

December 9, 2005

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CITY OF TROY
CITY MANAGER'S OFFICE

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager, Services
Steven Vandette, City Engineer *SV*

Subject: Agenda Item - Petition to Create the Gibson Intercounty Drain

RECOMMENDATION:

It is recommended that Council approve the attached resolution and petition to create a Chapter 21 Drainage District for the purpose of operating and maintaining various improvements constructed on the Gibson Drain, pursuant to our previous agreement with Sterling Heights. Furthermore, it is recommended that the Mayor and City Clerk be authorized to execute all documents and petitions necessary to carry out the intent of this resolution for the creation of the Gibson Intercounty Drain.

BACKGROUND:

By Resolution #2002-11-619, dated November 18, 2002, the City of Troy committed to establishing an intercounty drain for new 36" and 60" diameter storm sewers constructed as part of the city's Long Lake Road reconstruction project from Carnaby to Dequindre. The City further committed to creating an intercounty drain for these sewers and a segment of the Gibson Drain in Sterling Heights that receives flow from both cities. The intercounty drain will establish a framework for future maintenance and apportionment of maintenance costs to the various governmental that contribute flow to the drain.

The storm sewers constructed with the Long Lake Road project replaced and modified two segments of an existing 54" storm sewer in Sterling Heights so that proper drainage could be provided for our Long Lake Road project and to permit two detention basins in Troy to discharge by gravity instead of pumps. This segment of the Gibson Drain in Sterling Heights (Nelson Drain in Troy) also includes a detention pond for which the City participated 50/50 with Sterling Heights in the cost of removing sediment from the pond. Since storm water passing through the new drains flows out of the City of Troy, County of Oakland, and into the City of Sterling Heights, County of Macomb, it is necessary to identify a governmental entity responsible for maintenance. The creation of an intercounty drain will do that and future maintenance contributions will be based on the intercounty drain apportionment of costs rather than individual agreements between cities each time there is a need for maintenance.

**PETITION FOR ESTABLISHMENT OF AN INTERCOUNTY DRAIN
BY CITY OF TROY, OAKLAND COUNTY, MICHIGAN**

TO: Director, Michigan Department of Agriculture

Your petitioner, pursuant to Section 513 of Chapter 21 of the Michigan Drain Code of 1956, as amended (MCL 280.513), respectfully submits this petition for locating, establishing and maintaining an intercounty drain in the City of Sterling Heights, Macomb County, and the City of Troy, Oakland County, Michigan, to be known as the Gibson Intercounty Drain.

Petitioner further respectfully shows that it is a public corporation liable for assessment at large for a percentage of the total amount to be assessed for the cost of the proposed work.

Your petitioner further declares that portions of said drain may be laid within the rights of way of a state trunk line highway, or county highway, and that the locating, establishing, and construction of this drain or drains, or any part thereof, is necessary for the public health, convenience or welfare. The City of Troy hereby consents to the location of the foregoing described intercounty drain within its limits.

Your petitioner further shows that the location of the drain will be in the City of Sterling Heights, Macomb County, and the City of Troy, Oakland County, and will be located generally as follows:

COMMENCING at a point of beginning being approximately 75 feet north and 650 feet west of the East $\frac{1}{4}$ Corner of Section 7, T2N, R12E, City of Sterling Heights, Macomb County, Michigan, said point also being the confluence of the Gibson Drain and the Plumbrook Drain; thence southerly and westerly approximately 2,200 feet along the open channel Gibson Drain to the easterly face of the Delia Park culvert crossing; thence southwesterly approximately 100 feet to the west face of the Delia Park culvert crossing; thence southwesterly approximately 900 feet along the open channel Gibson Drain to the weir control structure for the Gibson Drain North and South Lakes; thence southerly and westerly along the southern portion of the Gibson Drain North Lake approximately 900 feet to the north face of the 18 Mile Road Bridge, also being Point "A"; thence south approximately 120 feet to the south face of the 18 Mile Road Bridge; thence southwesterly through the middle of the Gibson Drain South Lake approximately 900 feet to the west bank of the Gibson Drain South Lake; thence westerly approximately 600 feet along the open channel Gibson Drain; thence southerly approximately 900 feet

along said open channel Gibson Drain; thence southwesterly approximately 1,100 feet along said open channel Gibson Drain to the east face of the Dequindre Road Bridge, said point being approximately 60 feet east and 450 feet north of the West ¼ Corner of Section 18, City of Sterling Heights, to the point of terminus.

ALSO, BEGINNING at Point "A"; thence westerly approximately 2,010 feet along the route of the existing storm sewers along 18 Mile Road to Point "B," located at the intersection of 18 Mile Road/Long Lake Road and Dequindre Road in the City of Troy; thence continuing westerly along the route of the proposed storm sewer within the Long Lake Road right of way to a point of terminus approximately 4,215 feet west of Dequindre Road.

ALSO, BEGINNING at Point "B"; thence northerly along the route of the existing storm sewer located within the right of way of Dequindre Road in the City of Troy to a point of terminus approximately 735 feet north of 18 Mile Road/Long Lake Road.

or in such other location deemed most feasible, efficient and serviceable as determined by the Drainage Board.

Petitioner hereby acknowledges that a Petition for this drain was also made/is being made by the City of Sterling Heights. Petitioner requests that the within Petition be considered in conjunction with the Petition heretofore filed by the City of Sterling Heights, the contents of which are incorporated herein by reference.

A certified copy of the resolution of the governing body of the City of Troy authorizing execution of this Petition is attached hereto.

Dated this _____ day of _____, 2005.

CITY OF TROY

By:
Its: Mayor

By:
Its: Clerk

ROUTE DESCRIPTION
PROPOSED GIBSON INTERCOUNTY DRAIN

COMMENCING at a point of beginning being approximately 75 feet north and 650 feet west of the East ¼ Corner of Section 7, T2N, R12E, City of Sterling Heights, Macomb County, Michigan, said point also being the confluence of the Gibson Drain and the Plumbrook Drain; thence southerly and westerly approximately 2,200 feet along the open channel Gibson Drain to the easterly face of the Delia Park culvert crossing; thence southwesterly approximately 100 feet to the west face of the Delia Park culvert crossing; thence southwesterly approximately 900 feet along the open channel Gibson Drain to the weir control structure for the Gibson Drain North and South Lakes; thence southerly and westerly along the southern portion of the Gibson Drain North Lake approximately 900 feet to the north face of the 18 Mile Road Bridge, also being Point "A"; thence south approximately 120 feet to the south face of the 18 Mile Road Bridge; thence southwesterly through the middle of the Gibson Drain South Lake approximately 900 feet to the west bank of the Gibson Drain South Lake; thence westerly approximately 600 feet along the open channel Gibson Drain; thence southerly approximately 900 feet along said open channel Gibson Drain; thence southwesterly approximately 1,100 feet along said open channel Gibson Drain to the east face of the Dequindre Road Bridge, said point being approximately 60 feet east and 450 feet north of the West ¼ Corner of Section 18, City of Sterling Heights, to the point of terminus.

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