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BELLE RIVER INTERCOUNTY DRAIN

Legal Opinion

Date Prepared: April 21, 2017

To: Brady Harrington, Drainage Board Chair

From: Stacy L. Hissong, *Esq.*

Date: April 21, 2017

Re: Belle River Intercounty Drain

Municipalities Involved

Lapeer County: Attica, Dryden, Goodland, Imlay and Almont Townships

St. Clair County: Berlin and Mussey Townships

Establishment of Drain

Year: 1901

Chapter: 6

Jurisdiction of Drain

- Drain/Public Works Commissioner
- Drainage Board
- Other: _____

Files Reviewed

- MDARD
- Lapeer County
- St. Clair County

Petitioned Projects

Date/Type: 1900-1901 Establishment Proceedings

Application to Locate and Establish a Drain dated July 5, 1900

Minutes of Survey

First Order of Determination dated January 5, 1901

Releases of Rights of Way

Return of Special Commissioners dated May 17, 1901

Final Order of Determination dated July 5, 1901

Apportionment of Tax Between Counties (50% Lapeer and 50% St. Clair) dated July 8, 1901

Notice of Letting of Drain Contract dated July 8, 1901

Apportionment of Benefits July 31, 1901

Computation of Costs dated August 10, 1901

Special Assessment Roll dated September 12, 1901

Date/Type: 1916-1918 Maintenance and Improvement Proceedings – Belle River Improvement Drain

Application for maintenance and improvement dated September 14, 1916
Opinion of Drain Commissioners dated November 14, 1916
Minutes of Survey dated December 28, 1916
First Order of Determination dated February 7, 1917
Releases of Rights of Way
Return of Special Commissioners dated January 29, 1918
Final Order of Determination dated June 14, 1918 (signed by Lapeer and St. Clair Counties)
Minutes of Survey (Lapeer County)
Notice of Letting dated June 26, 1918
Computation of Costs dated August 8, 1918
Apportionment of Benefits
Special Assessment Roll

Date/Type: 1920-1922 Maintenance and Improvement Proceedings (Lapeer County only)

Petition for maintenance and improvement dated March 22, 1920 (“North Branch of Belle River Drain”)
Order of Necessity dated June 17, 1920
First Order of Determination (not dated)
Notice of Letting dated October 10, 1922
Contract After Letting dated October 10, 1922
Special Assessment Roll

Date/Type: 1943-1944 Maintenance and Improvement Proceedings – Belle River Improvement Drain

Petition for maintenance and improvement dated July 13, 1943 (filed with Lapeer; refers to Lapeer and St. Clair Counties)
Order of Practicableness dated September 9, 1943 (signed by Drainage Board)
Minutes of Survey
Order of Necessity dated July 26, 1944 (signed by Drainage Board)
First Order of Determination dated July 26, 1944 (signed by Drainage Board Chair)
Final Order of Determination dated July 26, 1944 (signed by Drainage Board Chair)
Apportionment of Benefits dated July 26, 1944
Order of Necessity dated October 19, 1944 (signed by Drainage Board)
First Order of Determination dated October 19, 1944 (signed by Drainage Board Chair)
Final Order of Determination dated October 19, 1944 (signed by Drainage Board Chair)
Notice of Letting dated October 19, 1944
Computation of Costs dated December 5, 1944
Contract After Letting dated December 5, 1944
Apportionment of Benefits (Lapeer County)
Special Assessment Roll

Date/Type: 1961 Maintenance and Improvement Proceedings (Lapeer County only)

Petition to construct a dam dated June 14, 1961 (“Belle River Dam”)
Order of NO Necessity dated June 22, 1961

Date/Type: 1980-1983 Maintenance/Improvement Proceedings

Petition for maintenance and improvement dated December 4, 1980

Petition for maintenance and improvement dated November 20, 1981

Order of Practicabilty dated January 12, 1982

Order of Necessity dated August 8, 1983 (for December 4, 1980 petition)

Order of NO Necessity dated August 8, 1983 (for November 20, 1981 petition)

First Order of Determination dated November 2, 1983 (for December 4, 1980 petition) with 95% Lapeer and 5% St. Clair

First Order of Determination dated November 2, 1983 (for November 16, 1981 petition) with 63.5% Lapeer and 36.5% St. Clair)

Final Order of Determination dated December 8, 1983 (signed by Drainage Board Chair)

Notice of Letting and Day of Review dated December 8, 1983

Current Status of Drain

- Abandoned
- Relinquished
- Under Jurisdiction of Intercounty Drainage Board

Comments

1. Based on the information provided, the Belle River Intercounty Drain is an established intercounty drain under the jurisdiction of the Belle River Intercounty Drain Drainage Board, consisting of the Lapeer County Drain Commissioner, St. Clair County Drain Commissioner and the Director of the Department of Agriculture and Rural Development.
2. In 1920, a maintenance and improvement petition was filed for the “North Branch of Belle River Drain” in Lapeer County. The “North Branch of Belle River Drain” is not a separately established drain, but a part of the Belle River Intercounty Drain.