

# Memo

**To:** City Council  
**From:** Amy E. Gilson, P.E., Director of Public Works  
**Date:** February 11, 2021  
**Re:** Higby Drain Petition

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In your packet you will find a resolution to approve petitioning the Eaton County Drain Commission (ECDC) for improvements to the Higby Drain. The ECDC has been performing piecemeal repairs to the Drain as allowed under the Drain Code. The most recent required repair crosses the west side of the Airport. Apparently in the 1970's when the City constructed their sanitary sewer, they crossed the drain at the same elevation as the 1912 drain in what is called a conflict structure. This structure does not meet current best practices. Because the Drain Code only allows the ECDC to replace a drain at the same elevation and route, the changes required would need to be paid for solely by the City. Even if the City were to pay for the required changes at the Airport property, it does nothing to help the businesses located upstream.

After meetings with the ECDC, it has been determined that the best course of action would be to petition the project so that everyone in the Drainage District will get relief. Several of the businesses that are currently experiencing flooding in their buildings are located in the City. Additionally, there are opportunities to make minor adjustments to the alignment of the drain that will move it from underneath one building, make one vacant lot more saleable, and it could cross the grass runway closer to the end of it. Additionally, it will better drain the airport property allowing for more area to be leased for farming.

Once the project is petitioned, the ECDC will hold a Board of Determination to see if the project is warranted. If it is deemed necessary, the project will move to the engineering phase and construction phase. If it is not, then the project will die, but the City would still need to pay to resolve the utility conflict. If the project moves to the bidding phase, there will be a Day of Review for the affected property owners to review their assessments and costs for the project. It will be at that time that we know the City's portion of the project cost.

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Because the ECDC would sell bonds for the project, the City would be assessed their costs over 10-15 years instead of having to come up with more than \$60,000 this year to complete the fix at the Airport.

Therefore, we are recommending that Council approve the petition for the improvements to the Higby Drain.

Please let me know if you have any questions.

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**CITY OF CHARLOTTE, COUNTY OF EATON, STATE OF MICHIGAN**

**RESOLUTION NO. 2021-021**

**A RESOLUTION TO AUTHORIZE A PETITION FOR THE HIGBY DRAIN**

**WHEREAS**, the Higby Drain is a County Drain that traverses the Airport and continues northeast to Parish Highway following Lansing Road; and

**WHEREAS**, the Eaton County Drain Commission had started a maintenance project on the Airport property until they encountered a direct conflict with City sanitary sewer; and

**WHEREAS**, there are several businesses along Lansing Road that are currently being adversely affected by the deteriorated 1912 drain; and

**WHEREAS**, according to the Drain Code of 1956, a municipality can petition the Drain Commission for a drain to be fixed; and

**WHEREAS**, it is recommended that the appropriate way to properly fix this drain and utility conflict would be for the City to petition the Eaton County Drain Commission to fix the Higby Drain.

**THEREFORE, BE IT RESOLVED** That the City Council approve the petition to the Eaton County Drain Commission for the improvements to the Higby Drain.

The foregoing resolution offered by Council member \_\_\_\_\_ and supported by \_\_\_\_\_.

Upon roll call vote, the following voted:

Aye:

Nay:

Absent:

I, the undersigned, the duly qualified and acting Clerk of the City of Charlotte, County of Eaton, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City of Charlotte at a regularly scheduled meeting held on Monday, February 16, 2021, relevant to the Michigan Open Meetings Act, the original of which is on file in my office as part of council minutes.

**IN WITNESS WHEREOF**, I have hereunto set my official signature this 16<sup>th</sup> day of February 2021.

\_\_\_\_\_  
Pearl Tidwell, City Clerk  
City of Charlotte