

### SETTER INTERCOUNTY DRAIN (*Lapeer and Sanilac Counties*)

TO: Setter Intercounty Drain Drainage Board  
FROM: Clark Hill PLC  
DATE: June 6, 2019  
SUBJECT: Setter Intercounty Drain

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#### **Establishment of Drain**

*Year:* 1894

*Chapter:* 6

#### **Municipalities**

*Lapeer County:* Burnside Township and Brown City

*Sanilac County:* Elk Township, Elmer Township, Maple Valley Township, Flynn Township,  
Brown City

#### **Jurisdiction of Drain**

- Drain Commissioner
- Drainage Board
- Other: \_\_\_\_\_

#### **Records Reviewed**

- Michigan Department of Agriculture & Rural Development
- Lapeer County
- Sanilac County

#### **Petitioned Proceedings**

##### ***1893-1894 Establishment Proceedings (Setter Drain – Sanilac County only)***

Application to Locate and Establish a Drain dated November 7, 1893

Application to Locate and Establish a Drain dated November 17, 1893

First Order of Determination dated January 19, 1894

Application to Locate and Establish a Drain dated February 16, 1894 (“commencing at the outlet of the Setter Drain...”)

Recorded Affidavit of Release of Right of Way (Sanilac County)

Final Order of Determination (date not shown)

Contract After Letting dated September 11, 1894

***Date/Type: 1894 Establishment Proceedings – McDonald Drain***

Application to Locate and Establish a Drain dated August 2, 1894  
Minutes of Survey  
First Order of Determination dated August 25, 1894  
Final Order of Determination dated September 8, 1894  
Notice of Letting dated September 10, 1894  
Apportionment of Benefits

***Date/Type: 1899-1900 Maintenance and Improvement Proceedings (Setter Drain)***

Petition for maintenance and improvement dated June 26, 1899 (filed with Sanilac County; refers to Lapeer and Sanilac Counties)  
First Order of Determination dated July 27, 1899 (signed by Lapeer and Sanilac Counties)  
Return of Special Commissioners dated May 29, 1900  
Apportionment of Tax Between Counties dated June 18, 1900 (Lapeer County – 5%, Sanilac County – 95%; signed by Lapeer and Sanilac Counties)  
Final Order of Determination dated June 18, 1900 (“Setter Extension Drain”; signed by Lapeer and Sanilac Counties)  
Notice of Letting dated June 18, 1900  
Apportionment of Benefits  
Special Assessment Roll

***Date/Type: 1900-1901 Maintenance and Improvement Proceedings (Setter Drain – Sanilac County only)***

Petition for maintenance and improvement dated March 26, 1900  
First Order of Determination dated June 29, 1901  
Final Order of Determination dated August 17, 1901  
Notice of Letting dated August 17, 1901

***Date/Type: 1912-1914 Maintenance and Improvement Proceedings (Setter Extension Drain)***

Petition for maintenance and improvement dated November 14, 1912 (filed with Sanilac County; refers to Lapeer and Sanilac Counties)  
Township’s Determination of Necessity dated December 21, 1912  
Opinion of Drain Commissioners as to Necessity dated October 15, 1913 (signed by Lapeer and Sanilac Counties)  
First Order of Determination dated April 23, 1914 (signed by Lapeer and Sanilac Counties)  
Recorded Releases of Right of Way  
Final Order of Determination dated September 29, 1914 (signed by Lapeer and Sanilac Counties)  
Notice of Letting dated October 1, 1914  
Contract After Letting dated November 17, 1914  
Apportionment of Benefits  
Special Assessment Roll

***Date/Type: 1912-1916 Maintenance and Improvement Proceedings (Setter Stimson Drain - Sanilac County only)***

Petition for maintenance and improvement dated November 15, 1912 (“Setter Drain”)  
Township’s Determination of Necessity dated January 11, 1913  
First Order of Determination dated July 20, 1916  
Final Order of Determination dated August 15, 1916 (“Setter Stimson Drain”)  
Notice of Letting dated August 23, 1916

***Date/Type: 1928-1931 Maintenance and Improvement Proceedings (Branch No. 1 of Setter Drain)***

Petition for maintenance and improvement dated August 1, 1928 (filed with Sanilac County; refers to Lapeer and Sanilac Counties)  
Order of Practicableness dated September 11, 1928 (signed by Drainage Board)  
First Order of Determination dated March 23, 1931 (Lapeer County – 3%, Sanilac County – 97%; signed by Drainage Board Chair)  
Final Order of Determination dated March 27, 1931 (signed by Drainage Board Chair)  
Notice of Letting dated March 31, 1931  
Contract After Letting dated April 28, 1931  
Apportionment of Benefits  
Special Assessment Roll

***Date/Type: 1939 Maintenance and Improvement Proceedings (Setter-Stimson Drain – Sanilac County only)***

Petition for maintenance and improvement dated May 25, 1939  
Petition for maintenance and improvement dated November 15, 1939  
Order of Necessity dated August 21, 1939  
Notice of Letting dated November 2, 1939  
Notice of Letting and Day of Review dated November 28, 1939  
Contract After Letting dated December 15, 1939

