



MUSKEGON COUNTY DRAIN COMMISSIONER
Brenda M. Moore
141 E. Apple Ave.
Muskegon, Michigan 49442

MUSKEGON COUNTY DRAIN COMMISSIONER

WAALKENS DRAIN

NOTICE OF MEETING OF BOARD OF DETERMINATION

DATE: Tuesday, January 28, 2020
TIME: 6:00 P.M.
LOCATION: Laketon Township Hall
2735 West Giles Road
North Muskegon, Michigan 49445
QUESTIONS: (231) 724-6219

A Board of Determination will meet at the above date, time and location to hear all interested persons, receive evidence and determine whether the maintenance and improvement, as set forth in the petition, dated October 23, 2019, is necessary and conducive to the public health, convenience or welfare, pursuant to Chapter 8 of Public Act 40 of 1956, as amended.

A presentation will be made to the Board of Determination, which outlines a brief history of the Drainage District, and describes the roles, responsibilities and decisions made by a Board of Determination. The presentation is to provide background for landowners and municipalities in the drainage district and to facilitate the dissemination of information and the receipt of testimony of landowners in the Drainage District. The Board of Determination will make a decision at the end of the meeting.

Proceedings conducted at this public hearing will be subject to the provisions of the Michigan Open Meetings Act and you are further notified that information regarding this meeting may be obtained from the Muskegon County Drain Commissioner's Office located at 141 E. Apple Ave., Muskegon, Michigan 49442.

Persons with disabilities needing accommodations for effective participation in the meeting should contact the Drain Commissioner at the number noted above (voice) or through the Michigan Relay Center at 7-1-1 (TDD) at least 24 hours in advance of the meeting to request mobility, visual, hearing or other assistance. Minutes of the meeting will be on file in the Muskegon County Drain Commissioner's office.

Anyone aggrieved by the decisions of the Board of Determination may seek judicial review pursuant to MCL 280.72a.

Brenda M. Moore
Muskegon County Drain Commissioner

FAQs

Brenda M. Moore
Muskegon County Drain
Commissioner



FREQUENTLY ASKED QUESTIONS Waalkens Drain Board of Determination

What is a Drainage District?

A drainage district is the land area that benefits from the drain. The drainage district makes up the watershed that contributes water to the drain. Each property and municipality within the drainage district pays for maintenance and improvement of the drain.

What is a Board of Determination?

A Board of Determination is a 3-member panel of disinterested property owners. The role of the Board of Determination is to receive evidence and hear testimony of interested persons and determine whether the petitioned activities are necessary and conducive to the public health, convenience or welfare.

Why did I receive a notice?

A petition from property owners within the drainage district was filed with the Muskegon County Drain Commissioner requesting maintenance and improvements be performed on the drain. All property owners with lands in the drainage district were sent a copy of the notice.

Does the Board of Determination decide what work gets done?

No, the Board of Determination decides necessity, but does not determine the scope or cost of the project. Further, the Board of Determination does not determine how much property owners and municipalities will be assessed.

Does the decision of the Board of Determination have to be unanimous?

No, only a majority vote of the board of determination is required. Only the members of the Board of Determination vote. The attendees at the meeting do not vote, but instead provide testimony to the board members to assist in their determination.

What is my assessment amount?

Estimated assessment amounts are not yet determined. If the Board of Determination finds the project necessary, the Drain Commissioner will hold a public meeting to review apportionments after a project scope has been determined. Notices for the public hearing on assessments will be sent out at a later date.

Do I have to attend the Board of Determination?

No, you are not required to attend the meeting, however, it is your right to do so.

Can the decision of the Board of Determination be appealed?

Yes. If a person feels aggrieved by the board's determination of necessity, he/she may institute an action in circuit court within 10 days. MCL 280.72a. If the board determines a municipality is liable for all or part of the cost of the drain, the governing body of the municipality may within 20 days appeal the order of the board to Probate Court. MCL 280.72(3).

How can I get more information?

Visit the Commissioner's website at www.co.muskegon.mi.us/492/Drain-Commissioner or call (231) 724-6219.

Brenda M. Moore

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