

Schomberg Drainage District Board of Determination
Organizational/Regular Session
Tuesday, April 23, 2019, 6:30 p.m.
Tentative Minutes – Meeting recorded
Leland Public Library – Munnecke Room, Leland, Michigan

The meeting was called to order by Drain Commissioner Steve Christensen at 6:37 p.m.

The Pledge of Allegiance to the Flag of the United States of America was led by Christensen.

Welcome and Introductions –

Steve Christensen, Leelanau County Drain Commissioner:

Christensen welcomed all those present for tonight’s Board of Determination meeting. Christensen introduced Eng., Inc., Engineer Brian Cenci, P.E., who has been assisting him in this process.

<u>Roll Call:</u>	Robert Hawley	PRESENT
	Richard Bahle	PRESENT
	Gary Fredrickson	PRESENT
	Rob Chapman, <i>alternate, present but not in official capacity</i>	

Guests present.

Action Items –

Recitation of the Petition for Locating, Establishing, and Constructing a Drain or Drains or Any Portion Thereof:

Christensen then recited the petition for all those present that had been mailed out to all potentially affected property owners (*see Attachment #1*). Christensen noted 13 landowners signed the petition.

Administration of Board of Determination Oath:

Christensen then administered the oath of office to the members of the Board of Determination (*see Attachment #2*).

Election of Chairperson:

Christensen called for nominations for the position of Chairperson of the Board of Determination for the Schomberg Drain Drainage District.

Motion by Hawley to appoint Richard Bahle as Chairperson of the Schomberg Drain Drainage District Board of Determination. Seconded by Fredrickson.

No discussion.

Ayes – 3 (Hawley, Bahle, Fredrickson)

No – 0

Motion Carried.

Christensen then turned the meeting over to Chairman Bahle.

Election of Secretary, 1-Year Term:

Motion by Bahle to appoint Robert Hawley as Secretary to the Schomberg Drain District Board of Determination. Seconded by Fredrickson.

No discussion.

Ayes – 3 (Bahle, Fredrickson, Hawley)

No – 0

Motion Carried.

Motion by Bahle that Public Comment be generally limited to three (3) minutes per person, at the discretion of the Chairperson. Seconded by Hawley.

No discussion.

Ayes – 3 (Bahle, Fredrickson, Hawley)

No – 0

Motion Carried.

Approval of Agenda/Late Additions or Deletions:

Motion by Hawley to approve the draft agenda as presented. Seconded by Fredrickson.

No discussion.

Ayes – 3 (Hawley, Bahle, Fredrickson)

No – 0

Motion Carried.

Role and Duties of the Board:

Chairperson Bahle asked and Cenci then reviewed the roles and duties of the Board of Determination (*see Attachment #3*), which are generally described in a handout that many drain commissioners through the state use for other boards of determination. Cenci noted he has participated in approximately 200 Board of Determination meetings throughout Michigan, in 16 different counties. Cenci indicated that the Public Testimony portion of tonight's session is the key aspect of the Hearing. Cenci added he will present findings from a conditions assessment and an analysis of the proposed system location, or the route of the drain, which are required as part of the Michigan Drain Code. He stated the Board of Determination will not be voting on the cost, size or scope of the work to be done. He will be present to answer any procedural, technical or engineer-related questions. Cenci then provided his background.

Cenci commented this Board only determines whether a project is necessary after hearing any testimony that establishing a new drain is necessary for the protection of public health, public convenience, or public welfare.

Presentation by the Drainage District Engineer:

Cenci then provided a PowerPoint presentation (see Attachment #4).

Public Testimony:

- **Donald Morton, 1504 S Schomberg Rd., Lake Leelanau.** Morton asked and Christensen responded he has been Drain Commissioner for 19 years. Morton commented on a (creek) that ran out under Dufek Rd. out to Lake Michigan. He alleged the County (Road

Commission) redirected it in 1978. Morton questioned the rationale for today's session, because the crick ran underground to Lake Michigan until it was disturbed. They made "Schomberg pond."

Chairperson Bahle said one of the things this Board is tasked with here tonight is to decide if there is an existing problem. The solution may be different then what was outlined during the presentation. The Board's sole purpose here is (to determine are) there impacted people (from a drainage issue)? He doesn't mean to ignore your comments. There seems to be a problem even in your estimation. Morton said his point is why should the property owners pay for the drainage district when "the county" screwed it up? Bahle said that is something you need to take up with the powers that be, not with this Board.

Chairperson Bahle continued; is there a problem? Is someone negatively impacted coming down through the Schomberg Drain. That is the sole thing (this body) determines. The decision from an engineering standpoint, who is responsible, is determined by (the Drain Commissioner if this Board determines it necessary).

- **Tom and Nancy Gross, 46 S Manitou Trail, north of Schomberg Rd.** Gross said (the drainage issue) is a manmade problem. There was no problem for 100 years; until property got subdivided, people put basements in when they shouldn't have. That water has been going through there forever. Now they are faced with being penalized. We didn't cause the problem. Granted, something has to be done. People have blocked that drainage, opened it up, and rerouted it – over the past 10 or 20 years.
- **Edgar Roy, attorney, speaking on behalf of the Karchons.** Roy said in looking at the presentation, he is pleased on behalf of his neighbors and his clients, as he looks at the notice his clients received, and asked Cenci to pull up Page 7 of the presentation. Roy said The Karchons have a keen interest in their property. The notice everyone received, shows an open route to Lake Michigan in blue. It appeared to go through the Karchon's property. Cenci said it is not on that property. Discussion between Roy and Cenci ensued on the presented diagrams, which were part of the PowerPoint. Cenci said there is no existing (County Drain on the properties) at this time and you can't get easements until the Drainage District is established and the drain is determined necessary by the Board of Determination. Cenci said he has looked to see where we can get a route via easements to Lake Michigan. He said that in his career of drafting drain projects, he has obtained over 1,200 signed drain easements; he hasn't had to condemn property on any of them, and he tries to work with landowners. Condemnation would be their last option. More comments followed; discussion ensued on hypothetical situations.

Christensen stated his prime goal is to find a (landowner) who will allow the water flooding their neighbors' land, to allow that water to flow to Lake Michigan. He is very confident they will find a person to do the right thing. Roy said he wants to make sure you are saying that condemnation is an option. Cenci responded every Drain

Commissioner has the ability to use eminent domain/condemnation. In the 19 years he has been doing this, not once has he had to go to condemnation to obtain an easement. He indicated there is almost always a way to construct a new county drain or establish one without having to condemn property.

- **Wilma McQueen, 1551 S Schomberg Rd.** McQueen said she has lived here 20 years and has owned property for 68 to 70 years. It was her impression that (the land) didn't flood until a (natural) gas line was laid along M-22. Maybe the gas company can fix it.
- **Troy Biddix, 228 S. Manitou Tr.** Biddix noted there are at least two properties for sale off of Schomberg Rd.; have you considered acquiring a portion of property to impede water flow? Bahle remarked this Board's function is not to determine that. Cenci responded they have looked at that and they have done the bare minimum of work needed to determine whether the drain is necessary. Biddix asked how much property would it take to contain the water? Cenci responded they would start with going to the DEQ and see (what their water quality and water storage requirements might be for this partial discharge). More comments followed. He knows there are properties for sale; however, they want to resolve the issue in the most cost-effective way. Discussion ensued. Biddix said he doesn't know when the ditch was dug across the road from his property; that is when the water began to flow across the road and affect the Wittrock's property. Clearly, something needs to be done. He is not supportive of water crossing the property or exiting a pipe near his property. Biddix said as to the comments the problem was "created," when you have development, this stuff happens. It does seem that some ad hoc ditches have been put in that has exacerbated the problem for some. However, if there is an ability to create a retention pond and filter that naturally with vegetation, he would encourage the Drain Commissioner to look at that option.
- **Kyran Gilland, 1115 S. Schomberg Rd.** Gilland said he has lived here for nearly 60 years. That field used to always flood a bit in the spring, but not a lot. Then (inaudible) built his house. But then the water started going underground, down to the lake – one of the people on (Lake Michigan) had a pond. He noted the County dug the ditch out and plugged a hole. More comments followed on the water's path. Gilland added the gas company filled up the culvert.
- **Susan Och, Leland Township Supervisor.** Och said she has questions from her Board. Who validated the petition? Christensen responded the Leelanau County Register of Deeds verified the (landowners) and property tax numbers. Och asked, so Leland Township is assessed for this project; is this for the area of roads? Cenci responded townships are assessed based on public health, public convenience and welfare. Och asked is it a percentage? Cenci affirmed, saying it was variable, based on (a number of factors). There is no set formula for (determining the percentage for) townships. Most townships in Michigan are assessed (typically between 10 to 20 percent on drain petitions by drain commissioners,) typically 15%. But, it is up to the Drain Commissioner, and Cenci said he has seen them higher. Public convenience is considered if you are

making it easier to develop property. Typically it is 15%. Och said she had attended a Michigan Townships Association educational meeting a year ago. Many township supervisors said they had a hard time with how this is set up, which usually has a big bill when it is set up, and then when renovated, another big bill. Is there anyway to make this more regular, and spread the cost over time? Cenci responded typically the Drain Commissioner finances a project (over a number of years). We try to see how many properties are in (the district), what will be the cost for landowners, what is reasonable for those properties and townships – most Drain Commissioners talk to the townships ahead of time. You are probably talking typically more about maintenance assessments. We will look at it and see what is reasonable over a certain amount of time and finance it over a certain period. Och asked why is the northern border a straight line? Cenci responded the district is based on lands that (may) benefit from the drain.

- **Don Szilagyi, 1850 S Schomberg Rd., Lake Leelanau.** Szilagyi said he had never seen a problem until the gas line was rerouted. He asked whose responsibility is it to maintain the lines running under the roads. Christensen responded it depends on the situation. If you have a culvert in the ditch line under your driveway, that is your culvert and it is your responsibility to keep it clean. Will the Road Commission sometimes clean them? Yes, because they want the water to remain in the ditch-line. If the culvert goes underneath the county road or M-22, it is the Road Commission's responsibility or MDOT's. Szilagyi said the (ditch) near Overby Rd. is always plugged and flooded, and ends up washing out his and other property owner's driveways. Whose responsibility is that? Christensen responded if it goes under Schomberg Rd., the Road Commission should maintain that (unless it becomes part of the county drain system).

Chairperson Bahle said most of the people that have spoken so far have mentioned flooding. The question (for them is not who) is responsible for the flooding. We should circle back to what this Board should be doing. This is the first opportunity you have had to ask questions and give testimony. It would make sense that if we do say there is a need, or some necessity for (the establishment of a drain), this same group of people should be in a room with Cenci and Christensen to discuss the history of the problem, and what some of you see as a solution to the problem. Is there anyone here that can state there is no flooding problem?

