

RESOLUTION

NO: [Title]

LIVINGSTON COUNTY

DATE: Click or tap to enter a date.

Resolution in Response to the Submission of a Petition to Determine a Normal Lake Level For Faussett Lake – Drain Commissioner

WHEREAS, the Livingston County Board of Commissioners received a Petition pursuant to Part 307 of the Michigan Natural Resources and Environmental Protection Act, being MCL 324.30701 *et seq.* ("Part 307"), requesting that normal lake levels be determined and established for Faussett Lake which is located in Livingston County, Michigan; and

WHEREAS, the Board of Commissioners has determined that the Petition contains the signatures of at least 2/3 of the owners of land abutting Faussett Lake and otherwise complies with the petition requirements of Part 307, MCL 324.30702(1); and

WHEREAS, MCL 324.30702(3) provides that the Livingston County Board is authorized to appoint a "delegated authority" to maintain the normal lake level of an inland lake that is subject to a Circuit Court Lake Level Control Order; and

WHEREAS, MCL 324.30703 provides that the Livingston County Board of Commissioners may require a preliminary lake level study be conducted by a licensed professional engineer before acting on a lake level petition; and

WHEREAS, MCL 324.30703 provides that the Livingston County Board of Commissioners may require the petitioners to deposit a cash payment with the County Treasurer sufficient to cover the actual costs of a preliminary study or of \$10,000, whichever amount is less; and

WHEREAS, MCL 324.30711 provides that the Livingston County Board of Commissioners may determine that a whole or part of the costs of a lake level project to determine and maintain a normal level for an inland lake shall be defrayed by special assessment of those who benefit, including privately owned parcels of land, political subdivisions of the State, and State owned lands under the jurisdiction and control of the Department of Natural Resources.

THEREFORE, BE IT IS RESOLVED by the Livingston County Board of Commissioners as follows:

1. The Livingston County Drain Commissioner (*Road Commission/other??*) shall serve as the delegated authority under Part 307 for the Faussett Lake petition and shall have all powers granted to a delegated authority under Part 307. MCL 324.30702(2).
2. The Livingston County Drain Commissioner (*Road Commission/other??*) shall retain a licensed professional engineer to conduct preliminary lake level studies for Faussett Lake pursuant to Section 30703 of Part 307. Once completed, the Livingston County Drain Commissioner shall forward copies of the lake level studies to the Livingston County Board of Commissioners. Based on the content of these studies, the Livingston County Board of Commissioners will determine whether to initiate action in the Livingston County Circuit Court to establish lake levels for Faussett Lake. MCL 324.30704(1).

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3. The lake level petitioners for Faussett Lake must *(or defer/or use general fund monies... we can provide language for this if it is the Board's preference)* deposit \$10,000 with the Livingston County Drain Commissioner before the Drain Commissioner retains an engineer to conduct a lake level study for the lake. MCL 324.30703. The Drain Commissioner will refund any funds not expended on a preliminary lake level study. The County or Drain Office will not be responsible for any funds for the study.

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MOVED:
SECONDED:
CARRIED: