



MICHIGAN'S OLDEST COURTHOUSE

Lapeer County Board of Commissioners

255 Clay Street
Lapeer, Michigan 48446

phone 810 area code
667-0366
667-0369 FAX
www.lapeercountymi.gov

PROPERTIES COMMITTEE

August 30, 2023

****Room 302- County Complex****

APPROX. 1:00 P.M.

Agenda times may vary from time to time due to the length of presentations

*(Committee Members: Tom Kohlman-Chairman; Kevin Knisely, Truman Mast, Moses Sanzo,
John Bustle, & Jackie Arnold)
Meetings to be held as needed.*

A-G-E-N-D-A

- 1) 1:00 P.M. **CALL TO ORDER** BY CHAIRMAN TOM KOHLMAN
- 2) CONSIDERATION OF THE DRAFT MINUTES OF THE AUGUST 10, 2023 COMMITTEE MEETING
- 3) 1:15 P.M. **NEW/GENERAL ITEMS**
 - A) DRAIN- Request to purchase 5 parcels adjacent to Merritt Lake Dam on behalf of the Merritt Lake Special Assessment District.
 - B) ADMIN- Requested discussion with City of Lapeer Manager, Mike Womack to discuss Courthouse Square Pavilion and request from city planner regarding county building.
- 4) 1:30 P.M. OLD/REFERRED/OR ADDITIONAL ITEMS (if needed):

PROPERTIES COMMITTEE

August 10, 2023

***Room 302 COUNTY COMPLEX
255 CLAY STREET, LAPEER, MI 48446***

Chairman Kohlman called the meeting to order at approximately 12:33 p.m. in Room 302 of the County Complex.

Members Present: Commissioners Tom Kohlman, Kevin Knisely, Truman Mast, Jackie Arnold, Chief Financial Officer, and John Bustle, Program & Operations Manager

Others: Jillian Weiss, Building & Grounds/Parks Special Events Coordinator, Jeff Satkowski, Director E911, Theresa Spencer, County Clerk, Amy Stearns, Chief Deputy County Clerk

Visitors/ Citizens: none.

MINUTES

The minutes from July 27, 2023 were briefly reviewed.

Motion by Knisley, supported by Bustle, to approve the minutes from the July 27, 2023 meeting of the Properties Committee meeting as presented. Motion carried.

NEW/GENERAL ITEMS

E911- Request approval to add secondary switch and backup power supply to network.

CLERK- Discussion on the coordination of 9 days for early voting for 2024 elections.

E911

Request approval to add secondary switch and backup power supply to network. Satkowski explained that the current network is aging. Satkowski explained difference in quotes and past experience with the technology.

- 1. Motion by Bustle, supported by Knisely, to recommend to the Full Board to approve the purchase of upgraded network switch equipment from CDW-G to be paid from 911 millage account 482-325-977.000 for a cost not to exceed \$1,800.00, at no cost to the County's General Fund. Motion carried.**

CLERK

Discussion on the coordination of 9 days for early voting for 2024 elections. Spencer explained that there are 3 options provided from the State to early voting. One would be each jurisdiction would hold the voting. The second option is a regional coordination with jurisdictions, meaning several jurisdictions would coordinate to a designated location. The third option is the County would be the one to coordinate. Spencer explained that if the County were to coordinate, the County would need space and security that would accommodate voting and the requirements of early voting as the hours and days during the week vary. Brief discussion on costs, space, and security started and would continue at a later time when more jurisdictions reported back to the County on their decisions.

ADJOURN

Motion by Bustle, supported by Knisely, to adjourn the meeting. Motion carried unanimously. 12:58 p.m.

Tom Kohlman, Chairman
Lapeer County Properties Committee

REQUEST FOR ACTION

DATE: 8/25/2023

XX REQUEST FOR ACTION

 FOR YOUR INFORMATION

 REQUEST FOR INFORMATION

TO: Lapeer County Board of Commissioners

FROM: Lapeer County Drain Office

SUMMARY OF REQUEST / INFORMATION:

The Lapeer County Drain Commissioner is requesting the County purchase five (5) parcels adjacent to the Merritt Lake Dam on behalf of the Merritt Lake Special Assessment District. These properties are needed to protect the public health, welfare, and safety and to provide a staging area for any future maintenance or repair of the Merritt Lake Dam. The County would own the properties on behalf of, and for the benefit of, the Merritt Lake Special Assessment District. The Special Assessment District would reimburse the County for the costs to purchase the properties.