- **Terry Bishop, 602 S. Woodsmoke Dr.** Bishop said he hasn't seen a flooding problem or any evidence of one.
- **Jackie Zeits, 1199 S. Schomberg Rd.** Zeits said her observation isn't whether there is or is not a problem, it is that whoever disturbed that, there has been (a problem).
- **Pat Kolarik, 4142 E. Dufek Rd.** Kolarik stated he has lived here over 30 years. The water borders his property, and the 80-acre piece has been in his family over 100 years. Years ago, the crick never ran in the ditch; it used to run to the east along the bank below his house. Everything went underground or evaporated. Water runs downhill; these houses

getting flooded out, they built downhill. When the Manitou Passage along the lake (was developed), he recalls when it was all subdivided and sold. He walked down there late Saturday, and the water runs along the left side of M-22. He went further down to Maleskis. Kolarik said the water is running over the bank. He said it is the County's problem because they redirected the water into the ditch along the culvert, and that is MDOT's problem. Kolarik contended it is the Leelanau County Inspection Department that issued permits to let people build along the lay of the land. The water has to cross M-22. Kolarik also mentioned drainfields getting plugged up the water. More comments followed on the proposed assessment district.

- **Charles Zeits, 1199 S. Schomberg Rd.** Zeits says he lives between Morton and Gilland. Zeits said there wasn't a problem until people came in. Did someone buy property that was dry and it became wet? Is this some wetland and (the property owner wants) it dry now? If you are talking about having flowing water, he has a whole bunch of streams. If you put a drain for one person, he has a bunch of (creeks) you can put culverts in. Jackie Zeits said if you walk the ridge of Schomberg, to the east, it is a glacial spring from 10,000 years ago the majority of that flow is glacial stream; It is not run off. She contended the stream doesn't alter its shape or size during heavy rainfall.
- **Carol Bishop, 602 S. Woodsmoke Dr.** Bishop said she wants to hear from the petitioners.
- **Bruce and Sarah Maleski, 300 S. Schomberg Rd.** Maleski said since 1986, they own both sides of Schomberg where it meets M-22. In 1995, the Road Commission dug the ditch out, because there was water building up in it. They do not know why the water was building up. It had gone underground to the south of them. (The Road Commission) then dug out the ditch and the very next day he ended up with "Lake Maleski." The water then flooded out his property for the next 8 or 9 years. Out of the 10 acres, 6 were flooded. The flooding went around his house down to M-22, and then down into the box culvert. In 2005, he met with the DEQ, Christensen, and the Road Commission and the County agreed with the DEQ that they could install a cross culvert, as there was no reason to flood his six acres. For the last 15 years, he has been "moving water" with a board blocking the culvert, so he can help the people below him. Maleski said he bought a piece of property that was high and dry for 8 or 9 years. Someone asked and Maleski responded the County had stated the water was building up in the ditch. (Inaudible discussion). Chairperson Bahle asked and Maleski affirmed he (signed and circulated the) petition and has a flooding problem.
- **Lauren Mathies, 4740 E. Dufek Rd.** Mathias questioned on the process and the notice of determination. If there is a notice of determination issued, and it is sent to the Drain Commission, does it mean something absolutely has to be done or will it be studied? Or is it a matter of scope? Chairperson Bahle said from what he has heard tonight, this is the start of the process. They have an idea where the water will exit to the lake, but that

is not cast in stone. The district isn't even cast in stone. There may be certain parcels that could be excluded, as they have over-noticed. In terms of engineering, it has not been done. Bahle stressed if there are questions, as this process goes forward, something similar to what you are participating in tonight makes sense. Matthies said if you determine there is a problem, something absolutely will be done? Discussion ensued. Bahle said the process will either stop right now if we vote there is no problem. If we vote there is some flooding that will impact anyone negatively, the Drain Commissioner will fine-tune the (design and determine the costs) and you will know more.

- Zeits asked does the scope of the process ever become larger? Where her property is, there is a swamp near them where the field is taken out during flooding (events) and taken out their field. Chairperson Bahle suggested Zeits (walk) her property with the Drain Commissioner.
- **Tonya and Arne Wittrock, 220 S. Schomberg Rd.** Wittrock said she is one of the people (with water problems). They purchased their property six years ago. Their house (and outbuildings) are over 30 to 40 years old. She agrees with everything said tonight; this is a manmade problem. They are flooded and they need help. When they purchased the property six years ago, the former owners were elderly and are willing to testify there wasn't a problem (at the time of purchase). Wittrock said they have watched the Road Commission take the ditch. Her property had beautiful old maples that were flooded and had to be removed, costing them over \$11,000.00, and the trees cannot be replaced. (The Road Commission) flooded their property, the driveway and (the neighboring property owners) the Tupperts, which flooded the Tupper's garage. This was a tremendous nuisance. Wittrock continued – what has become an incredible concern for them at this point is the water has gone underground, looking for another way – it is going past their drinking water supply, under the house and is taking an amazing amount of sand out from under their house, to the extent they are afraid they are losing their home. The problem is they are losing our house. They have tried to solve this personally; they and the Tupperts have spent a lot of money with private engineers, with discussion of installing a pumping system, that wasn't a possibility. They have tried everything. Wittrock then presented pictures to the Board showing flooding and damage from the existing drain (see Attachment #5).

Maleski also presented photos (see Attachment #6) to the Board.

Chairperson Bahle asked for any further comment from anyone impacted negatively by the water.

Motion by Bahle to close the public testimony portion of the hearing. Seconded by Hawley.

No discussion.

Ayes – 3 (Bahle, Fredrickson, Hawley)

No – 0

Motion Carried.

Determination Regarding Necessity of the Petition for the Schomberg Drain:

Chairperson Bahle stated, “The Board should determine that a project is necessary if it hears any testimony that establishing a new drain is necessary for the protection of public health, public convenience or public welfare.” That is why we are here. Bahle indicated that numerous public testimony, pictures and comments from landowners show that there is most definitely a drainage problem that needs to be fixed.

Motion by Hawley that the proposed locating, establishing, and constructing of the Schomberg Drain as petition is necessary and conducive to the public health, convenience, or welfare. Seconded by Fredrickson.

No discussion.

Ayes – 3 (Hawley, Bahle, Fredrickson)

No – 0

Motion Carried.

Determination Regarding the Proposed Schomberg Drain Drainage District Boundary:

Motion by Hawley that the proposed Schomberg Drain District boundary as presented by the Engineer and represented by the Exhibit drawing is just, and equitable to define the lands that may be benefited by the proposed petition. Seconded by Fredrickson.

No discussion.

Ayes – 3 (Hawley, Bahle, Fredrickson)

No – 0

Motion Carried.

Discussion followed on procedure. Fredrickson said there is a consensus there is a problem here; whose problem it is, the Road Commission or the gas company – someone did something here. One person had noted the stream has been running down from the top of the hill to Dufek Rd. forever. (In his opinion), somehow the stream was (redirected). There is a problem here, and the Drain District will look into the problem and fix it.

Cenci noted after hearing some of the comments, (an option) is to hold a “scope meeting” (when they have a selected solution and have a better idea of the final costs); he will discuss this with Christensen.

Right to Appeal Order of Necessity and Boundary Revisions:

Cenci then stated Section XIII. Right to Appeal Order of Necessity (see Attachment #7).

Public Comment:

A comment was made that the Road Commission and gas line company made a mess of things; they are the ones responsible. How do we know this government agency will fare any better?

Edgar Roy. Thanked the Board for their efforts. Roy gave an analogy on what had happened in Grand Traverse County.

Chairperson Bahle noted all the comments made tonight have been taken to heart; he has dealt with Christensen a lot; Christensen is not here to make problems, he is a problem-solver.

Cenci commented that things are easier and less expensive if everyone works together because everyone shares in the cost. He remarked if they have to go to court for something, in working with landowners, you all end up paying for this. The most expensive projects are the ones no one wants to work with them on. He agreed Christensen is a problem-solver.

Chairperson Bahle noted three letters (from Wilma McQueen, Robert and Deborah Gilbert, and Joan E. Neal) had been received prior to the meeting, and asked that they be entered into the record (see Attachment #8).

McQueen asked if you are able to ascertain the role the Road Commission and Gas Company played? This is spring water that starts up all over that hill. Human activity has interfered and caused the problem. Chairperson Bahle said at this point, no. It was interesting to read that it does say public entities will be assessed, just like the property owners. Cenci clarified the gas company does not own land and could not be assessed for the drain petition work.

Adjournment:

Meeting adjourned by Chairperson Bahle at 8:44 p.m.

Laurel S. Evans
Recording Secretary Pro Tem

**PETITION FOR LOCATING, ESTABLISHING AND CONSTRUCTING
A DRAIN OR DRAINS OR ANY PORTION THEREOF**

To the County Drain Commissioner of the County of Leelanau:

The undersigned petitioners are freeholders in the Drainage District as Laid Out and Designated in the Order dated November 4, 2018, in the County of Leelanau, State of Michigan, in which District the Schomberg Drain, being applied for, is to be located, established and constructed.

The petitioners constitute a number of freeholders in the Drainage District whose lands would be liable to an assessment for benefits equal to 50% of the number of freeholders whose lands would be traversed by the drain or drains applied for, or abut on the part of the highway or street along either side of which the drain extends between the point where the drain enters the highway and the point where it leaves the highway.

The following named persons constitute all the freeholders whose lands would be traversed by the drain or drains applied for or abut on any highway or street along either side of which the drain extends between the point where the drain enters the highway and the point where it leaves the highway:

<u>PARCEL NUMBER:</u>	<u>OWNER NAME:</u>	<u># FREEHOLDERS:</u>
009-655-009-00	ROSEMARY D. TUPPER – TRUST	1
009-029-007-00	ARNDT WITTROCK & TANJA MOLBY	2
009-029-008-00	TROY BIDDIX	1
009-655-900-00	MANITOU PASSAGE SUBDIVISION	1
009-029-002-00	BRUCE MALESKI	<u>1</u>
	TOTAL:	6
	50% OF FREEHOLDERS = 3 signatures minimum	

The locating, establishing and constructing of said Drain or Drains, or any part thereof, is necessary and conducive to the public health, convenience or welfare.

