

**STATE OF MICHIGAN
INGHAM COUNTY
VILLAGE OF WEBBERVILLE**

RESOLUTION NO. 2015-03 A Resolution Establishing a n Easement at the Webberville Consolidated Drain

At a regular meeting of the Village of Webberville Council, Ingham County, Michigan, held at the Village Council Chambers, 115 South Main Street, Webberville, Michigan, on **September 8, 2015**, at 6:30 p.m.

PRESENT: Rusty Ackerman, Lisa Berger , Mel Lewis, Rob Oesterle, Brad Hitchcock, Shelly Miller, Mike Killackey, Deouty Merle Seymour, Jeff Miclaski, Alan Boyer.

ABSENT: None.

The following resolution was offered by Ackerman and seconded by Oesterle.

WHEREAS, the Village recognizes that it is necessary for the public health, safety and welfare to maintain and improve the Webberville Consolidated Drain pursuant to Public Act 40 of 1956, as amended, and that improvement of the Drain is required at this time to protect against flooding in Village of Webberville; and

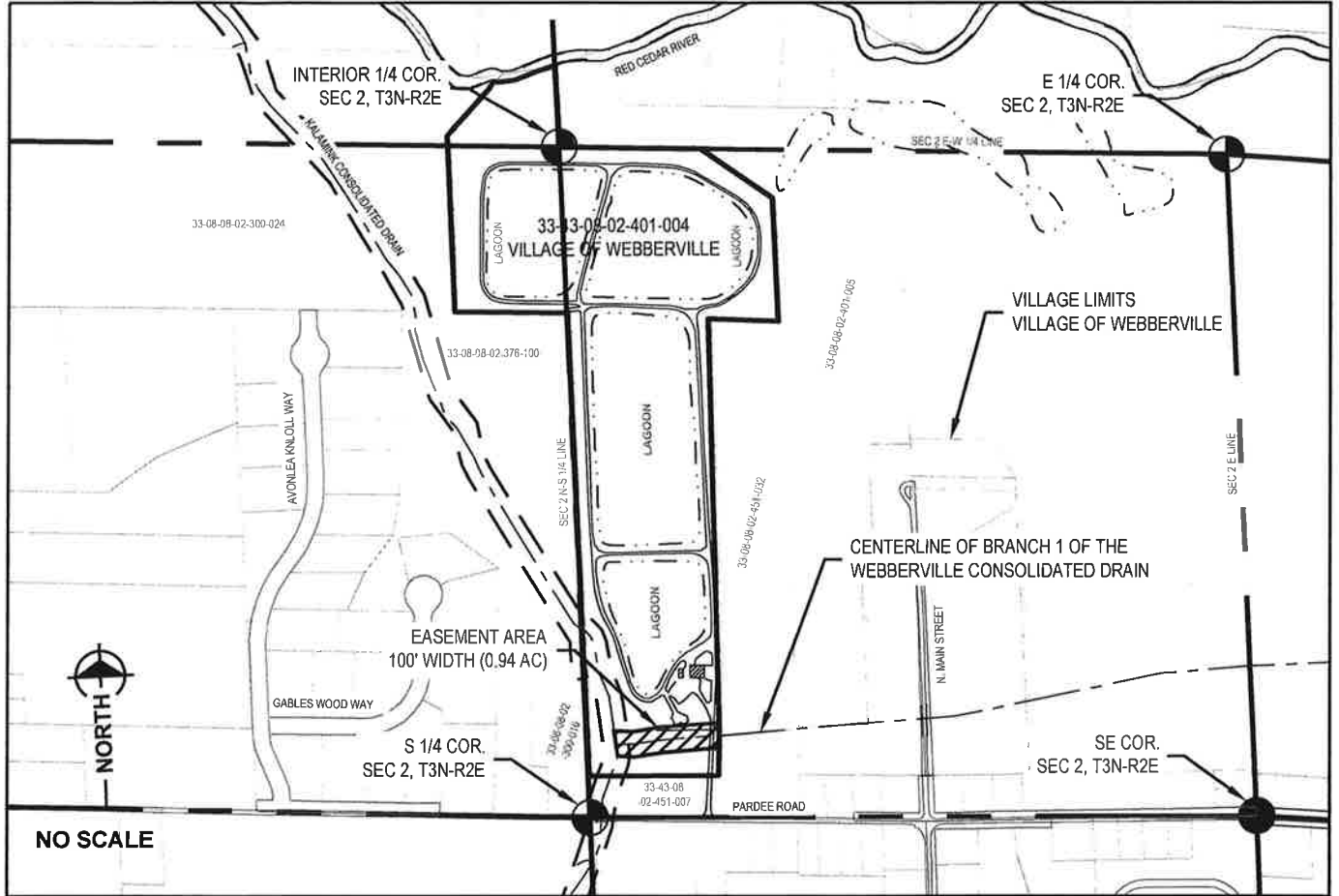
WHEREAS, the Village has been advised by the Ingham County Drain Commissioner that, on April 29, 2014, an independent Board of Determination issued an Order of Necessity for the maintenance and improvement of the Webberville Consolidated Drain at the conclusion of a hearing for which notice was sent to all interested landowners and municipalities; and