ADDITIONAL INFORMATION:

Parcels:

015-200-043-00 Legal: T6N R10E MERRITT LAKE SUBDIVISION LOT 43.

015-200-044-00 Legal: T6N R10E MERRITT LAKE SUBDIVISION LOT 44.

015-200-045-00 Legal: 15 39 500 000 00 T6N R10E MERRITT LAKE SUBDIVISION LOT 45.

015-200-046-00 Legal: T6N R10E MERRITT LAKE SUBDIVISION LOT 46.

015-200-047-00 Legal: T6N R10E MERRITT LAKE SUBDIVISION LOT 47.

CONTACT PERSON(S): Joseph Suma – Lapeer County Drain Commissioner

BACKGROUND INFORMATION:

Merritt Lake is an inland lake located in Metamora Township. In 1993, the Lapeer County Circuit Court established a legal lake level for Merritt Lake pursuant to Part 307 of the Michigan Natural Resources and Environmental Protection Act, MCL 324.30701 et seq. ("Part 307"). The lake level is 911 feet in the summer

and 906 feet in the winter (USGS datum).

The Lapeer County Drain Commissioner serves as the delegated authority of the Board of Commissioners and is responsible for maintaining and repairing the control structure for the lake level (the dam). The County has an easement over Outlot D, where the Merritt Lake Dam is located, but does not have any property rights in the surrounding area. If the Merritt Lake Dam should ever fail, the properties listed above could flood. This may lead to potential liability for the County.

Pursuant to Section 30708(2) of Part 307, the "county may acquire, in the name of the county, by [...] purchase [...], rights in land needed or convenient in order to implement [Part 307]." It is in the best interest of the County and the property owners surrounding Merritt Lake to purchase these properties to ensure no homes or other structures are built on these parcels. Further, these properties would provide a staging area for any future maintenance or repair that is necessary on the Merritt Lake Dam.

SUPPORTING DOCUMENTS:

Circuit Court Order 93-018942-CE(H)

2023 Maps

Release of Right of Way (Liber 853, Page 72)

DRAFT MOTION:

Motion by _____, supported by _____, to authorize the purchase of Parcels 015-200-043-00, 015-200-044-00, 015-200-045-00, 015-200-046-00, 015-200-047-00, located in Metamora Township, Lapeer County, to be paid initially by Lapeer County General Funds, and reimbursed by the Merritt Lake Special Assessment District with monies to be collected from the levying of special assessments.

ATTACHMENTS YES__X__ NO_____

STATE OF MICHIGAN
IN CIRCUIT COURT FOR THE COUNTY OF LAPEER

IN THE MATTER OF THE DETERMINATION, ESTABLISHMENT
AND MAINTENANCE OF THE NORMAL LEVELS OF MERRITT
LAKE IN THE TOWNSHIP OF METAMORA

CASE NO: 93-018942-CE(H)

JUDGEMENT

At a session of said Court held
in the County Complex, County of Lapeer
State of Michigan on this 3rd day
November, 1993.

PRESENT: HON NICK O. HOLOWKA
CIRCUIT JUDGE

The Petition to determine, establish and maintain Normal levels of Merritt Lake having come on to be heard and the Court being fully advised in the premises and having heard and considered all proofs and allegations of all interested parties herein; and having considered and reviewed the description of lands contained within the special assessment district;

The Court finds that an elevation of 911.00 U.S.G.S. datum is the normal summer level of Merritt Lake, to be maintained from May to October 31 each year, an elevation of 909.60 U.S.G.S. datum is the normal winter level of Merritt Lake, Township of Metamora, Lapeer County Michigan, from November 1 to April 30 each year, and that said levels will provide the most benefit to the public and will best protect the public health, welfare and safety and that said levels will best serve to preserve the natural resources of the State of Michigan, and will best protect the values of properties developed around said Merritt Lake:

The Court further finds that the special assessment district as established by the Lapeer County Drain Commissioner pursuant to Resolution of the Lapeer County Board of Commissioners is a fair and equitable determination of the special assessment district.