The undersigned petitioners therefore make petition, and ask you to locate, establish and construct, a drain or drains, or any portion thereof, which will properly drain the lands in the district, under the provisions of Act No. 40 of the Public Acts of 1956, as amended. The location of the drain or drains, or any portion thereof, are as given in your Order for Laying Out and Designating the Schomberg Drain Drainage District, to be substantially as follows:

AN OPEN DRAIN BEGINNING AT A POINT ON LAKE MICHIGAN LOCATED IN GOVERNMENT LOT 2, SECTION 29, TOWN 30 NORTH, RANGE 12 WEST, LELAND TOWNSHIP, LEELANAU COUNTY, MICHIGAN. SAID POINT OF BEGINNING ALSO BEING 75 FEET, MORE OR LESS, WESTERLY ALONG THE SOUTH PROPERTY LINE EXTENDED WEST OF PARCEL NO. 009-029-007-00 TO ITS CONFLUENCE WITH LAKE MICHIGAN. THENCE EASTERLY, BEING AN OPEN DRAIN, ALONG THE SOUTH LINE EXTENDED OF PARCEL NO. 009-029-007-00, HAVING A BEARING OF SOUTH 88 DEGRESS 37 MINUTES EAST A DISTANCE OF 75 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE AFOREMENTIONED PARCEL. THENCE CONTINUING AS AN OPEN DRAIN A DISTANCE OF 55 FEET +/- ALONG SAID SOUTH PARCEL LINE HAVING A DESCRIBED BEARING OF SOUTH 88 DEGRESS 37 MINUTES EAST. THENCE CONTINUING IN AN ENCLOSED STORM SEWER PIPE ALONG THE

SOUTH PROPERTY LINE OF PARCEL NO. 009-029-007-00 HAVING A DESCRIBED BEARING OF SOUTH 88 DEGRESS 37 MINUTES EAST A DISTANCE OF 462.67 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF M-22 (A.K.A. SOUTH MANITOU TRAIL), SAID POINT ALSO BEING THE SOUTHEASTERLY PARCEL CORNER OF PARCEL NO. 009-029-007-00. THENCE SOUTHWESTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF M-22 IN AN ENCLOSED STORM SEWER PIPE, A DISTANCE OF 125 FEET, MORE OR LESS, TO THE WEST SIDE OF A BOX CULVERT UNDER M-22. THENCE EASTERLY 66 FEET, MORE OR LESS, UNDER M-22 THROUGH AN EXISTING BOX CULVERT, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF M-22. SAID POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF M-22 ALSO BEING 160 FEET, MORE OR LESS, NORTHEASTERLY FROM THE WESTERLY MOST PARCEL CORNER OF PARCEL NO. 009-655-900-00. THENCE CONTINUING NORTHEASTERLY AS AN OPEN DRAIN ALONG THE EASTERLY RIGHT-OF-WAY LINE OF M-22 A DISTANCE OF 145 FEET, MORE OR LESS, THENCE NORTHEASTERLY AS AN OPEN DRAIN A DISTANCE OF 600 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF SCHOMBERG ROAD AND THE POINT OF ENDING OF THIS DESCRIPTION.

SAID DRAIN ROUTE & COURSE BEING 1,528.67 FEET IN LENGTH (0.29 MILES +/-), MORE OR LESS. SAID PROPOSED ROUTE AND COURSE IS ALSO DEPICTED IN THE ATTACHED EXHIBIT "A".

1) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

009-655-009-00

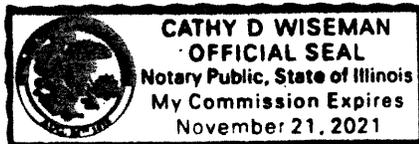
Rosemary D. Tupper Signature of Owner

Owner's Name: Rosemary D. Tupper

2) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

_____ Signature of Owner

Owner's Name: _____



SOUTH PROPERTY LINE OF PARCEL NO. 009-029-007-00 HAVING A DESCRIBED BEARING OF SOUTH 88 DEGRESS 37 MINUTES EAST A DISTANCE OF 462.67 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF M-22 (A.K.A. SOUTH MANITOU TRAIL), SAID POINT ALSO BEING THE SOUTHEASTERLY PARCEL CORNER OF PARCEL NO. 009-029-007-00. THENCE SOUTHWESTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF M-22 IN AN ENCLOSED STORM SEWER PIPE, A DISTANCE OF 125 FEET, MORE OR LESS, TO THE WEST SIDE OF A BOX CULVERT UNDER M-22. THENCE EASTERLY 66 FEET, MORE OR LESS, UNDER M-22 THROUGH AN EXISTING BOX CULVERT, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF M-22. SAID POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF M-22 ALSO BEING 160 FEET, MORE OR LESS, NORTHEASTERLY FROM THE WESTERLY MOST PARCEL CORNER OF PARCEL NO. 009-655-900-00. THENCE CONTINUING NORTHEASTERLY AS AN OPEN DRAIN ALONG THE EASTERLY RIGHT-OF-WAY LINE OF M-22 A DISTANCE OF 145 FEET, MORE OR LESS, THENCE NORTHEASTERLY AS AN OPEN DRAIN A DISTANCE OF 600 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF SCHOMBERG ROAD AND THE POINT OF ENDING OF THIS DESCRIPTION.

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1) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

009-029-007-00 / 220 S. Manitou Trail

[Signature] Signature of Owner

Owner's Name: Tanja Wittrock - Proly

both on

2) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

009-029-007-00 / 220 S Manitou Trail

[Signature] Signature of Owner

Owner's Name: ARNOT WITTRUCK

SOUTH PROPERTY LINE OF PARCEL NO. 009-029-007-00 HAVING A DESCRIBED BEARING OF SOUTH 88 DEGREES 37 MINUTES EAST A DISTANCE OF 462.67 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF M-22 (A.K.A. SOUTH MANITOU TRAIL), SAID POINT ALSO BEING THE SOUTHEASTERLY PARCEL CORNER OF PARCEL NO. 009-029-007-00. THENCE SOUTHWESTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF M-22 IN AN ENCLOSED STORM SEWER PIPE, A DISTANCE OF 125 FEET, MORE OR LESS, TO THE WEST SIDE OF A BOX CULVERT UNDER M-22. THENCE EASTERLY 66 FEET, MORE OR LESS, UNDER M-22 THROUGH AN EXISTING BOX CULVERT, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF M-22. SAID POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF M-22 ALSO BEING 160 FEET, MORE OR LESS, NORTHEASTERLY FROM THE WESTERLY MOST PARCEL CORNER OF PARCEL NO. 009-655-900-00. THENCE CONTINUING NORTHEASTERLY AS AN OPEN DRAIN ALONG THE EASTERLY RIGHT-OF-WAY LINE OF M-22 A DISTANCE OF 145 FEET, MORE OR LESS, THENCE NORTHEASTERLY AS AN OPEN DRAIN A DISTANCE OF 600 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF SCHOMBERG ROAD AND THE POINT OF ENDING OF THIS DESCRIPTION.

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1) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

1304 Schomberg Rd

Margaret K Daniels Signature of Owner

Owner's Name: Margaret K. Daniels

2) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

1304 Schomberg

Richard A. White Signature of Owner

Owner's Name: Richard A. White

3) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

009-029-002-00

Bruce A. Maleski Signature of Owner

Owner's Name: Bruce A. Maleski

4) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

009-655-002-00

Robert E. Gilbert Signature of Owner

Owner's Name: ROBERT E. GILBERT & DEBORAH A. GILBERT (TRUSTS)

5) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

009-655-002-00

Deborah Gilbert Signature of Owner

Owner's Name: DEBORAH A GILBERT (TRUST)

6) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

009-028-007-00

Angela E. Maleski Signature of Owner

Owner's Name: Angela E. Maleski (Trust)

7) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

130 S MANITOU PASSAGE TR

Marie Preston Signature of Owner

Owner's Name: MARIE PRESTON Trust

8) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

1320 S. Schomberg Rd.

John P Van Raalte Signature of Owner

Owner's Name: John P. Van Raalte

9) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

1320 S Schomberg Rd

Tracy L Van Raalte Signature of Owner

Owner's Name: Tracy L Van Raalte

Trust
Both on

10) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

009-028-006-30

Stephanie J Maleski Signature of Owner

Owner's Name: Stephanie J. Maleski

12) DESCRIPTION OF LAND (PARCEL NUMBER OR PROPERTY ADDRESS):

009-028-006-30

Steve Maleski Signature of Owner

Owner's Name: Steve Maleski

Both on

AFFIDAVIT OF CIRCULATOR OF PETITION

I Hereby Certify that I did personally circulate this petition and that the signatures to same were made in my presence and are the genuine signatures of those whose names are affixed.

Bruce A. Maleski
Name of Circulator
Bruce A. Maleski

Dated: 2-6-19

STATE OF MICHIGAN)
)ss.
COUNTY OF Leelanau)

On the 2nd day of February, 2019, before me, Dorothy M. Miller
in and for said County, personally appeared Bruce A. Maleski
Maleski, to me known to be the person described in and who circulated
the foregoing petition.

Dorothy M. Miller

Dorothy M. Miller
Notary Public, Leelanau County
State of Michigan
Acting in the County of _____
My Commission Expires 11-06-2020

INSTRUCTIONS FOR PETITION SIGNERS ON A PETITION FOR LOCATING, ESTABLISHING AND CONSTRUCTING A DRAIN OR DRAINS OR ANY PORTION THEREOF:

The Petition shall be signed by a number of freeholders in the drainage district whose lands would be liable to an assessment for benefits, equal to 1/2 the number of freeholders whose lands would be traversed by or is abutted by the drain.

Husband and wife are counted as 2 freeholders and each is to sign in his/her own behalf. Each must sign with a given name, nor Mr. or Mrs. _____.

Proof of ownership of property listed for the petition signers must be verified by the Drain Commissioner.

The circulator of the petition MUST sign the affidavit on the back of the petition before a Notary Public. This can be done when it is brought to the Drain Office or may be done before it is brought in.



LEELANAU COUNTY DRAIN COMMISSION

Steve Christensen, *Drain Commissioner*

8527 E. Government Center Dr., Suite #205, Suttons Bay, MI 49682 ■ 231-256-9783

www.leelanau.cc ■ schristensen@co.leelanau.mi.us

Please stand and raise your right hand.

As members of the Board of Determination for the Schomberg Drain, do you solemnly swear that you own land in Leelanau County?

*****I Do*****

As members of the Board of Determination for the Schomberg Drain, do you solemnly swear that you do not own land in either Centerville Township, Leland Township or any property within the proposed Schomberg Drain Drainage District?

*****I Do*****

As members of the Board of Determination for the Schomberg Drain, do you solemnly swear that you will faithfully fulfill the duties being asked of you in determining whether the petition as called for the Locating, Establishing, and Constructing of the Schomberg Drain IS or IS NOT necessary for public health, convenience or welfare based on the provisions of Public Act 40 of 1956, as amended, which is commonly known as the Michigan Drain Code?

*****I Do*****

As members of the Board of Determination for the Schomberg Drain, do you solemnly swear and understand that your determination as to the necessity of the petition is not to be based upon any potential costs for locating, establishing or constructing the proposed Schomberg Drain, you are not to determine the scope of the project and also that your decision as to the necessity of the petition is to be based upon evidence and testimony presented at this meeting and that all discussions and deliberations are to be done in public?

*****I Do*****

Lastly, as members of the Board of Determination for the Schomberg Drain, do you solemnly swear and understand that your determination as to the necessity of the petition for public health, convenience or public welfare is not to be based upon whether there is a majority of evidence presented that shows such necessity for the Drain, but rather that there is some relevant, competent and material evidence presented on the record that shows such necessity (i.e., 1 landowner with testimony of flooding or property damage or 1 landowner with pictures of flooding), such that if the petition is found necessary it can remedy the issue?