WHEREAS, the Village has been advised that, in order to perform the project and to reduce the risk of flooding of roads and property within the Village, the Drain Commissioner is in need of an easement over properties owned by the Village identified as Parcel Nos. 33-43-08-02-401-004 and 33-43-08-11-201-011 to serve as a means to further maintain and improve the Webberville Consolidated Drain; and

WHEREAS, the Drain Commissioner has requested that the Village provide the Webberville Consolidated Drain Drainage District with Easements over a portion of Parcel Nos. 33-43-08-02-401-004 and 33-43-08-11-201-011 allowing the properties to be used for purposes of the maintenance and improvement of the Webberville Consolidated Drain; and

EXHIBIT A

EASEMENT SKETCH 33-43-08-02-401-004



PROPERTY DESCRIPTION:

NO BOUNDARY SURVEY WAS PERFORMED ON THE PROPERTY SHOWN

PARCEL NUMBER: 33-43-08-02-401-004

THE WEST 50 ACES OF THE SOUTHEAST 1/4 OF SECTION 2, T3N, R2E, LEROY TOWNSHIP, INGHAM COUNTY, MICHIGAN. EXCEPT BEGINNING AT THE SOUTHEAST CORNER OF THE WEST 50 ACRES OF THE SOUTHEAST 1/4; THENCE NORTH 3°22'30" WEST 1969.3 FEET; THENCE NORTH 87°35' WEST 273.3 FEET; THENCE SOUTH 3°48'10" EAST 989.4 FEET; THENCE SOUTH 0°25'40" EAST 672.2 FEET; THENCE SOUTH 1°11'30" WEST 318 FEET; THENCE EAST 325 FEET TO THE POINT OF BEGINNING. ALSO EXCEPT THE SOUTH 165 FEET THEREOF. ALSO EXCEPT BEGINNING AT THE NORTHEAST CORNER OF SAID WEST 50 ACRES OF THE SOUTHEAST 1/4; THENCE SOUTH ALONG THE EAST LINE OF SAID WEST 50 ACRES 190 FEET; THENCE NORTHWESTERLY TO A POINT ON THE 1/4 LINE 270 FEET WEST OF BEGINNING; THENCE EAST ALONG THE EAST-WEST 1/4 LINE 170 FEET TO THE POINT OF BEGINNING.

ALSO

COMMENCING AT THE INTERIOR 1/4 CORNER OF SECTION 2, T3N, R2E, LEROY TOWNSHIP, INGHAM COUNTY, MICHIGAN AS THE POINT OF BEGINNING; THENCE SOUTHERLY 660 FEET ALONG THE NORTH-SOUTH 1/4 LINE TO THE INTERSECTION OF THE THE SOUTH BOUNDARY OF THAT PARCEL DESCRIBED AS: THE NORTH 40 ACRES OF THE SOUTHWEST 1/4 OF SECTION 2; THENCE WESTERLY ALONG SAID SOUTH BOUNDARY A DISTANCE OF 450 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE NORTH-SOUTH 1/4 LINE A DISTANCE OF 700 FEET; THENCE NORTH 45° EAST TO THE INTERSECTION OF THE SOUTHERLY LINE OF THE RED CEDAR (CONTINUED ON SHEET 2)

**INGHAM COUNTY DRAIN COMMISSIONER
WEBBERVILLE CONSOLIDATED DRAIN DRAINAGE DISTRICT**

SECTION 2 T3N - R2E VILLAGE OF WEBBERVILLE

INGHAM COUNTY, MICHIGAN



ISSUE	DATE	NATURE OF REVISION	BY
△ REVISED			BY
△ REVISED			BY
△ REVISED			BY

DRAWN BY:	JDA
CHECKED BY:	STL
APPROVED BY:	SFM

SHEET **01** OF **02** CLIENT JOB #

DATE: **AUGUST 2015**

LAN Lockwood, Andrews & Newnam, Inc.
A LEO A DALY COMPANY

PLANNING 2121 University Park Drive, Suite 1001
ENGINEERING Okemos, MI 48864
PROGRAM MANAGEMENT Tel: 517-201-5417 Fax: 517-201-5119

EXHIBIT A

EASEMENT SKETCH 33-43-08-02-401-004

PROPERTY DESCRIPTION:

PARCEL NUMBER: 33-43-08-02-401-004

(CONTINUED FROM SHEET NO. 1)

RIVER; THENCE EASTERLY ALONG SAID RIVER TO THE INTERSECTION OF THE NORTH-SOUTH 1/4 LINE; THENCE SOUTHERLY ALONG THE NORTH-SOUTH 1/4 LINE TO THE POINT OF BEGINNING.

PERMANENT EASEMENT:

AN EASEMENT UPON AND ACROSS SAID LAND, HEREIN DESCRIBED AS THAT PORTION OF SAID LAND LYING 50 FEET EITHER SIDE OF THE CENTERLINE OF BRANCH 1 OF THE WEBBERVILLE CONSOLIDATED DRAIN DESCRIBED IN THE FINAL ORDER OF DETERMINATION TO BE FILED BY THE INGHAM COUNTY DRAIN COMMISSIONER, CONTAINING 0.54 ACRES MORE OR LESS.

**INGHAM COUNTY DRAIN COMMISSIONER
WEBBERVILLE CONSOLIDATED DRAIN DRAINAGE DISTRICT
SECTION 2 T3N - R2E VILLAGE OF WEBBERVILLE
INGHAM COUNTY, MICHIGAN**



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CHECKED BY: **STL**

APPROVED BY: **SFM**

SHEET **02** OF **02** CLIENT JOB #

DATE: **AUGUST 2015**

lan **Lookwood, Andrews & Newnam, Inc.**
A LEO A DALY COMPANY

PLANNING ENGINEERING PROGRAM MANAGEMENT
2225 University Park Drive, Suite 1000
Okemos, MI 48864
Tel: 517-291-3142 Fax: 517-291-3199

VILLAGE OF WEBBERVILLE COUNCIL PROCEEDINGS

The regular meeting of the Webberville Village Council was called to order by President Hitchcock at 6:30 p.m. on **September 8, 2015** in the Webberville Village Council Chambers. Roll was called.

Present: Rusty Ackerman, Lisa Berger, Mel Lewis, Rob Oesterle, Brad Hitchcock

Absent: None

Others Present:

Shelly Miller	Deputy Clerk/Treasurer
Mike Killackey	D.P.W. Supervisor
Deputy Merle Seymour	Ingham County Sheriff's Department
Jeff Miclalski	Village Resident
Alan Boyer	LSG Engineer

The Deputy Clerk declared a quorum.

Pledge of Allegiance was recited.

Approval of Agenda

Motion by Ackerman, second by Lewis, to approve the agenda as presented. Ayes all.
Motion carried.

Public Comment:

Jeff Miclalski to confirm the streets will be shut down for Ox Roast, the same as years in the past and that the banquet is on the calendar for October 18, 2015.

Motion by Ackerman, second by Berger, to approve the agenda as presented. Ayes all.
Motion carried.

Consent Agenda

Motion by Ackerman, second by Berger to approve the consent agenda as presented.
Ayes: All. Motion carried.

Monthly Reports

Deputy Seymour gives the Sheriff's report.

Mike Killackey gives the D.P.W. report.

Jaymee Hord was not present so will give the Clerk/Treasurer report at the Committee of the Whole meeting.

No DDA Report.

No Zoning Report

Water Meters

Mike suggests we hold off on the meters due to the lack of information. Jaymee will put on old business next month and the following months until we are ready for this discussion. Shelly was asked to get list of all defective water meters in the village and to give them to Mike.

Special Event Permit – Webberville Garden Tractor Pull

Motion by Ackerman, second by Oesterle, to approve the Special Event Application as presented. Ayes all. Motion carried.

Special Event Permit – Lisa Bourchard Walk/Run

Motion by Berger, second by Oesterle, to approve the Special Event Application as presented. Ayes all. Motion carried.

Special Event Permit – Fireman’s Association Kids & Main Parade

Motion by Berger, second by Lewis, to approve the Special Event Application as presented. Ayes all. Motion carried.