THEREFORE, IT IS ORDERED:

1. That the normal summer level of Merritt Lake is determined to be and shall be established at an elevation of 911.00 U.S.G.S. datum from May 1 to October 31 each year;

FILED
COUNTY CLERK

NOV 3 4 19 PM '93

LAPEER COUNTY
MICHIGAN

OFFICE OF
PROSECUTING
ATTORNEY
LAPEER, MICH.

2. That the normal winter level of Merritt Lake is determined to be and shall be established at an elevation of 909.60 U.S.G.S. datum to be maintained from November 1 of each year to April 30 the year following;

3. That a reasonable time of 10 to 20 days should be recognized and provided for to accomplish each seasonal change from winter to summer elevation in the spring and from summer to winter elevation in the fall; and

4. That the lands contained in the special assessment district are as follows, to-wit:

METAMORA TOWNSHIP-T6N-R10E


Section 7:

Merritt Lake Subdivision No. 1	Lots 1-47 inclusive, and outlots A,B,C & D
Merritt Lake Subdivision No. 2	Lots 48-67 inclusive
Lakeside Subdivision No. 2	Lots 29-71 inclusive
Individual Parcel Numbers	015-007-001 thru 015-007-024 inclusive, and 015-007-025-50, 015-007-041 and 015-007-042

Section 8:

Lakeside Subdivision	Lots 1-28 inclusive
Individual Parcel Numbers	015-008-017-00, 015-008-017-01, 015-008-020-00 015-008-022-00, 015-008-038-00, 015-008-039-00, 015-008-040-00, 015-008-041-00, 015-008-042-00, and 015-008-044-00

OFFICE OF
PROSECUTING
ATTORNEY
LAPEER, MICH.


Circuit Judge

PREPARED BY:
BYRON KONSCHUH
CHIEF ASSISTANT PROSECUTOR
255 Clay Street
Lapeer, Michigan 48446

For and in consideration of prospective benefits to be derived by reason of the establishing of a certain Lake Level Structure under the supervision of the Drain Commissioner of the County of Lapeer and State of Michigan, as hereinafter described, We, the Merritt Lake Association Subdivision Nos. 1 and 2, as tenants by the entirety, of 3576 Orchard Drive, Metamora Michigan 48455, do hereby convey and release to the County of Lapeer, the Right of Way for a certain Lake Level Structure, hereinafter more particularly designated and described, over and across the following land owned by them, and situated in the Township of Metamora, County and State aforesaid, which land owned is described as follows:

44-15-200-042-00:

(T6N-R10E) MERRITT LAKE SUBDIVISION LOT 42 & OUTLOTS C & D.

The Right of Way or Easement is described as follows:
OUTLOT "D" OF THE ABOVE DESCRIPTION.

The Right of Way hereby conveyed and released is for the sole and only purpose of access, ingress, egress, inspection, construction, maintenance and repair over and across said premises a certain Lake Level Structure, petition for which in writing was made on June 5, 1992, by Grace Bjork, Richard West, Lamonta West and others, and the necessity and legal lake levels for which has been determined by Judgment of the Circuit Court of Lapeer County dated November 3, 1993.

This conveyance is based upon the above described property and shall be deemed to include the extreme width of said property as shown in the survey thereof, to which survey reference is hereby made for a more particular description and includes a release of all claims to damages in any way arising from or incident to the operating and maintaining of said structure across said premises, and shall be deemed a sufficient conveyance to vest in the County an easement in said land for the uses and purposes of maintaining the legal lake levels together with such rights of entry upon, passage over, deposit of excavated earth and storage of material and equipment on such land, as may be necessary or useful for the construction, maintenance and repair of such structure.

Witness our hands and seals, dated April 5, 1994.

WITNESSES:

Janice Dagher
Janice Dagher
Cheryl O. Machak
Cheryl O. Machak

STATE OF MICHIGAN }
} ss.
COUNTY OF OAKLAND }

by: Jeffery Dagher
Jeffery Dagher
its: President

On April 5, 1994, before me, a Notary Public in and for said County, personally appeared Jeffery Dagher, President, to me known to be the person in and who executed the foregoing instrument, and he acknowledged that he executed the same as his free act and deed.

