



Memorandum

To: Livingston County Board of Commissioners

From: Mitch Dempsey, Environmental Projects Manager
Ken Recker, Chief Deputy Drain Commissioner

Date: 02/22/2025

Re: Resolution in Response to the Submission of a Petition to Determine the Normal Lake Level for Faussett Lake

Honorable Commissioners:

The attached draft resolution provided by Cohl Stoker, and Toskey, P.C. is in response to a submitted petition to determine a normal lake level for Faussett Lake. As discussed during the Courts, Public Safety, & Infrastructure Development Committee meeting on January 21, 2025, our office has recently received a lake level petition from residents of Faussett Lake in Deerfield Township. At the time of the January 21st meeting, it was further determined that the petition received did not actually meet the minimum 2/3 signature requirement for a valid petition under the provisions of Part 307 of P.A. 451 of 1994. However, on February 12, 2025, our office was informed of new property ownership changes and has received additional signatures to the overall petition. In review of these changes, it appears that there are currently 28 owners of the 14 properties that abut the lake. The petition received and re-reviewed on February 21, 2025, appears to contain 21 signatures which would meet the minimum number of signatures required for a valid petition under the Part 307 statute.

This petition has been submitted to address deficiencies with Faussett Lake's existing dam structure and to take the current maintenance responsibility away from a sole private owner. Furthermore, significant costs associated with rehabilitating the existing structure are not able to be financed by the lake residents where riparian owners have now petitioned the County to establish a legal lake level and assume the maintenance responsibility for the dam.

The enclosed statute outlines the process of which a legal lake level is established, and maintenance responsibility is assumed by the County. I have also attached the January 15, 2025, letter from Cohl, Stocker and Toskey, P.C. which indicates the statutory responsibilities of the County Board of Commissioners after submission of a valid lake level petition is received.

At this time our office would recommend approval of the attached resolution in response to the petition submitted. This would direct our office, or other selected delegated authority to proceed with retaining a licensed professional engineer to conduct a preliminary lake level study. Once a preliminary study is completed, copies would be forwarded to the County Board of Commissioners where a further determination can be made.

If you have any questions regarding this matter, please contact me.

Enclosures:

2022 Faussett Lake Dam Inspection Report

2023 Faussett Lake Technical Memorandum

Cohl, Stocker 7 Toskey, P.C., January 15, 2025, Letter

Faussett Lake Location Map

Part 307 Statute

Faussett Lake Petition Copy