Special Event Permit – County Line Tractor Club Pull

Motion by Lisa, second by Ackerman, to approve the Special Event Application as presented. Ayes all. Motion carried.

Special Event Permit – Webberville Middle & High School – Homecoming Parade

Motion by Berger, second by Ackerman, to approve the Special Event Application as presented. Ayes all. Motion carried.

LSG Proposal – Preliminary Engineering Report – USDA Loan Project

Motion by Ackerman, second by Lewis, to approve LSG and surveyor proposal dated August 3, 2015 for professional engineering services; seventeen (17) pages inclusive. 7:06 p.m. ~ Alan Boyer was present to explain the rundown of the procedural process, anticipated cost and potential financing options. Proposal ended at 7:51 p.m.
Ayes: Oesterle, Lewis, Berger, Ackerman, Hitchcock. Nays -0-. Motion carried.

Resolution 2015 – 03 – Drain Easement for Webberville Consolidated Drain

Motion by Ackerman, second by Oesterle, to approve Resolution No. 2015-03 drain easement Webberville consumers drain as presented in nine (9) pages inclusive.
Ayes: Oesterle, Lewis, Berger, Ackerman, Hitchcock. Nays -0-. Motion carried.

Resolution 2015 – 04 – MERS Uniform 457 Supplemental Retirement Program

Motion by Ackerman, second by Lewis, to approve MERS Uniform 456 Supplemental Retirement Program Resolution No. 2015-04 as presented with the understanding that there is and shall never be any costs, fees, or otherwise to the Village of Webberville and that this plan is strictly funded by full time employees of the Village of Webberville, who wish to participate.
Ayes: Oesterle, Lewis, Berger, Ackerman. Nays: Hitchcock. Motion carried.

Resolution 2015 – 05 – To Sign MDOT Sidewalk Project Authorization

Motion by Ackerman, second by Oesterle, authorizing Brad Hitchcock, Village President, and Mike Killackey, DPW Supervisor, to Sign Contract No. 15–5445 A Resolution Authorizing The Village of Webberville to Enter Into A Contract with the Michigan Department of Transportation To Implement The Transportation Alternative Program.

Ayes: Oesterle, Lewis, Berger, Ackerman, Hitchcock. Nays -0-. Motion carried.

Advocate Reports

Rusty Ackerman was appointed treasurer of NIESA.

Motion by Berger, second by Ackerman to adjourn at 8:10 p.m.

Ayes all. Motion carried.

Shelly Miller

Deputy Clerk/Treasurer

DRAIN EASEMENT FOR WEBBERVILLE CONSOLIDATED DRAIN

For and in consideration of Zero Dollars and (00/100) and the prospective benefits to be derived from the establishment, construction, operation, maintenance and improvement of the Webberville Consolidated Drain, a county drain under the supervision of the Ingham County Drain Commissioner, whose address is 707 Buhl, Mason, Michigan 48854;

Village of Webberville, whose address is 115 South Main Street, Webberville, Michigan 48892, who is the owner of land known as Parcel No. 33-43-08-02-401-004 (hereafter "Landowner"), now conveys, warrants and releases to the Webberville Consolidated Drain Drainage District ("Drainage District") an easement for purposes of establishment, construction, operation, maintenance and improvement of said Webberville Consolidated Drain over and across land owned by it. The easement is described and depicted in the attached Exhibit A ("Easement Area").

This conveyance shall be deemed a sufficient conveyance to vest in the Drainage District an easement over the Easement Area for the uses and purposes of drainage with such rights of entry upon, passage over, storing of equipment and materials including excavated earth as may be necessary or useful for the establishment, construction, operation, maintenance and improvement of said Drain.

Non-movable or permanent structures shall not be constructed by Landowner, its agents, employees, or contractors within the specific limits of the Easement Area. This conveyance shall also be deemed sufficient to vest in the Drainage District an easement over the Easement Area for the clearing of the Easement Area and the spreading and/or removal of spoil and excavated materials.


This conveyance includes a release of any and all damages or claims arising out of the easement herein granted, or because of the establishment, construction, operation, maintenance and improvement of the Drain.

This Easement shall be binding upon Landowner and the Webberville Consolidated Drain Drainage District, and their assigns, successors in interest and successors in office, and be deemed to run with the land in perpetuity.


Exempt pursuant to MCL 207.505(a) and MCL 207.526(a).