***Date/Type: 1945-1946 Maintenance and Improvement Proceedings***

Petition for maintenance and improvement dated October 4, 1945 (filed with Sanilac County; refers to Lapeer and Sanilac Counties – “Setter Drain, Setter Extension and Branches Drain”)  
Order of Practicableness dated January 9, 1946 (not signed)  
No Further Records

***Date/Type: 1950 Maintenance and Improvement Proceedings – McDonald Drain***

Petition for maintenance and improvement dated February 20, 1950  
Minutes of Survey  
Order of Necessity dated April 10, 1950  
First Order of Determination dated April 12, 1950  
Recorded Affidavits of Releases of Right of Way  
Final Order of Determination dated June 20, 1950  
Notice of Letting and Day of Review dated June 23, 1950  
Contract After Letting dated July 12, 1950  
Apportionment of Benefits

***Date/Type: 1950-1952 Maintenance and Improvement Proceedings (Setter Extension and Branches Drain)***

Petition for maintenance and improvement dated March 15, 1950 (filed with Sanilac County; refers to Lapeer and Sanilac County)  
Order of Practicableness dated June 5, 1950 (signed by Drainage Board)  
Order of Necessity dated December 14, 1950 (signed by Drainage Board)  
First Order of Determination dated January 11, 1951 (Lapeer County – 18.5%, Sanilac County – 81.5%; signed by Drainage Board Chair)  
Recorded Releases of Right of Way (Lapeer County)  
Final Order of Determination dated May 1, 1952 (signed by Drainage Board Chair)  
Notice of Letting and Day of Review dated May 12, 1952  
Intercounty Contract After Letting dated June 17, 1952  
Apportionment of Benefits  
Special Assessment Roll

***Date/Type: 1970 Maintenance and Improvement Proceedings (Setter and Setter and Branch No. 2 Drain)***

Petition for maintenance and improvement dated May 25, 1970 (filed with Sanilac County; refers to Lapeer and Sanilac Counties)  
Order of Practicableness dated July 2, 1970 (signed by Drainage Board)  
Order of Necessity dated October 14, 1970 (signed by Drainage Board)  
First Order of Determination dated November 9, 1970 (Lapeer County – 9%, Sanilac County 91%; signed by Drainage Board Chair)  
Final Order of Determination dated November 9, 1970 (signed by Drainage Board Chair)  
Notice of Letting and Day of Review dated November 16, 1970 (signed by Drainage Board)  
Intercounty Contract After Letting dated December 16, 1970  
Apportionment of Benefits  
Special Assessment Roll

***Date/Type: 1971-1973 Maintenance and Improvement Proceedings – McDonald Drain***

Petition for maintenance and improvement dated August 6, 1971  
Order of Necessity dated June 28, 1972  
First Order of Determination dated August 21, 1973  
Final Order of Determination dated October 5, 1973  
Notice of Letting and Review of Apportionment dated October 5, 1973  
Contract After Letting dated October 30, 1973  
Apportionment of Benefits  
Special Assessment Roll

***Date/Type: 1974-1980 Maintenance and Improvement Proceedings (Setter Drain and Branches)***

Petition for maintenance and improvement dated May 6, 1974 (filed with Sanilac County; refers to Lapeer and Sanilac Counties)

Order of Practicableness dated July 17, 1975 (signed by Drainage Board)

Order of Necessity dated June 7, 1978 (signed by Drainage Board)

Order of Arbitration Board dated May 28, 1980 (Lapeer County – 26.5%, Sanilac County 73.5%; signed by Arbitration Board)

First Order of Determination dated May 28, 1980 (Lapeer County – 26.5%, Sanilac County 73.5%; signed by Drainage Board Chair)

Recorded Release of Right of Way

Final Order of Determination dated June 5, 1980 (signed by Drainage Board Chair)

Notice of Letting and Day of Review dated May 28, 1980

Apportionment of Benefits

Special Assessment Roll

***Date/Type: 1995-1996 Maintenance and Improvement Proceedings – McDonald Drain***

Petition for maintenance and improvement dated October 10, 1995

Order of Necessity dated December 12, 1995

First Order of Determination dated January 2, 1996

Recorded Releases of Right of Way

Final Order of Determination dated May 28, 1996

Notice of Letting and Day of Review dated May 14, 1996

Contract After Letting dated June 6, 1996

***Date/Type: 2019 Consolidation Proceedings – Setter Intercounty Drain and McDonald Drain***

Petition for consolidation dated February 12, 2019 (to be known as the Setter Intercounty Drain)

Order of Consolidation dated March 27, 2019

**Status of Drain**

Under the Jurisdiction of the Setter Intercounty Drain Drainage Board

Abandoned

Relinquished

**Comments**

1. The Setter Intercounty Drain is a legally established intercounty drain under the jurisdiction of the Setter Intercounty Drain Drainage Board, consisting of the Lapeer County Drain Commissioner, Sanilac County Drain Commissioner and the Director of the Michigan Department of Agriculture and Rural Development.
2. The “Setter Stimson Drain” is not a separately established drain, but a part of the Setter Intercounty Drain.
3. The McDonald Drain was established as a separate county drain in Sanilac County. In 2019, the McDonald Drain was consolidated with the Setter Intercounty Drain. Accordingly, all McDonald Drain files should be combined with the Setter Intercounty Drain.