



Memorandum

To: Livingston County Board of Commissioners
From: Brian Jonckheere
Date: 12/11/2023
**Re: RESOLUTION PLEDGING THE FULL FAITH AND CREDIT OF
OF LIVINGSTON COUNTY FOR MARION NO. 3 DRAIN
DISTRICT BONDS**

Background

The Marion No. 3 drain was petitioned in the fall of 2021 under Chapter 8 of the Michigan Drain Code, Act 40 of the Public Acts of 1956, as amended. A location map is shown in Figure 1.

The Drainage District for the Marion No. 3 Drain serves properties in Marion and Genoa Townships. This drain was established in 1885, and last saw improvement via a petition in 1947. Like many others drains within the county, lands being served by this drain saw significant land division and conversion of agricultural land to residential uses following the construction of I-96 in the 1960's. The assessment rolls for this drain in the 1950's included around 20 parcels.

The assessment roll for this project includes 776 parcels covering approximately 3200 acres of land. The petition for the project was submitted in October of 2021, following a major storm event that created significant flooding in several areas south and west of the City of Howell in August of 2021.

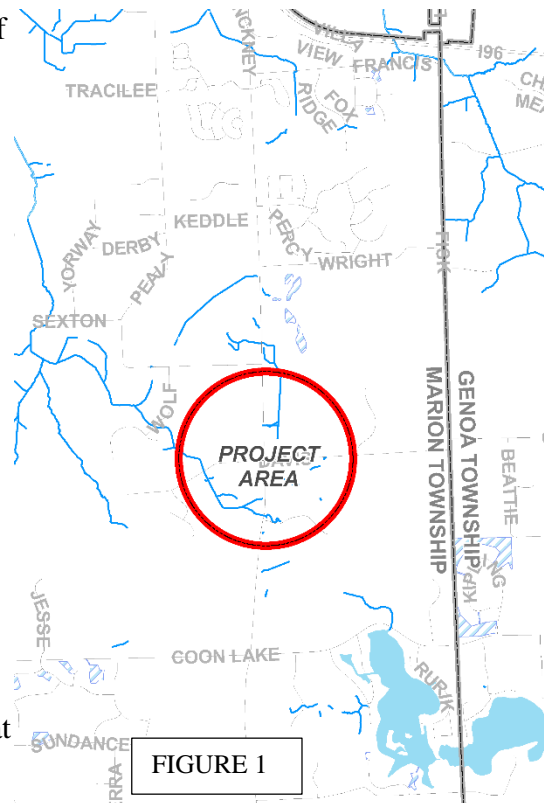


FIGURE 1

An informational meeting was held for affected residents at Marion Township Hall in December of 2021. The project was determined necessary pursuant to MCL 280.72 in February of 2022.

The service area of the proposed drain is shown in Figure 2. The majority of the service area of the district is within Marion Township to the south of Parker High School, extending almost south to the Putnam Township line east of D-19. There is a small amount of land in Genoa Township served by the drain, generally covering an area from Coon Lake Road south to Brighton Road and bounded to the east by Brady Road and Richardson Roads.

Scope of the Project

The Project consists of enlarging an existing pipe system east of Davis Road from 15" to pipes ranging from 18" to 36" in diameter, and installing a 36" directionally drilled pipe under Pinckney Road (D19) just north of Chestnut Creek Drive. In addition, a new drain will be installed from the south side of Chestnut Creek Drive north to tie into the existing system, with the goal of augmenting existing drainage under Chestnut Creek Drive that struggles to keep up with flood flows.

The goal of this project is to improve the conveyance system to carry at least the 50% (2 year chance) storm event, thereby reducing basement flooding at 3315 Pinckney Road, and reducing property flooding between Parker High School and the new crossing under D19. The low bidder on the project is Fonson Company, out of Brighton, Michigan, who we anticipate beginning construction early in 2024.

The cost for the Project is computed at \$1,925,000, including a thirteen percent contingency per MCL 280.261. A computation of cost for the project is attached to this memorandum. Following proper notice via first class mail to all landowners pursuant to MCL 280.154, the hearing to review apportionments to properties and public corporations on this drain took place at my office on November 21, 2023. A total of 25 landowners attended the meeting, with none of them reserving their right to protest the special assessment. The period for landowners and public corporations to appeal their apportionments to the Probate Court under MCL 280.155 expired on December 1, 2023. Therefore, the roll is considered confirmed. Marion Township has been apportioned \$373,285.28 for benefits to public health, and Genoa Township has been apportioned \$107,964.72 for benefits to public health. The county's portion of the project cost is \$673,750 for benefits to public roads. The remaining \$770,000 will be assessed over the 776 parcels in the district over a fifteen year period, unless prepaid.

As a means of assessing according to the principal of "benefit derived" in MCL 280.152, several factors were used in calculating benefits to properties in the district.. The largest assessments in the district are borne by Cornerstone Land/AJR Group, whose total assessments for approximately 297 acres of land are approximately \$28,000. The next largest property assessment on the drain is \$12,000 and serves a property with a history of basement flooding.

Current Status and Action Requested from the Livingston County Board of Commissioners

The next step in the process is to construct the project. The county pledge of full faith and credit on this project is a crucial step towards enabling my office to complete the project. Financial institutions are under new requirements, and between those new requirements, and the instability of the financial markets in 2023, the County's financial advisor, PFM Financial Advisors, have advised us the County's full faith and credit is necessary to finance the project. Without the pledge of full faith and credit, bonds will not be able to be sold on the market, thus preventing funding to pay the contractor to do the job.

We respectfully request passage of the attached resolution. If you have any questions regarding this matter please contact me.

Attachments: Figure 2, Computation of cost, resolution