*****I Do*****

Schomberg Drain, Board of Determination – Role and Duties of Board

On February 6, 2019, twelve (12) landowners who may be liable for an assessment of the proposed new Drain signed a petition for the location, establishment and construction of the Schomberg Drain.

The Drain Code requires that upon the receipt of a Petition for constructing and establishing a new County, the Drain Commissioner is required to appoint a Board of Determination composed of 3 disinterested property owners who are residents of the County but do not live in or have any property interests in the proposed Drainage District boundary or the townships included in the Drainage District; in this case either Leland or Centerville Townships.

The Drain Commissioner is not part of the Board of Determination and has no role, influence or decisions to make at the Board of Determination meeting. The Drain Commissioner will swear in the Board and once that is done, the meeting is essentially run by the Board members and it is their meeting.

The Board of Determination elects a Chairperson and a Secretary. The Secretary records the minutes of the meeting, with a recording secretary provided.

The Board of Determination will hear testimony related to the necessity for the location, establishment and construction of a new County Drain to be known as the Schomberg Drain. The Board of Determination will also hear testimony on the proposed Drainage District boundary for the Schomberg Drain.

After public testimony, the Board will then decide whether the location, establishment and construction of the new Drain is necessary and conducive to the public health, convenience or welfare for any lands within the Drainage District boundary; and whether the proposed Drainage District Boundary accurately defines the boundaries of the lands that may be benefited by the Drain.

The Drain Commissioner and Engineer will stay for the meeting but have no role in the decision as to whether a project is necessary. They do not support or oppose a project. That is solely within the discretion of the Board. However, the engineer will try to answer any questions the public or the Board may have.

At the meeting the only decisions that will be rendered are whether the location, establishment and construction of the Drain is necessary and conducive to the public health, convenience or welfare for any properties or municipalities within the Drainage District; and whether the lands comprising the Drainage District boundary accurately define the boundaries of the lands benefited by the Drain. For the first item regarding the necessity of the Drain petition, the word ‘any’ is underlined because it is important to understand that the Drain Code is set up to protect the rights of the affected / incumbered landowners within a Drainage District and it is not a democratic vote based on who in the audience wants to proceed with a project or not. The Michigan Drain Code recognizes that by in large a far greater number of people in a drainage district typically have no drainage problems and usually a few number of properties typically are burdened with the runoff from those unaffected landowners who are much higher in elevation within a Drainage District. This is why the Drain Code is considered a minority protection law, meaning that the rights of only a few number of landowners within a Drainage District, which could be just one landowner even (i.e. typically the downstream “flooded” properties), are equally

or more important that those in the Drainage District that have no drainage problems (i.e. typically landowners who are higher and upstream in the Drainage District and their runoff from their lands drain on to the flooded downstream property owners).

The Engineer, Brian Cenci, P.E. of Eng., Inc. will be there to present findings from a conditions assessment and analysis of the proposed new drainage system location. These were items required in the Drain Code to be done as part of the new Drain District Application and new Drain petition process. Although part of the work that he was required to do was come up with some recommendations relative to the drainage issues, those issues or those recommendations are not being presented to the Board as the Board does not vote on the cost, size or scope of the work and whether to do any of those recommendations. The engineer is also there to answer any questions procedurally for a Board of Determination meeting, provide a summary of various aspects of the Michigan Drain Code and of course answer any technical or engineering related questions regarding the petition.

The engineer for this project, Mr. Brian Cenci, is originally from Lake Ann in Benzie County, attended Benzie Central H.S. and received dual Bachelors of Science degrees from Michigan State University in 2002 in both Civil Engineering and Fisheries & Wildlife. He has been a certified State Licensed Professional Engineer since 2006. Mr. Cenci works almost solely on projects for County Drain Commissioners throughout Michigan. He currently is working first-hand on approximately 35 projects in 8 different counties in Michigan. Over his career he has worked for 15 different county drain offices in his 19 years with Eng., Inc. and has participated in over 100 Board of Determination meetings and completed over 225 Drain projects in Michigan. He is recognized as an expert in the practical application of the administratively and legally complex law that governs Drain Commissioners in the State, the Michigan Drain Code. In 2018 he was recognized as an “expert” by being admitted into Federal Court for a case involving the Michigan Drain Code and the assessments from a particular drain petition project in Ingham County. Mr. Cenci has also been recognized for his quality, low-cost work and innovative solutions and designs on petitioned county drains in Michigan by being the project engineer / manager on 4 State recognized Innovation & Excellence Award winning projects. Each year the Association of Michigan County Drain Commissioners elects one or two projects for this prestigious award as it is essentially picking the “best drain project in the State completed that given year.” Mr. Cenci recently won this award three consecutive years in a row, a first for the over 110-year old Association. In 2016 he won for the award for the Walker Drain in Allegan County, 2017 for the North Shore Drain also in Allegan County and 2018 for the Groesbeck Park Drain in Ingham County. His other best overall award winning project was the Towar Rain Garden Drains in 2008, located in Ingham County. He also has received 3 honorable mentions for this award, in 2011, 2012 and 2015.

Now that I’ve told you what this meeting is about, let me tell you what it’s not about. The Board only determines whether a project is necessary. The Board should determine that a project is necessary if it hears any testimony that establishing the new Drain is necessary for the protection of public health, public convenience or public welfare. A common scenario in which a Board should determine a project necessary is if it hears from even one, or more than one, landowner(s) providing testimony of their property being flooded or standing water in their house because of the proposed Drain. The Board does not determine the scope of a project, how to fix the issue, the route of the Drain, how much it costs, who or whether they will be assessments or how the assessments are apportioned. In fact, those issues should not play into the Board’s decision making process.

Attachment #3

The good thing is the Drain Code is filled with all kinds of due process protections and all of these items will be addressed at a later time at later meetings. If the Board approves a project, it will be up to the Drain Commissioner to determine how much the project will cost and the scope of the project. The drain law in Michigan requires that the Drain Commissioner apportion the costs of a drain project to property owners and public corporations. Apportionments to properties are made based on the principal of benefits derived. Apportionments to municipalities, in this case Leland and Centerville Townships, are based on benefits to public health and to Leelanau County and MDOT for benefits to county and state roads. However, if there is no necessity, there is no project and there can be no new petition for another year.

On the other hand, if the Board does determine that a project is necessary, they will prepare and enter a document called an Order of Necessity.

Anyone aggrieved by the decision of the Board as to whether the maintenance and improvement is necessary and conducive to the public health, convenience or welfare may appeal the decision within 10 days and that appeal must be filed with the Leelanau County Circuit Court. Anyone aggrieved by the Board's decision as to the boundaries of the Drainage District may appeal within 10 days to the Leelanau County Circuit Court as well.

You will be reminded again at the conclusion of the meeting.

Board Decisions

Determination regarding the location, establishment and construction of a new County Drain:

The Drain Code provides that you are to determine if a problem exists and you have received evidence of such (testimony at the BOD, pictures, documentation, etc.) than the establishing and constructing of a new Drain is **necessary and conducive to the public health, convenience, or welfare**. Whether you find that it is or is not, you must sign an order stating such. A blank order will be prepared that you may fill out as you deem fit.

Examples of **Public Health, Convenience, or Welfare:**

Public health – See below:

and whether a particular property or properties are benefited and other benefits to property owners such as a broken or cut tile

particular property or properties are drained because of living conditions are horrible with that property or properties.

In such cases, the improvements are benefiting a landowner and the improvements would go beyond public health or for that matter may not include public health.

In such a case, the finding is that a portion of the costs shall be apportioned to the municipality or township at large.

Certainly under such a determination, the Drain Commissioner has broader discretion in determining who is benefiting and the manner of apportioning the cost of the improvements.

EXAMPLES OF PUBLIC HEALTH:

Community health, free from contaminated water, free flooded land on properties, basement flooding, toilet backups because septic systems cannot function due to the precense of standing water, free from flooded roadways, stagnant water, diseases, septic overflows, allowing safe passage of emergency vehicles, mosquitos, sanitation problems.

EXAMPLES OF PUBLIC CONVIENENCE:

Making life better for people, making it easier for economic growth, making it easier for agricultural production and using of agricultural land, making life better for homes and properties that are no longer flooded, making life easier for people.

EXAMPLES OF PUBLIC WELFARE:

State of doing well, happiness, well being, aesthetics and monetary welfare, better schools, the idea that an entire municipality may have a better public perception for not having flooding problems within their jurisdiction and better served in development potential.

Determination Regarding Establishment of the Drainage District Boundary:

The Michigan Drain Code, permits the Board to determine if the proposed Drainage District boundary accurately defines the boundaries of the land benefitted by the Drain.



Schomberg Drain *Board of Determination Meeting*



Schomberg Drain Board of Determination Meeting



PURPOSE OF ENGINEERING REVIEW:

- A Landowner Application and Petition submitted to the Leelanau County Drain Commissioner for establishing a new County Drain District (Ch. 3) and a new County Drain (Ch. 4) to provide flooding and drainage relief
- Drain Commissioner required to hire a Licensed Professional Engineer to Determine the District Boundary (i.e. the drainage area / watershed) contributing to the proposed Drain Route
- Field review of potential routes for the proposed Schomberg Drain; potential Drainage District options
- Identify any potential drainage problems or issues that may necessitate construction of a new County owned & operated drain and/or including branch drains
- Determine the most feasible and prudent route for the Drain that would service the Drainage District Boundary
- Present a Preliminary Engineering Summary of findings at a Board of Determination



Schomberg Drain Board of Determination Meeting

WORK PERFORMED:

- Obtain & analyze existing record information (County maps, building records, aerials, topographic contour information, County Road Commission records, existing land use information, soils info, wetland data, etc.)
- Inspection and survey of the entire proposed drainage system to understand the characteristics of runoff, drainage collection, existing drainage infrastructure and document flooding issues or deficiencies within the Drainage District Boundary that may impact the proposed County Drain
- Delineate the proposed Schomberg Drain Drainage District boundary through County topographic contour information, site inspections and survey work to understand stormwater inputs into the drain system and analyze direction of flow for stormwater runoff
- Perform basic hydraulic analysis for different storm events to analyze the capacity needed to provide adequate drainage and flooding relief based on various design criteria for the proposed County Drain
- Prepare a Preliminary Engineering Summary that reviews observed or reported drainage issues with the proposed drain and provides potential options for various solutions to the flooding



