

History and procedure

The Shiawassee County Drain Commissioner received a petition from thirteen petitioners on March 2, 2009 requesting cleaning, deepening, widening, relocating, tiling, constructing & maintaining of the Wheeler Intercounty Drain to address drainage issues in Gaines Township in Genesee County and Vernon Township in Shiawassee.

The Drainage Board met on October 7, 2009 and determined that the petition was sufficient and the requested improvement was practical. The Drainage Board retained Ledy Design Group to provide preliminary engineering alternatives and cost estimates.

Today's meeting is to make a public presentation of the preliminary engineering study and engineer's recommendations and cost estimates and to receive additional public testimony. The Board will decide based on the engineering study and testimony received at this hearing and earlier in the process, from the petitioners, landowners and local officials as to whether or not it is necessary and conducive to the public health, convenience, or welfare to proceed with some level of construction project to provide the relief requested.

The decisions today will be made by a majority vote of this Board. The Chairperson does not vote except in the event of a tie (abstentions are not allowed)

Again, it should be made clear that the Board will be deciding if there should be a project to address the relief requested in the petition and whether the project is necessary for the good of the public health, convenience, or welfare.

If the Board makes the determination that there is no need for any level of project, and there is no appeal, the petition process comes to an end and the costs of the procedure to date will be apportioned among the drainage district counties. These costs will be apportioned according to the benefits that would have accrued to the counties if the project had been completed.

If this Board finds a project Necessary at the end of today's proceedings and there is no appeal within the designated 10 days, this Board in conjunction with the recommendations of the engineer and testimony received from the hearing process, will decide on scope and breadth of the project to be constructed.

You have the right to appeal the decision of the Board whether the Board decides yes or no. Your appeal is to the Circuit Court of the county in which you reside, within 10 days of today's hearing. The scope or design of the project is not subject to appeal.