VILLAGE OF WEBBERVILLE:

Dated: 11/10/15


By: Brad Hitchcock
Its: President


Dated: 11/10/15


By: Jaymee E. Hord
Its: Clerk

As approved by the Village Council on September 8, 2015.

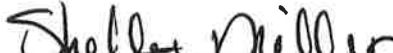
STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

The foregoing instrument was acknowledged before me on the 10th day of Nov., 2015,
by Brad Hitchcock, President of the Village of Webberville.


Shelley Miller Notary Public
State of Michigan, County of Shiawassee
My Commission Expires: 10/30/2019
Acting in the County of Ingham

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

The foregoing instrument was acknowledged before me on the 10th day of Nov, 2015,
by Jaymee E. Hord, Clerk of the Village of Webberville.

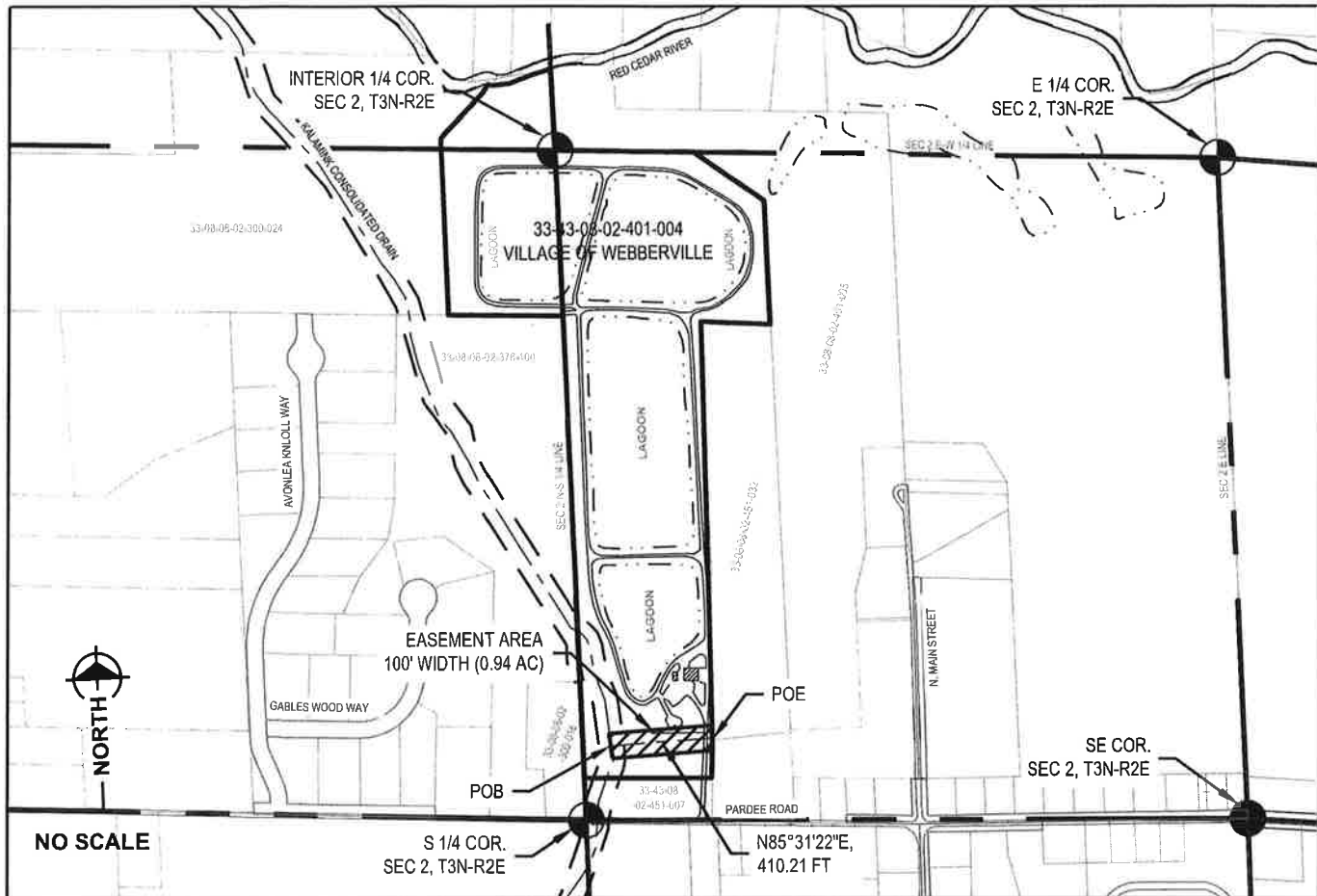

Shelley Miller Notary Public
State of Michigan, County of Shiawassee
My Commission Expires: 10/30/2019
Acting in the County of Ingham