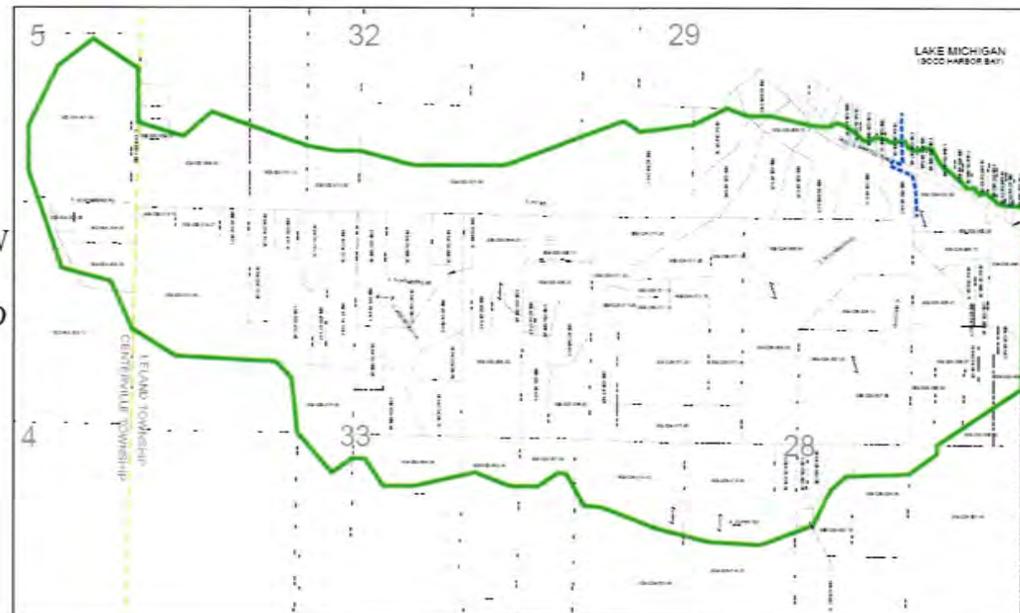
Schomberg Drain Board of Determination Meeting

PROPOSED DRAINAGE DISTRICT BOUNDARY:

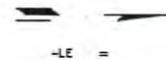
- Based on the most feasible route to drain the lands within the proposed Drainage District Boundary.

NOTE: DRAIN ROUTE SHOWN IS NOT FINAL & DRAIN COMMISSIONER IS NOT HELD TO IT.

- Proposed Drainage District Boundary is determined based on topographic contour information and field observations



TOTAL PARCELS IN DRAINAGE DISTRICT: 120
 TOTAL PARCELS IN DRAINAGE DISTRICT IN LELAND TOWNSHIP: 115
 TOTAL PARCELS IN DRAINAGE DISTRICT IN CENTERVILLE TOWNSHIP: 5
 TOTAL ACRES IN DRAINAGE DISTRICT: 1004.27± ACRES
 ACRES OF DRAINAGE DISTRICT IN LELAND TOWNSHIP: 933.25± ACRES
 ACRES OF DRAINAGE DISTRICT IN CENTERVILLE TOWNSHIP: 71.12± ACRES
 NOTE: ALL PARCEL INFORMATION BASED ON MAY, 2018 GIS DATA AND MAPPING. INFORMATION FROM LEELANAU COUNTY OBTAINED.



LEGEND

- - - - - PROPOSED SCHOMBERG DRAIN ROUTE & COURSE
- PROPOSED SCHOMBERG DRAIN DRAINAGE DISTRICT BOUNDARY
- - - - - TOWNSHIP BOUNDARY LINE
- - - - - PARCEL LINE

12

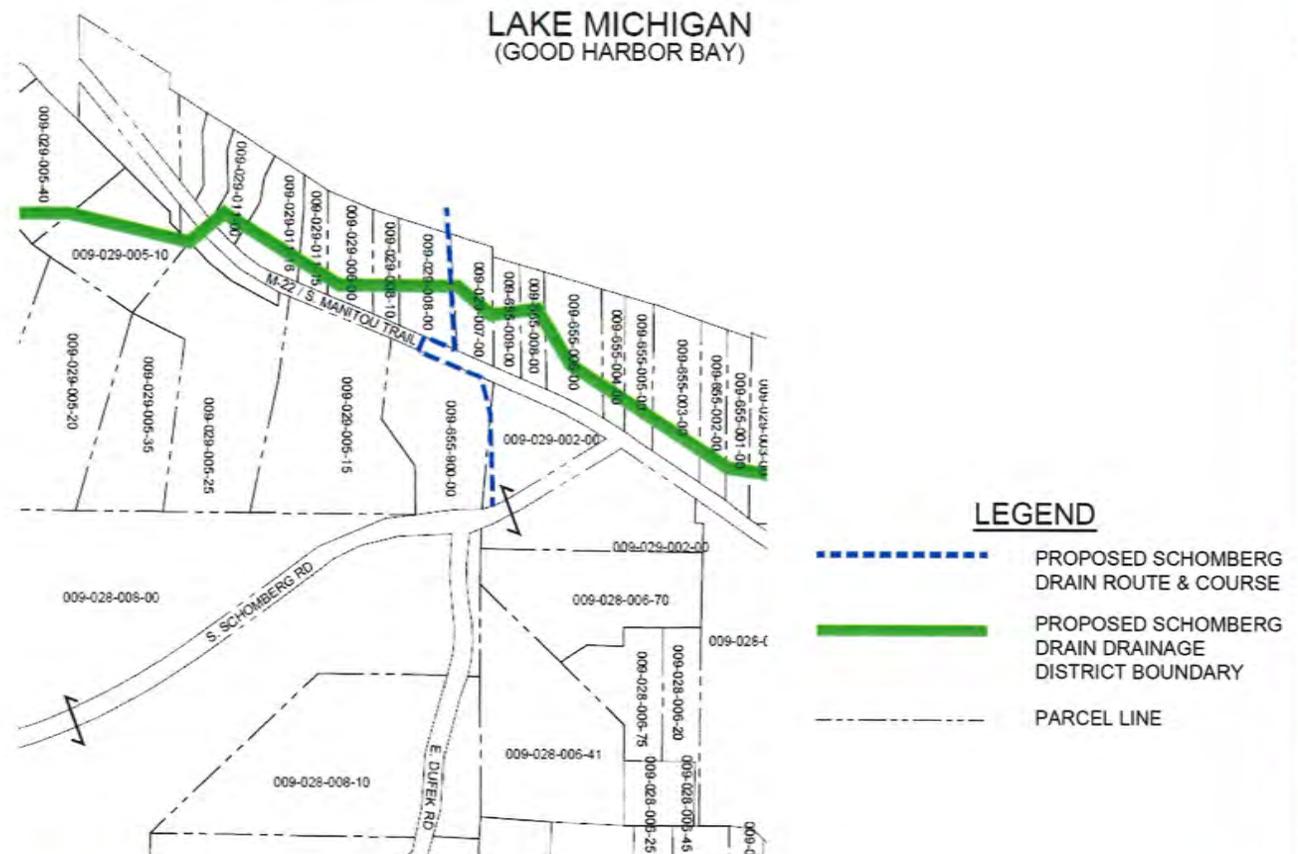
SECTION NUMBER



Schomberg Drain Board of Determination Meeting

PROPOSED SCHOMBERG DRAIN ROUTE & COURSE:

- Proposed Route is 1528.67 feet +/- in length (0.29 miles +/-)
- Proposed Route traverses 3 parcels (009-029-002-00, 009-655-900-00, & 009-029-007-00) and contains 1 road crossing (M-22 / S. Manitou Trail)





Schomberg Drain Board of Determination Meeting

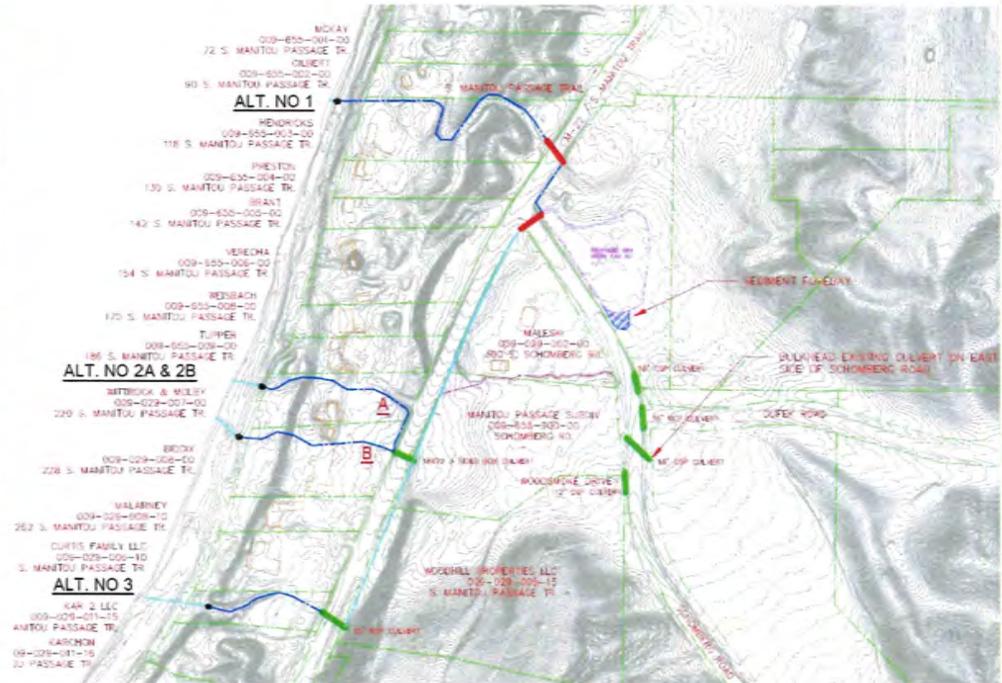
SCHOMBERG DRAIN ROUTE & COURSE – EXISTING INFRASTRUCTURE:





Schomberg Drain Board of Determination Meeting

SCHOMBERG DRAIN ROUTE & COURSE – POTENTIAL ALTERNATIVES:





Schomberg Drain Board of Determination Meeting

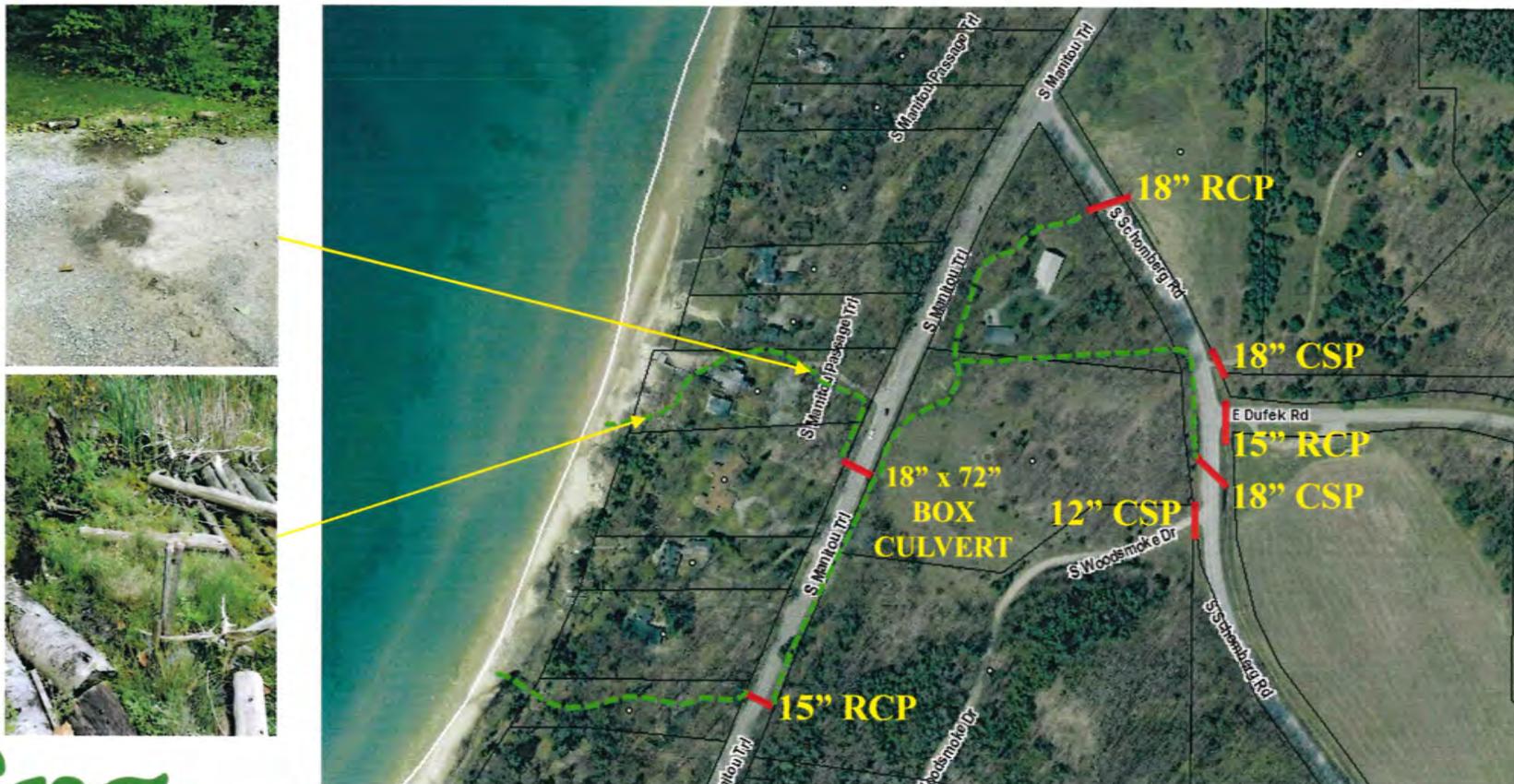
SCHOMBERG DRAIN ROUTE & COURSE – PHOTOS:





Schomberg Drain Board of Determination Meeting

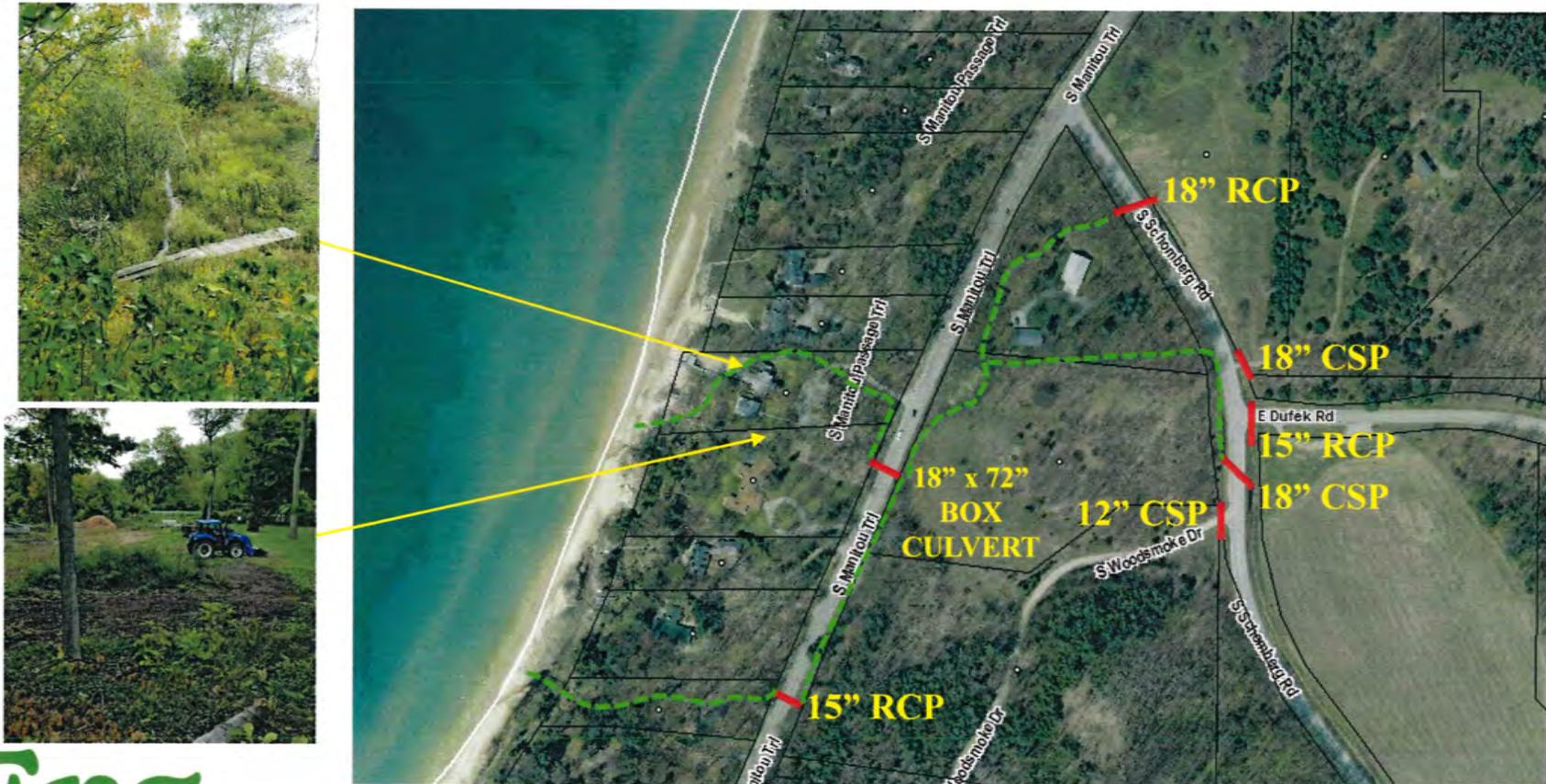
SCHOMBERG DRAIN ROUTE & COURSE – PHOTOS:





Schomberg Drain Board of Determination Meeting

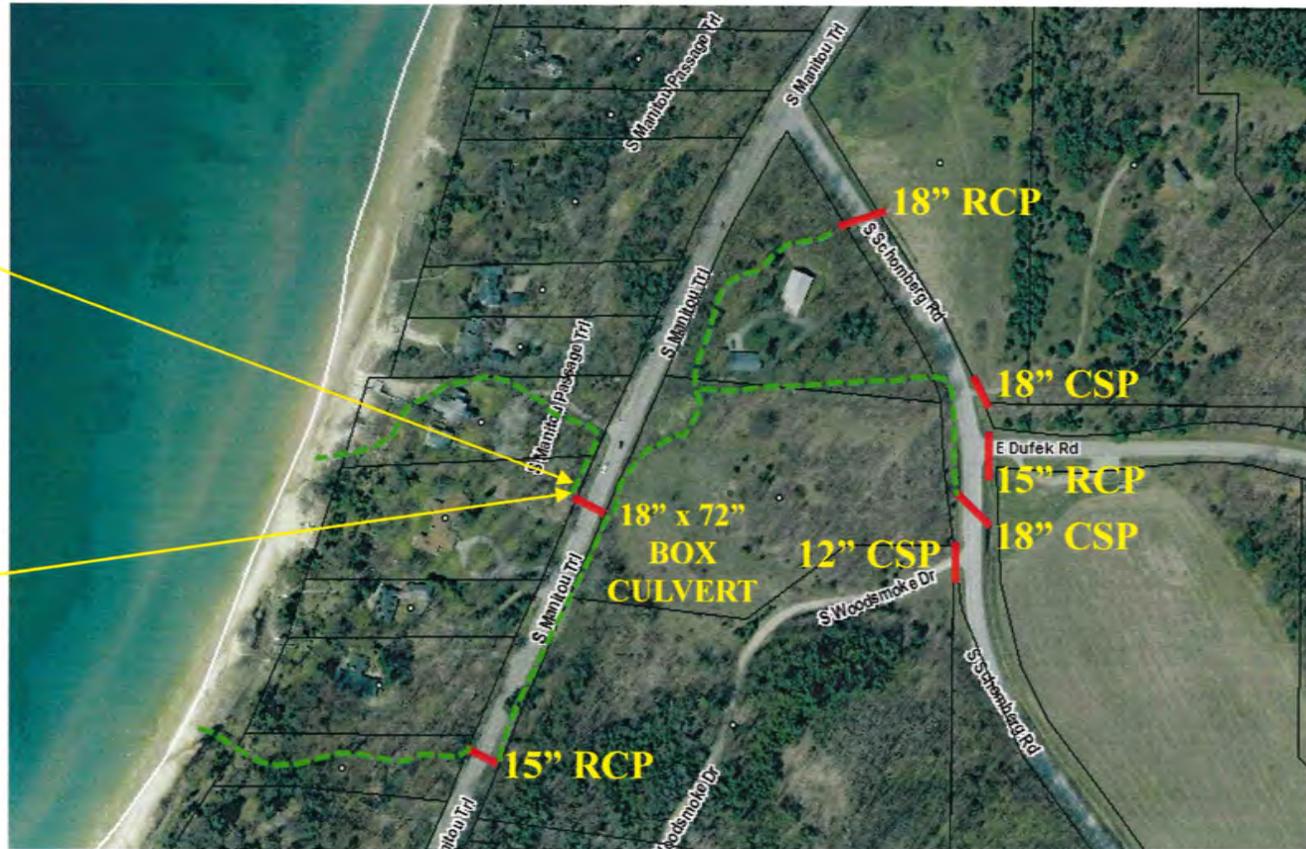
SCHOMBERG DRAIN ROUTE & COURSE – PHOTOS:





