brady Harrington  
Deputy for the Director

Enclosures

Please Sign Attendance Sheet

Please Sign Attendance Sheet

AGENDA

**Meeting to Determine Practicability of Proposed Drain**

Antwerp Township Hall  
24821 Front Street  
Mattawan, Michigan  
December 10, 2019 - 1:00 p.m.

1. Call to order and Pledge of Allegiance
2. Introduction of Drainage Board Members
  - Brady Harrington**, Michigan Dept. of Agriculture & Rural Development
  - Joe Parman**, Van Buren County Drain Commissioner
  - Pat Crowley**, Kalamazoo County Drain Commissioner
3. Motion to elect secretary – Board Members
4. Approval of the agenda
5. Reading of application, explanation of procedures, and voting rules
6. Motion regarding the sufficiency of signatures on the application
7. Consideration of the route and type of construction of the proposed drain
8. 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 solutions
9. Board members' comments
10. Motion regarding practicability of the proposed drain
11. Motion regarding the designation of a name or number for the drainage district
12. Motion to select an engineer or surveyor
13. Closing comments/sign orders
14. Adjourn

## Explanation of Drain Code Procedure

### **Meeting to Determine Practicability for Intercounty Drains**

This meeting is convened in response to an application to lay out and designate an intercounty drainage district received by the Van Buren County Drain Commissioner. The application was filed by Antwerp Township on October 21, 2019. This application requests that the drainage district be designated as a preliminary step to locating and establishing an intercounty drain under the provisions of Sections 101-106 of Act. No. 40 of the Public Acts of 1956, as amended. The tentative description of the location of said drain is described in the application.

This application is a request to consider the design of a proposed drain, and establish a drainage district, which would be liable for assessment in the event that the drain was constructed. Under the Drain Code the intercounty drainage board is required to hold this public meeting to receive testimony from persons and affected local units of government.

The decision to determine practicability is the judgment of the drainage board by majority vote of its members. Practicability can be generally described as the determination of whether the petition is properly worded and would allow the Board to respond to the problems brought forth in testimony and that the desired improvements are capable of being done within the petition. **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 to survey the most suitable location for the drain and develop alternative plans with cost estimates to accomplish the construction of the drain. Following the completion of the engineer's report, an order designating a drainage district will be filed by the drainage board. If, subsequently, a petition requesting that the proposed drain be located and established is filed, 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 will be 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.

**If determined NOT practicable:** The procedure terminates, no appeals by statute are permitted. A new application may not be submitted within 1 year.

Decisions of the Drainage Board at this meeting are not subject to appeal.