



VAN BUREN COUNTY DRAIN COMMISSIONER

JOE PARMAN, Drain Commissioner

GEORGIA MASSURA, Deputy Drain Commissioner

BRANDON KULHANEK, SESC & Maintenance Supervisor

MUD LAKE AND OSBORN DRAIN PETITION –SUMMARY

In the spring of 2009 the drain office received several complaints of property on and around Keeler Lake flooding. In addition, the flooding was so severe that farm fields in the northeast corner of Keeler Lake were flooding over flowing 60th street into the lake. An on-site meeting was held with several property owners, public officials, Michigan Department of Agriculture (MDA), road commission, and the drain office to discuss the problem. The MDA addressed the water runoff from the fields into the lake and the flooding of the lake was left to the property owners.

With the help of a number of local authorities the lake community temporarily resolved the problem by installing a large pump to lower the lake level during a 30 day period. The pump out let into a pond just north of 88th Avenue which is connected to the Mud Lake and Osborn Drain. The lake community collected close to \$18,000 from 41 homes where the water threatened 8 homes. There was damage to homes, lake front property, personal property, and expense were incurred when several homes had to add pumps to their lower levels.

Keeler Lake has no outlet and is subject to precipitation, runoff, evaporation, and natural hydrology for its lake level. The Mud Lake and Osborn Drain begins approximately 1,800 feet south of Keeler Lake, but it is not directly connected to the lake. As a result, residence of Keeler Lake and board members for the lake association contacted the county drain office for information on extending the drain to the lake for a sufficient outlet. The extension would require a petition under chapter 8 of the Drain Code in order for the drain office to be able to assist in this process.

A petition was submitted to the drain office for extending the Mud Lake and Osborn drain on August 9, 2010. A preliminary inspection of the drain and its possible extension was done in preparation for petition and the Board of Determination (BOD). The BOD is scheduled for March 1, 2011, 11:00 a.m. at Keeler Township Hall.

The BOD will then determine if the petition is *necessary* or *not necessary* to the public health, convenience, or welfare of the residence of the area and township. The Board's decision is **not** based on the following:

- Costs of the project
- The project scope
- Apportionment of benefits (assessment) to property owners and municipalities
- The best means to relieve the drainage concerns

The Drain Commissioner makes these decisions after the engineering is performed, but before construction occurs. "The manner in which the drain is to be built is within the sole discretion of the drain commissioner." (McGregor v Coggins Drain Drainage District, 179, Mich App, 297(1989).