Schomberg Drain Board of Determination Meeting

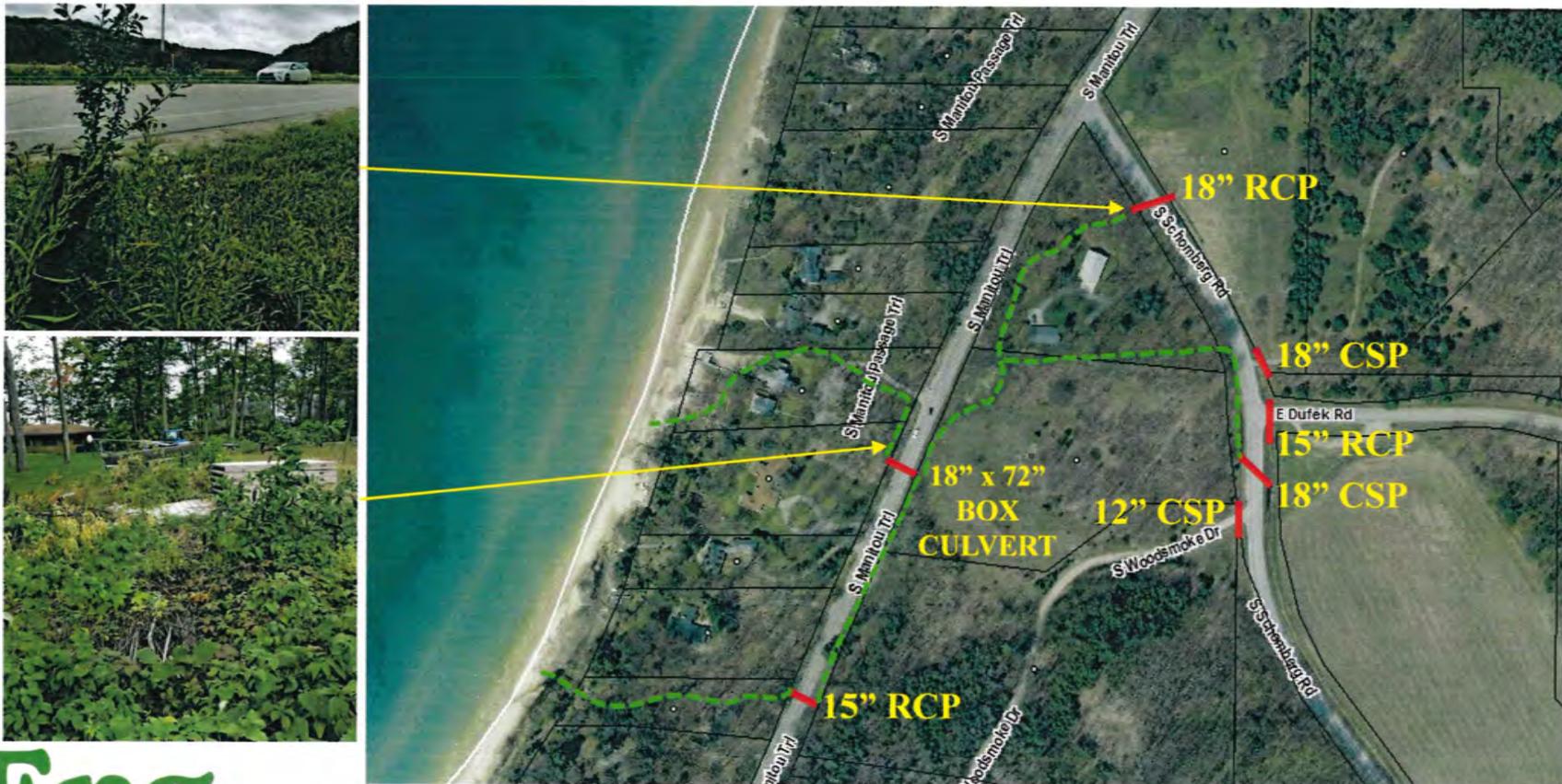
SCHOMBERG DRAIN ROUTE & COURSE – PHOTOS:





Schomberg Drain Board of Determination Meeting

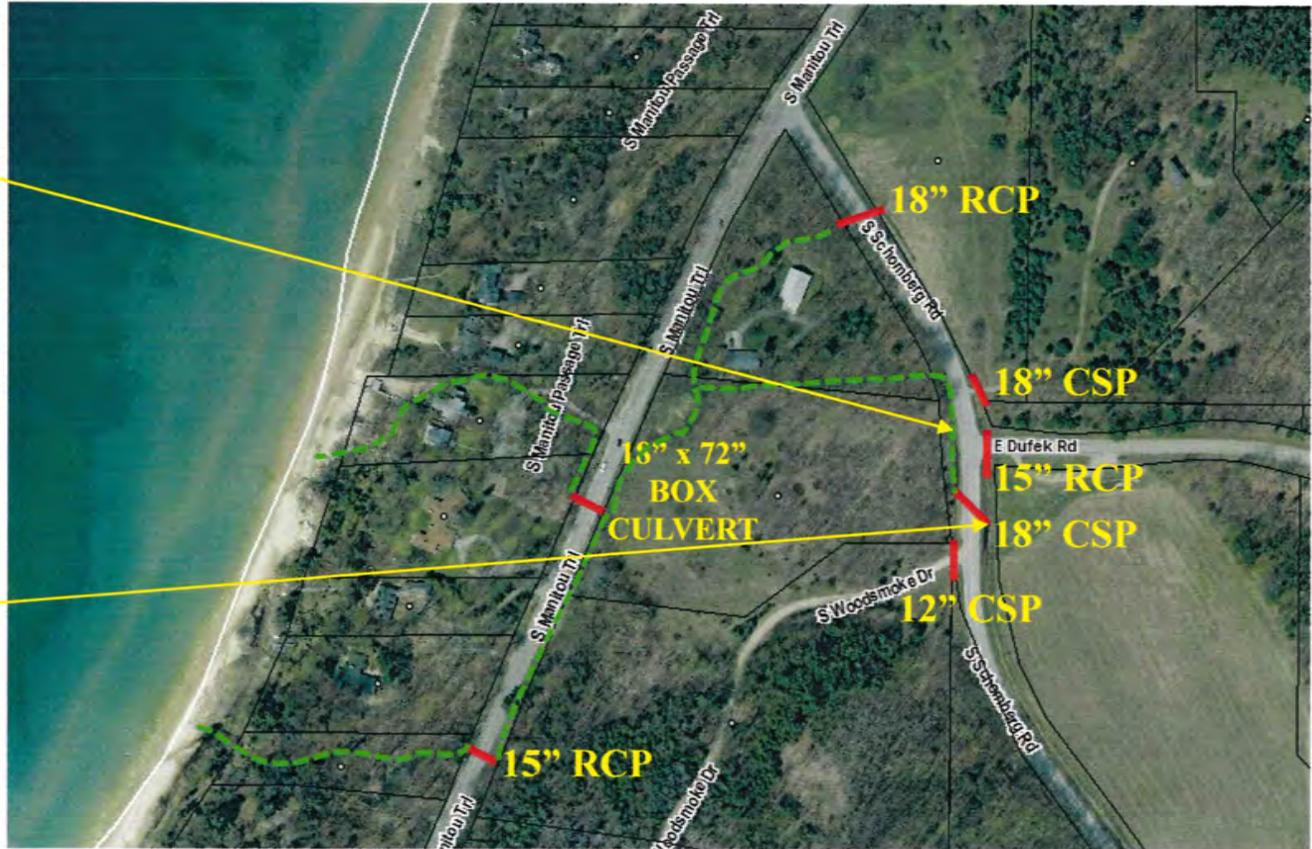
SCHOMBERG DRAIN ROUTE & COURSE – PHOTOS:





Schomberg Drain Board of Determination Meeting

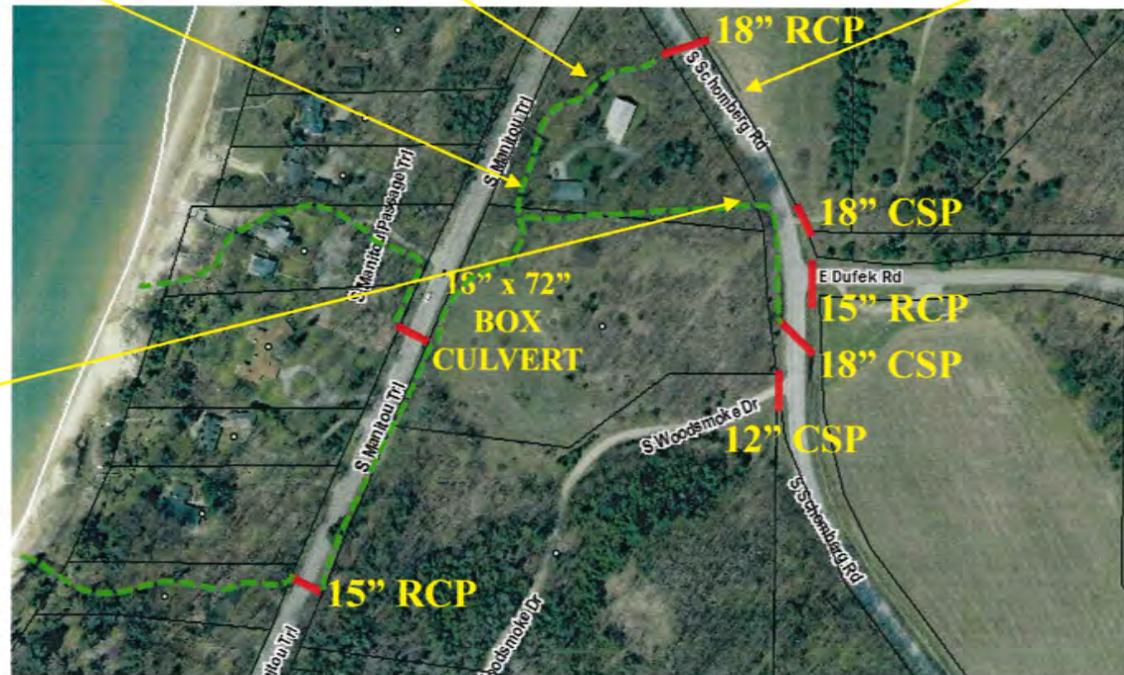
SCHOMBERG DRAIN ROUTE & COURSE – PHOTOS:





Schomberg Drain Board of Determination Meeting

SCHOMBERG DRAIN ROUTE & COURSE – PHOTOS:





Schomberg Drain *Board of Determination Meeting*



Untitled Map

Write a description for your map.

Attachment #5 Legend



Google Earth



200 ft



Wittrock Photos



Wittrock Photos



Wittrock Photos





Mid 90's
To Late

Water
around
our
House



3005. Schomburg
Maleski

Maleski Photos

Maleski 1990 Photos





Reed + Roseman
Tupper House
186 S. Manitow Passage Trl.

House
Built
in 1938





2013

300 S. Schomberg Rd



Water
Around
Our
Green
Barn





Maleski Photos





At the end of each meeting the following will be read...

Section XIII. Right to Appeal Order of Necessity

Anyone aggrieved by the decision of the Board as to whether the maintenance and improvement is necessary and conducive to the public health, convenience or welfare may appeal the decision within 10 days and that appeal must be filed with the Leelanau County Circuit Court. A municipality may appeal the determination of whether the maintenance and improvement is necessary for the protection of the public health by appealing to the Leelanau County Probate Court within 20 days of receiving notice of the determination. Anyone aggrieved by the Board's decision to revise the boundaries of the Drainage District may appeal within 10 days to the Leelanau County Circuit Court.

