

CLINTON COUNTY BOARD OF COMMISSIONERS

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Administrator
Ryan L. Wood
Clerk of the Board
Diane Zuker

2012-5

RESOLUTION OF THE CLINTON COUNTY BOARD OF COMMISSIONERS PARK LAKE

WHEREAS, a lake level for Park Lake located in Bath Township was established under the Inland Lake Level Act, formerly Act 194 of 1939, on June 16, 1941, at 846.25 feet above sea level; and

WHEREAS, based on a review of the Clinton County Drain Commissioner's records, no special assessment district boundaries were established as provided in Part 307 of the Natural Resources and Environmental Protection Act, Act 451, Public Acts of Michigan, 1994, as amended ("Part 307"), specifically MCL 324.30704; and

WHEREAS, the Clinton County Drain Commissioner is the delegated authority for Clinton County for the maintenance of the established lake level for Park Lake; and

WHEREAS, a report conducted by the State of Michigan after the establishment of the lake level in 1947 recommended that the level for Park Lake be maintained at a lower level, and recommending a revision of the established lake level; and

WHEREAS, Bath Township has agreed to pay any preliminary engineering and attorney fees related to the establishment of a special assessment district and revisions to the established lake level, with any costs incurred being credited to the Township after the special assessment district is established; and

WHEREAS, the Clinton County Board of Commissioners deems it expedient to have a special assessment district established, and to allow for revision of the established lake level pursuant to Part 307.

NOW, THEREFORE, BE IT RESOLVED:

1. The Board directs the Clinton County Drain Commissioner, as delegated authority, to determine the special assessment district boundaries for Park Lake, consistent with Part 307, including therein all parcels of land and political subdivisions and each parcel of land owned by the Michigan Department of Natural Resources which are benefited by the established lake level.

2. The Board directs the Drain Commissioner, as delegated authority, to make recommendations as to any revisions of the established lake level for Park Lake consistent with Part 307.
3. The Board authorizes the Drain Commissioner to perform a preliminary study with recommendations as to boundaries of a special assessment district and for revisions to the established lake level consistent with Part 307, and all costs shall be borne by the special assessment district once established.
4. The Board authorizes the Drain Commissioner to institute proceedings in the Clinton County Circuit Court to revise the established lake level and to establish and confirm special assessment district boundaries for the established lake level of Park Lake, and all costs to do so shall be borne by the special assessment district.
5. The Board of Commissioners does hereby determine that the whole cost of the project to revise the previously established lake level and to establish and confirm special assessment district boundaries for the lake level for Park Lake, and to maintain and improve the established lake level for Park Lake shall be defrayed by special assessments against privately owned parcels of land, State owned lands that are under the jurisdiction and control of the Michigan Department of Natural Resources, and political subdivisions of the State that are benefited by the project in accordance with procedures set forth in part 307.
6. All preliminary engineering and legal costs shall be paid for by Bath Township in the event that a special assessment district is not established. Any costs paid for by Bath Township prior to the establishment of a special assessment district shall be a credit on any assessment under Part 307 for the lake level for Park Lake.
7. After the revision of the established lake level and establishment of the special assessment district for Park Lake, the Drain Commissioner, as delegated authority, shall prepare a computation of cost of the project and prepare a special assessment roll consistent with the requirements of Part 307.
8. All resolutions and parts of resolutions insofar as the same may be in conflict herewith are hereby rescinded.

STATE OF MICHIGAN

COUNTY OF CLINTON

I, DIANE ZUKER, Clerk of the County of Clinton do hereby certify that the foregoing resolution was duly adopted by the Clinton County Board of Commissioners at the regular meeting held March 27, 2012 and is on file in the records of this office.

Diane Zuker, Clinton County Clerk