Drafted By/When Recorded Return To:

Patrick E. Lindemann
Ingham County Drain Commissioner
707 Buhl
Mason, MI 48854

EXHIBIT A

EASEMENT SKETCH 33-43-08-02-401-004



PROPERTY DESCRIPTION:

NO BOUNDARY SURVEY WAS PERFORMED ON THE PROPERTY SHOWN

PARCEL NUMBER: 33-43-08-02-401-004

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**INGHAM COUNTY DRAIN COMMISSIONER
WEBBERVILLE CONSOLIDATED DRAIN DRAINAGE DISTRICT**

SECTION 2 T3N - R2E VILLAGE OF WEBBERVILLE

INGHAM COUNTY, MICHIGAN



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CHECKED BY:	STL
APPROVED BY:	SFM

SHEET **01** OF **02** CLIENT JOB #

DATE: **AUGUST 2015**

LAN Lockwood, Andrews & Newnam, Inc.
A LEO A DALY COMPANY

PLANNING
ENGINEERING
PROGRAM MANAGEMENT

2121 University Park Drive, Suite 100
Okemos, MI 48864
Tel: 517-209-5187 Fax: 517-209-5199

EXHIBIT A

EASEMENT SKETCH 33-43-08-02-401-004

PROPERTY DESCRIPTION:

PARCEL NUMBER: 33-43-08-02-401-004

(CONTINUED FROM SHEET NO. 1)

RIVER; THENCE EASTERLY ALONG SAID RIVER TO THE INTERSECTION OF THE NORTH-SOUTH 1/4 LINE; THENCE SOUTHERLY ALONG THE NORTH-SOUTH 1/4 LINE TO THE POINT OF BEGINNING.

PERMANENT EASEMENT:

AN EASEMENT UPON AND ACROSS SAID LAND, HEREIN DESCRIBED AS THAT PORTION OF SAID LAND LYING 50 FEET EITHER SIDE OF A LINE COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 2, T3N, R2E, THENCE N2°43'20"W ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 288.90 FEET; THENCE N87°16'40"E 113.83 FEET TO THE POINT OF BEGINNING AND A POINT ON THE CENTERLINE OF KALAMINK CONSOLIDATED DRAIN; THENCE N85°31'22"E 410.21 FEET TO A POINT ON THE EASTERLY PROPERTY LINE OF SAID PARCEL AND THE POINT OF ENDING, CONTAINING 0.54 ACRES MORE OR LESS.

**INGHAM COUNTY DRAIN COMMISSIONER
WEBBERVILLE CONSOLIDATED DRAIN DRAINAGE DISTRICT
SECTION 2 T3N - R2E VILLAGE OF WEBBERVILLE
INGHAM COUNTY, MICHIGAN**



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APPROVED BY:	SFM

SHEET **02** OF **02** CLIENT JOB # _____

DATE: **AUGUST 2015**

LAN Lookwood, Andrews & Newnam, Inc.
A LEO A DALY COMPANY

PLANNING 2121 University Park Drive, Suite 100
ENGINEERING Detroit, MI 48204
PROGRAM MANAGEMENT Tel: 313-963-5437 Fax: 313-963-5429

WHEREAS, the Drain Commissioner has provided proposed "Drain Easement(s) for Webberville Consolidated Drain" for the Village's consideration;

NOW, THEREFORE BE IT RESOLVED THAT, pursuant to Public Act 40 of 1956, as amended, the Village hereby approves the Drain Easements for Webberville Consolidated Drain for execution in the form attached hereto for the maintenance and improvement of the Webberville Consolidated Drain.

BE IT FURTHER RESOLVED that the Village President is authorized to sign the above referenced documents and to forward a copy of this Resolution and the original, signed documents to the Ingham County Drain Commissioner for recording with the Ingham County Register of Deeds.

ADOPTED:


YEAS: Oesterle, Lewis, Berger, Ackerman, Hitchcock.

NAYS: - 0 -

The Resolution was declared and adopted on September 8, 2015.

VILLAGE OF WEBBERVILLE


Brad Hitchcock, Village President


Jaymee Hord, Village Clerk