

MUDCAT & STATE INTERCOUNTY DRAIN

(Lapeer and St. Clair Counties)

Legal Opinion

Date Prepared: January 25, 2019

TO: Brady Harrington, Drainage Board Chair
FROM: Stacy L. Hissong, Esq.
DATE: January 25, 2019
RE: Mudcat & State Intercounty Drain

Municipalities Involved

Lapeer: Imlay Township

St. Clair: Mussey Township

Establishment of Drain

Year: prior to 1899

Chapter: 6

Jurisdiction of Drain

- Drain Commissioner
 Drainage Board
 Other: _____

Files Reviewed

- MDARD
 Lapeer County
 St. Clair County



Petitioned Proceedings

Date/Type: 1899-1900 Maintenance/Improvement Proceedings

Lapeer County Records

St. Clair County Records (Liber 16, Page 452)

Petition for maintenance and improvement dated August 26, 1899

Survey

First Order of Determination dated January 11, 1900

Releases of Rights of Way

Apportionment of Tax Between Counties dated April 18, 1900 (Lapeer 75%; St. Clair 25%)

Final Order of Determination dated May 15, 1900

Notice of Letting dated May 17, 1900

Apportionments of Benefits dated June 6, 1900 (St. Clair and Lapeer)

Assessment Roll dated June 6, 1900 (Lapeer)

Computation of Costs dated June 12, 1900

Assessment Roll dated September 8, 1900 (St. Clair)

Date/Type: 1938-1939 Maintenance/Improvement Proceedings

Lapeer County Records

St. Clair County Records (Liber 36, Page 484)

MDARD Records

Petition for maintenance and improvement dated April 4, 1938

Order of Practicableness dated May 19, 1938

First Order of Determination dated June 1, 1938 (Lapeer 75%; St. Clair 25%)

Notice of Letting dated November 29, 1938

Contract After Letting dated December 29, 1938

Computation of Costs dated January 1, 1939

Assessment Roll dated September 12, 1939 (St. Clair)

Assessment Roll dated September 30, 1939 (Lapeer)

Date/Type: 1960-1961 Maintenance/Improvement Proceedings

Lapeer County Records

St. Clair County Records (Liber 73, Page 196)

MDARD Records

Petition for maintenance and improvement dated May 2, 1960

Order of Practicableness dated June 7, 1960

Order of Necessity dated September 13, 1960

First Order of Determination dated September 13, 1960 (Lapeer 75%; St. Clair 25%)

Releases of Rights of Way

Final Order of Determination dated March 29, 1961

Notice of Letting dated April 4, 1961
Apportionment of Benefits dated May 5, 1961 (Lapeer)
Apportionment of Benefits dated May 9, 1961 (St. Clair)
Contract After Letting dated May 10, 1961
Computation of Costs dated May 23, 1961
Assessment Roll dated September 27, 1961 (Lapeer)

Miscellaneous Proceedings

Releases of Rights of Way (recorded) in 1974 relating to the relocation of the drain; signed but undated Relocation Agreement with St. Clair County Road Commission

Current Status of Drain

- Abandoned
- Relinquished
- Under Jurisdiction of the Drainage Board

Comments

- I. Based on the information provided, the Mudcat & State Intercounty Drain is an established intercounty drain under the jurisdiction of the Mudcat & State Intercounty Drain Drainage Board.