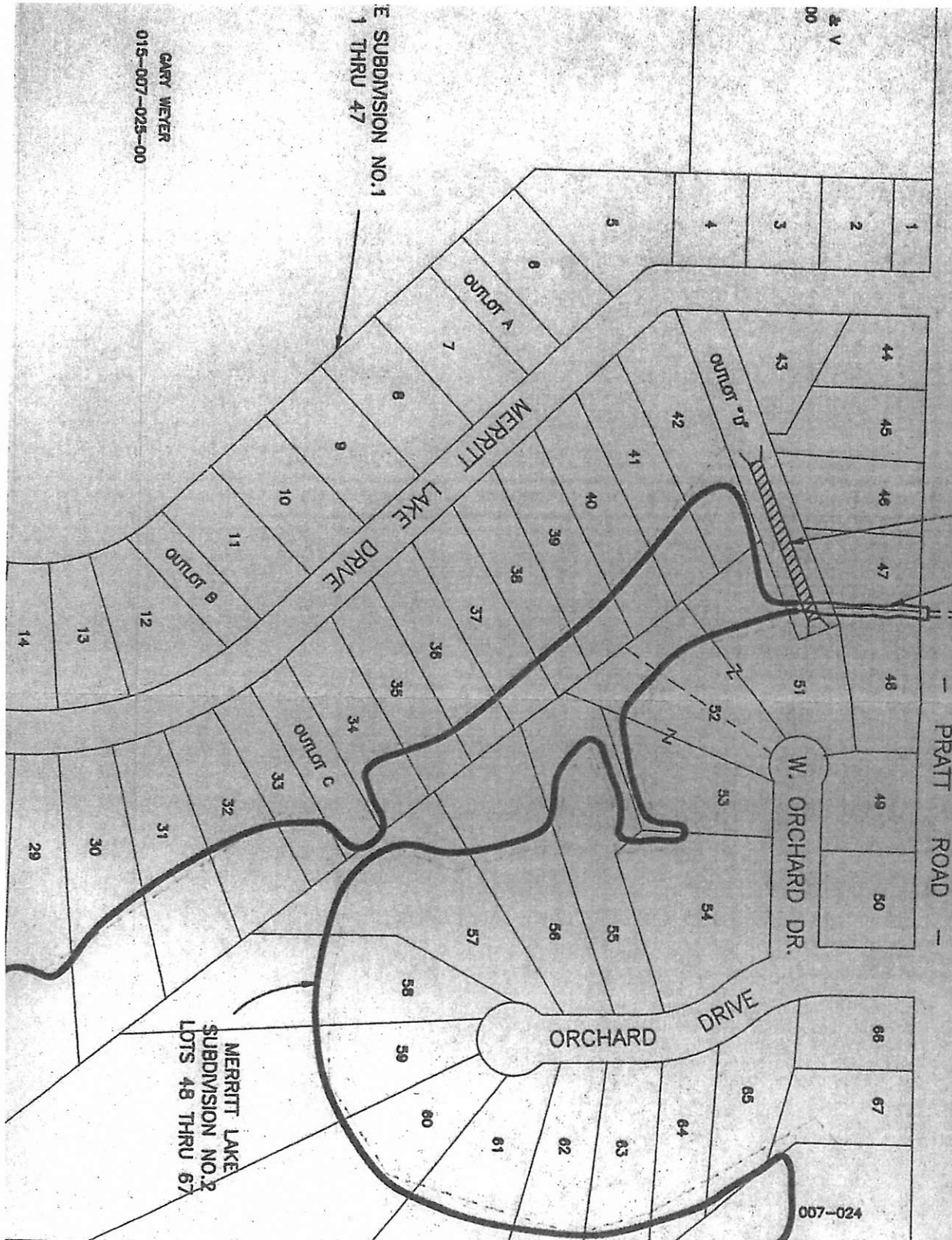
Prepared By: JOHN E. COSENS
Lapeer County Drain Office
287 W. Nepeasing St.
Lapeer, MI 48446
(810) 667-0371

Kimberly A. Thompson
Kimberly A. Thompson
Notary Public
County, Michigan
My Commission Expires May 14, 1998

RECEIVED FOR RECORD
94 APR 15 PM 1:46

EXISTING DIKE AND CONTROL STRUCTURE
OUTFALL CHANNEL TO LAKE METAMORA

NORTHEAST CORNER - SECTION



CARY WEYER
015-007-025-00

SECTION 7
SUBDIVISION NO. 1
1 THRU 47

MERRITT LAKE
SUBDIVISION NO. 2
LOTS 48 THRU 67

007-021

007-019

007-016

007-017

007-020

007-018

(NO EX MAP
NO DESCRIPTION)

