

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2010-47

A RESOLUTION OF PETITION TO THE VAN BUREN COUNTY DRAIN COMMISSIONER

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on November 1, 2010 at 7:30 p.m. local time.

PRESENT: Bemis, Frost, Klavins, Patterson, Burr

ABSENT: Fitzgibbon, Kozlik Wall

The following preamble and resolution was offered by Member Bemis and supported by Member Klavins.

BE IT RESOLVED, that the City of South Haven, County of Van Buren make and cause to be filed a petition in form substantially as follows:

EXTENDING THE SOUTH BRANCH OF THE NORTH PHOENIX COUNTY DRAIN

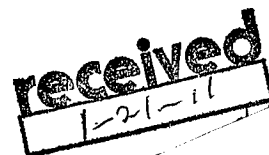
To the County Drain Commissioner of Van Buren County: Your petitioners make petition, and hereby respectfully ask you to clean out, relocate, widen, deepen, straighten, tile, extend or relocate along a highway, install structures or mechanical devices to properly purify or improve the flow of the North Phoenix Drain which will properly drain the lands in said district, under the provision of the Michigan Drain Code, P.A. 40 of 1956 as amended, MCL 280.191, Chapter 8. Furthermore, the adding of lands to the drainage district may be necessary in conjunction with this petition.

Your petitioners further respectfully declare that the cleaning out, relocating, widening, deepening, straightening, tiling, extending or relocating along a highway, installing structures or mechanical devices to properly purify or improve the flow of the North Phoenix Drain will be necessary and conducive to the public health, convenience and welfare of said City.

The Spur of the South Branch of the North Phoenix Drain is generally described as follows: Beginning at the South Branch of the North Phoenix County Drain at a location north of Green Street and east of Prospect Street; thence southerly to Green Street; thence easterly along Green Street to the end of the Green Street right-of-way; thence southeasterly to Cherry Street; thence easterly to Blue Star Highway; thence continuing easterly under Blue Star Highway to the upstream terminus.

Your petitioners further respectfully request that the following specific improvements be made within the City of South Haven: replacement of the culvert below Cherry Street and replacement of all CMP storm sewer pipe between Green Street and the outlet to open channel flow north of Green Street.

BE IT FURTHER RESOLVED, That Mayor and City Clerk are hereby authorized and directed to execute said Petition for and on behalf of this City and to file the same with the Drain Commissioner.



BE IT FURTHER RESOLVED that this City hereby consents to the foregoing described drain project and to an assessment at-large on the basis of public health benefit for a percentage of the total amount assessed for the cost of the proposed work.


BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Council.

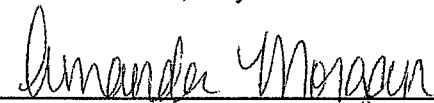
RECORD OF VOTE:

Yeas: Bemis, Frost, Klavins, Patterson, Burr

Nays: None


RESOLUTION DECLARED ADOPTED.


Robert G. Burr, Mayor


Amanda Morgan, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on the 1st day of November, 2010, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq*).


Amanda Morgan, City Clerk