The Court's review is limited to whether the Board's actions are authorized by law and whether the Board's findings of fact are supported by material, substantial, and competent evidence on the whole record (i.e., whether or not they were presented at least some minuta of evidence, like landowner testimony, to support their decision).

The Order of Necessity will be available at the drain office the following morning after the BOD.

We recommend anyone wanting to aggrieve this, consult an attorney regarding these issues.

Wilma L. McQueen

1551 S. Schomberg Rd.

Lake Leelanau, MI 49653

Telephone 231-256-7918

April 17, 2019

Steve Christensen
Leelanau County Drain Commissioner
Leelanau County Government Center
8527 E. Government Center Dr., Suite #205
Suttons Bay, MI 49682

RE: Schomberg Drain

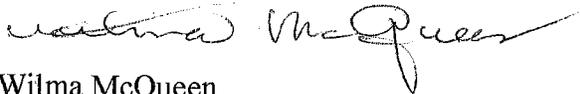
Dear Mr. Christensen,

There is no apparent reason to me to have a need for a drain constructed anywhere along Schomberg Road except at the land at the North East corner of Schomberg and M22.

I certainly see no need for my property to be disturbed, nor the creek on my property to be disturbed, so I would object to any assessment for the construction of a drain that would be of no benefit to my property.

Therefore I would object to construction of a costly drain that would involve more that the property that would benefit from said drain.

Thank you for your consideration,



Wilma McQueen

*Like a muddied spring or a polluted well
Is a righteous man who gives way to the wicked.*

Proverbs 25:26



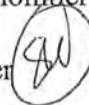
LEELANAU COUNTY DRAIN COMMISSION

Steve Christensen, *Drain Commissioner*

8527 E. Government Center Dr., Suite #205, Suttons Bay, MI 49682 • 231-256-9783

www.leelanau.cc • schristensen@co.leelanau.mi.us

TO: Owners of potential properties within the petitioned Schomberg Drain Drainage District

FROM: The Office of the Leelanau County Drain Commissioner 

SUBJECT: Schomberg Drain – Petition to Locate, Establish and Construct a New County Drain

DATE: April 3, 2019

A petition was filed with this office requesting to locate, establish and construct a new County Drain, pursuant to the Michigan Drain Code of 1956, as amended. The Michigan Drain Code is the State law that governs the actions of my office and this particular process in that when a petition is received by my office, a public hearing, known as a Board of Determination, is to be held to determine if the petition request is necessary. The Board of Determination is comprised of three citizens of Leelanau County who do not live in the Drainage District or owns lands within the township(s) affected by the Drain. This Board will meet on the designated time and date to hear and consider input on the necessity of the drain petition and will give opportunity for public comment for all in attendance. If you can not personally attend, you can send a representative to speak on your behalf or you can send written comments that will be give to the Board for consideration at the hearing. Written comments must be received by my office at least 24 hours prior to the hearing. The decision whether the new Drain is / is not necessary will be made at the end of the hearing by the three-person Board and will be based upon evidence (testimony, public comment, picture, documentation, etc.) as to whether a drainage problem exists, such that the petition can remedy the problem.

The enclosed notice is being sent to you because you are an owner of record of property within the proposed Drainage District and may be liable for an assessment if the Schomberg Drain petition is found necessary. A Drainage District is the area of land that contributes at least some portion of water flowing in a drain or is comprised of properties benefiting from the proposed new Drain. Water in the Drain comes from rainfall on roads, driveways, fields, lawns, woods and roads and the Drain is typically the collection point of the downstream disbursement of various means of transport from upstream properties (ditch, culverts, pipes, etc.).

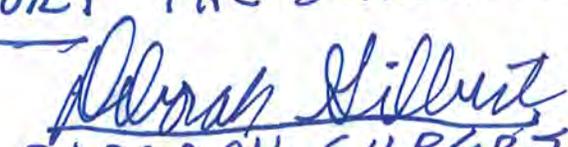
WE ARE UNABLE TO ATTEND THE MEETING. BUT,
BECAUSE OUR NEIGHBORS ARE REGULARLY FLOODED,

SEE REVERSE SIDE FOR NOTICE OF MEETING

WE STRONGLY SUPPORT THE SCHOMBERG DRAIN.



ROBERT GILBERT

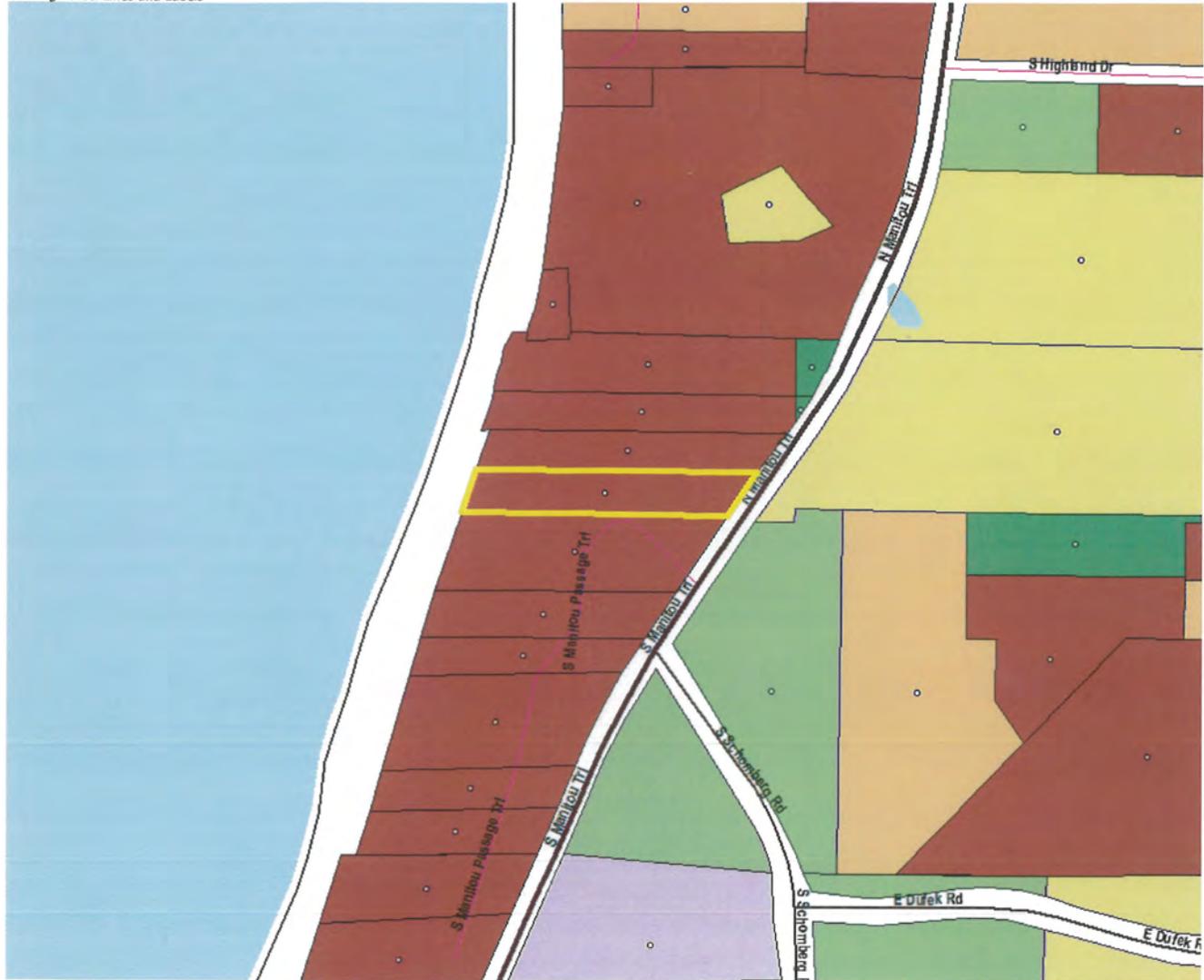


DEBORAH GILBERT

90 MANitou PASSAGE TRAIL, LAKE LEELANAU

Current Taxable Value

Showing Parcel Lines and Labels



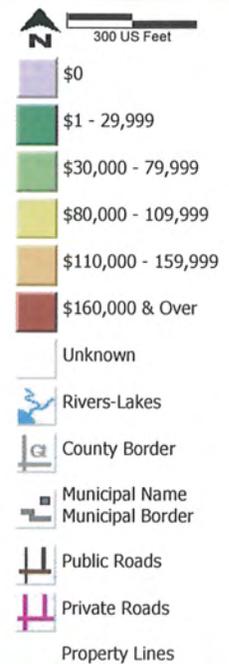
CURRENT TAXABLE VALUE

The property taxable value information was obtained from the tax parcel database provided by the Leelanau County Equalization Department.

The property line data for Leelanau County was provided by the Equalization and Planning Departments. The parcel areas shown are meant to represent ownership parcels as described by the TAX ID number (each parcel area should correspond to a single TAX ID number, except where a road or other area splits the parcel into multiple areas). Where possible, the parcel map was adjusted to "fit" the database. However, there remains parcels on the map for which no data is attached, and database records for which no mapped parcel could be identified.

The computerized version of the tax parcel map seen here has NOT been VERIFIED as being correct and accurate, and inconsistencies between the parcel data and data sets provided by other agencies (e.g., the MDNR) do exist. This parcel information is included for general reference purposes only and should only be used to identify the general vicinity of a particular piece of property.

For specific information for a given parcel, add the parcel lines and labels to the map, then click on the label for the parcel you are interested in. Detailed information for that parcel will appear in this text box.



April 14, 2019

Steve Christensen, Drain Commissioner
Leelanau County Drain Commission
8527 E. Government Center Drive, Suite #205
Suttons Bay, MI 49682

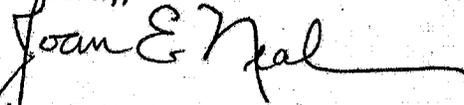
Dear Mr. Christensen:

We received the notice of the petition for the new Schomberg drain to be decided at the upcoming meeting on April 23. Although we cannot attend the meeting, we wanted to add our support to the need for the proposed drain.

Our property is parcel #009-655-008-00 (170 S. Manitou Passage Trail). For several years, there have been flooding problems along South Manitou Passage Trail and in our driveways. I understand that some of the neighbors have had this water coming into their basements. This problem starts in the spring and continues into the fall. Accordingly, we support the need for a drain project that would solve this ongoing flooding problem.

Please do not hesitate to contact us if you have any questions or need any further information.

Sincerely,



Joan E. Neal, Manager
Weisbach Family Real Estate Investment Company, LLC
773-837-8517

joane Neal@gmail.com