007-006

007-007

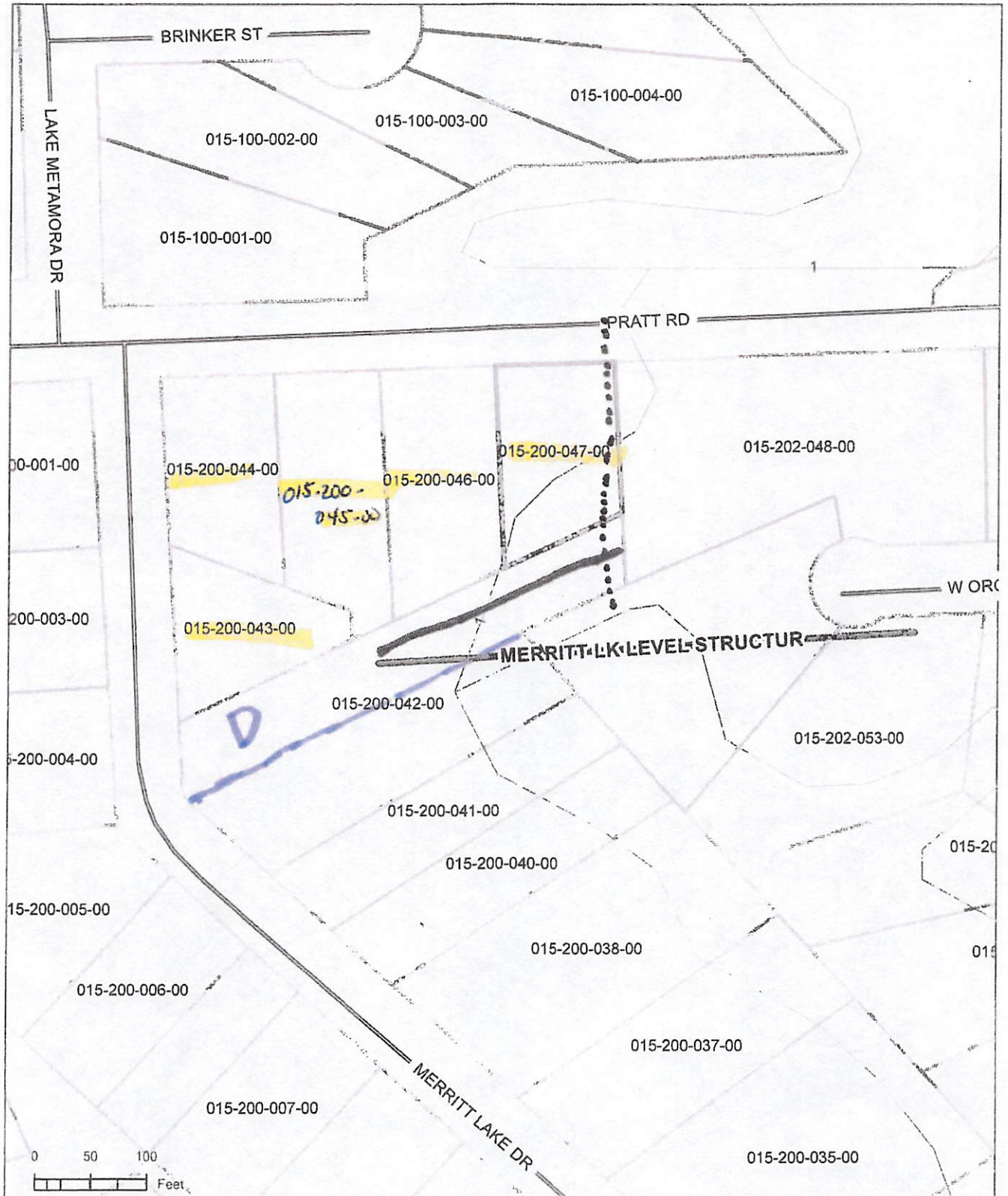
007-008

007-005

007-004

007-002

2023 MAPS



2023 MAPS

