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**KESTER INTERCOUNTY DRAIN**  
*(Lapeer and Tuscola Counties)*

Legal Opinion

Date Prepared: February 27, 2018

To: Brady Harrington, Kester Drain Drainage Board Chair

From: Stacy L. Hissong, *Esq.*

Date: February 22, 2018

Re: Kester Intercounty Drain

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**Municipalities Involved**

Lapeer County: Marathon Township

Tuscola County:

**Establishment of Drain**

*Year: 1903 Chapter: 6*

**Jurisdiction of Drain**

- Drain/Public Works Commissioner
- Drainage Board
- Other: \_\_\_\_\_

**Files Reviewed**

- MDARD
- Lapeer County
- Tuscola County

**Petitioned Proceedings**

*Date/Type: 1901-1903 Establishment Proceedings (Tuscola and Lapeer Counties)*

**Tuscola County Records**

**Lapeer County Records**

Application for Locating and Establishing dated April 26, 1901

First Order of Determination dated November 1, 1901

Apportionment of Tax Between Counties dated November 15, 1902 (Tuscola 12.5%; Lapeer 87.5%)

Final Order of Determination dated May 5, 1903 (signed by Tuscola and Lapeer Counties)

Releases of Rights of Way (recorded by affidavit)

Notice of Letting dated April 11, 1903

***Date/Type: 1945-1949 Maintenance/Improvement Proceedings (Lapeer only)***

Petition for maintenance/improvement dated October 15, 1945

Order of Necessity dated May 1, 1947

First Order of Determination dated May 4, 1949

Final Order of Determination dated July 9, 1949

Notice of Letting dated July 19, 1949

Computation of Costs dated August 17, 1949

Contract After Letting dated August 18, 1949

***Date/Type: 1995-1997 Maintenance/Improvement Proceedings (Lapeer only/Otter Lake Road Branch of Kester)***

Petition for maintenance and improvement dated September 15, 1995

Order of Necessity dated March 13, 1997

No further records

**Miscellaneous Proceedings**

Releases of Rights of Way from both Tuscola and Lapeer Counties. The Tuscola County historical releases of rights of way were subsequently recorded with the Register of Deeds.

**Current Status of Drain**

- Abandoned
- Relinquished
- Under Jurisdiction of Intercounty Drainage Board

**Comments**

1. Based on the information provided, the Kester Intercounty Drain is an established intercounty drain under the jurisdiction of the Kester Intercounty Drain Drainage Board, consisting of the Lapeer County Drain Commissioner, the Tuscola County Drain Commissioner, and the Director of the Department of Agriculture and Rural Development.
2. The Otter Lake Road Branch of Kester Drain is not a separately established drain and is part of the Kester Drain.