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PETERS INTERCOUNTY DRAIN

(Lapeer & Sanilac Counties)

Legal Opinion

Date Prepared: March 30, 2020

TO: Brady Harrington, Drainage Board Chair
FROM: Fahey Schultz Burzych Rhodes PLC
DATE: March 30, 2020
RE: Peters Intercounty Drain

Municipalities Involved

Lapeer: Burnside Township

Sanilac: Marlette Township

Establishment of Drain

Year: 1910

Chapter: 6

Jurisdiction of Drain

- Drain Commissioner
 Drainage Board
 Other: _____

Files Reviewed

- MDARD
 Lapeer County
 Sanilac County



Petitioned Proceedings

Date/Type: 1909-1911 Establishment Proceedings (Peters Outlet/Lapeer only)

Lapeer County Files

Application for Locating and Establishing a Drain dated May 10, 1909
First Order of Determination dated September 15, 1910
Releases of Right of Way
Final Order of Determination dated November 30, 1910
Notice of Letting dated December 8, 1910
Contract After Letting dated January 13, 1911
Assessment Roll dated January 20, 1911
Computation of Costs dated January 23, 1911
Apportionment of Benefits dated January 27, 1911

Date/Type: 1912-1913 Maintenance/Improvement Proceedings (Peters)

Lapeer County Files

Sanilac County Files

Petition for maintenance and improvement dated April 15, 1912
Order of Necessity dated June 12, 1912
First Order of Determination dated December 27, 1912
Releases of Rights of Way and condemnation proceedings
Apportionment of Benefits dated May 12, 1913 (Lapeer)
Apportionment of Tax Between Counties dated May 22, 1913 (Lapeer 80%; Sanilac 20%)
Final Order of Determination dated May 23, 1913
Notice of Letting dated May 23, 1913
Contract After Letting dated June 12, 1913
Apportionment of Benefits dated June 13, 1913 (Sanilac)
Computation of Costs dated June 17, 1913
Assessment Roll dated July 31, 1913 (Lapeer)

Date/Type: 1935 Maintenance/Improvement Proceedings (Peters Outlet/Lapeer only)

Lapeer County Files

Petition for maintenance and improvement dated May 22, 1935
Order of Necessity dated July 10, 1935
First Order of Determination dated July 20, 1935
Final Order of Determination dated July 20, 1935
Notice of Letting dated July 20, 1935
Apportionment of Benefits dated August 5, 1935
Computation of Costs dated August 16, 1935
Contract After Letting dated August 17, 1935

Date/Type: 1950 Maintenance/Improvement Proceedings (Peters and Peters Outlet)

MDARD Files

Lapeer County Files

Petition for maintenance and improvement dated January 24, 1950

Minutes reflect no action taken due to an injunction on additional flows to the Cass River

Date/Type: 1963-1968 Maintenance/Improvement Proceedings (Peters and Peters Outlet)

MDARD Files

Lapeer County Files

Sanilac County Files

Petition for maintenance and improvement dated September 3, 1963

Order of Practicability dated March 25, 1964

Order of Necessity dated May 31, 1967

First Order of Determination dated May 31, 1967 (Lapeer 68.5%; Sanilac 31.5%)

Releases of Rights of Way

Final Order of Determination dated April 29, 1968

Notice of Letting dated April 29, 1968

Computation of Costs dated June 10, 1968

Apportionment of Benefits dated June 10, 1968 (Sanilac)

Apportionment of Benefits dated September 25, 1968 (Lapeer)

Assessment Roll dated September 25, 1968 (Lapeer)

Current Status of Drain

- Abandoned
- Relinquished
- Under Jurisdiction of the Drainage Board

Comments

- I. Based on the information provided, the Peters Intercounty Drain is an established intercounty drain under the jurisdiction of the Peters Intercounty Drain Drainage Board. The Peters Intercounty Drain consolidated the Peters Outlet Intercounty Drain, and the Peters Outlet Intercounty Drain is no longer considered a separately established drain.