

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

RESOLUTION 2016-01

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 **January 12, 2016**, at 6:30 p.m.

PRESENT: R. Ackerman, L. Berger, M. Lewis, R. Oesterle, B. Hitchcock

ABSENT: -0-

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

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 Michigan Department of Environmental Quality requires, as a condition of its Permit to perform the Webberville Consolidated Drain Project, that tree removal take place between October and April 1; and

WHEREAS, the Drainage District has requested that the Village remove certain designated trees in advance of the Drain Project so that the Drainage District may comply with the Michigan Department of Environmental Quality permit; and

WHEREAS, Section 434 of the Michigan Drain Code (MCL 280.434) allows a Drainage District to accept the advance of work and money from public corporations in connection with the construction of any part of a drain project; and

WHEREAS, the Drainage District has committed that, upon its acceptance of the Village's tree removal work, and after final completion of the apportionment process and receipt of funds as proceeds from the sale of bonds, notes or other obligations for the Drain Project, the Drainage District will apply against the Village's at-large apportionment a credit in an amount equal to the total approved sum for the work performed and costs advanced by the Village pursuant to this Agreement; and

WHEREAS, the Drain Commissioner has provided a proposed "Agreement for Advance of Work by Village of Webberville" 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 Agreement for Advance of Work by Village of Webberville for execution in the form attached hereto.

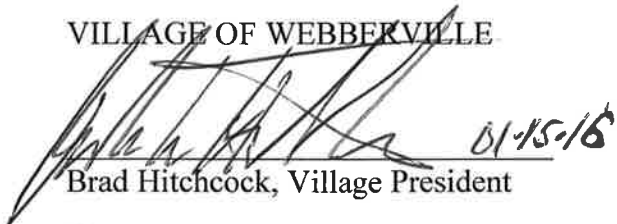
BE IT FURTHER RESOLVED that the Village President and Village Clerk are authorized to sign the above referenced Agreement and to forward a copy of the signed Agreement to the Ingham County Drain Commissioner.

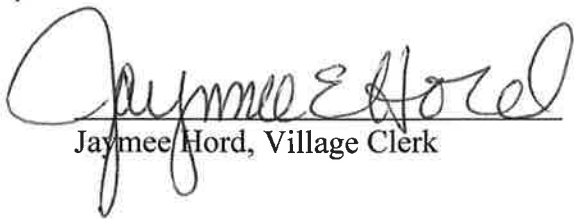
ADOPTED: YEAS: Ackerman, Berger, Lewis, Oesterle, Hitchcock

NAYS: -0-

The Resolution was declared and adopted.

VILLAGE OF WEBBERVILLE

 01-15-16
Brad Hitchcock, Village President


Jaymee Hord, Village Clerk

**WEBBERVILLE CONSOLIDATED DRAIN
AGREEMENT FOR ADVANCE OF WORK
BY VILLAGE OF WEBBERVILLE**

This AGREEMENT (“Agreement”), effective as of the 12 day of January, 2016, is by and between the Webberville Consolidated Drain Drainage District (“Drainage District”), a Michigan body corporate under the jurisdiction of the Ingham County Drain Commissioner, whose principal place of business is located at 707 Buhl Avenue, Mason, Michigan 48854; and the Village of Webberville (“Village”), a Michigan municipality, whose principal place of business is 115 South Main Street, Webberville, Michigan 48892.

WHEREAS, the Webberville Consolidated Drain is an established county drain pursuant to the Michigan Drain Code, as amended, (“Drain Code”), for which a drain maintenance and improvement project is currently being designed and planned (“Drain Project”); and

WHEREAS, the Michigan Department of Environmental Quality requires, as a condition of its Permit for the Drain Project, that tree removal take place between October and April 1; and

WHEREAS, the Village is willing to remove certain designated trees located within the Drainage District’s easement areas by not later than March 31, 2016; and

WHEREAS, Section 434 of the Drain Code, same being MCL 280.434, allows the Drainage District to accept the advance of work and money from public corporations in connection with the construction of any part of a drain project.

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Drainage District and Village agree to the following:

1. The Village agrees to contract with a properly licensed and insured contractor for the removal of those trees specifically designated by the Drainage District located within Drainage District easement areas by not later than March 31, 2016. The trees to be removed include those marked and designated on the attached Exhibit A, as well as others along the course of the Drain that may also be designated for removal.

2. Upon the Drainage District’s acceptance of the Village’s tree removal work, and after final completion of the apportionment process and receipt of funds as proceeds from the sale of bonds, notes or other obligations for the Drain Project, the Drainage District will apply against the Village’s at-large apportionment a credit in an amount equal to the total approved sum for the work performed and costs advanced by the Village pursuant to this Agreement.

3. To the fullest extent permitted by law, the Village shall defend the Drainage District and its employees, representatives and agents from and against any and all claims, demands, damages, actions, lawsuits, costs, fees and expenses, including but not limited to actual attorney fees, arising out of, or in any way connected with, the work performed pursuant to this Agreement.

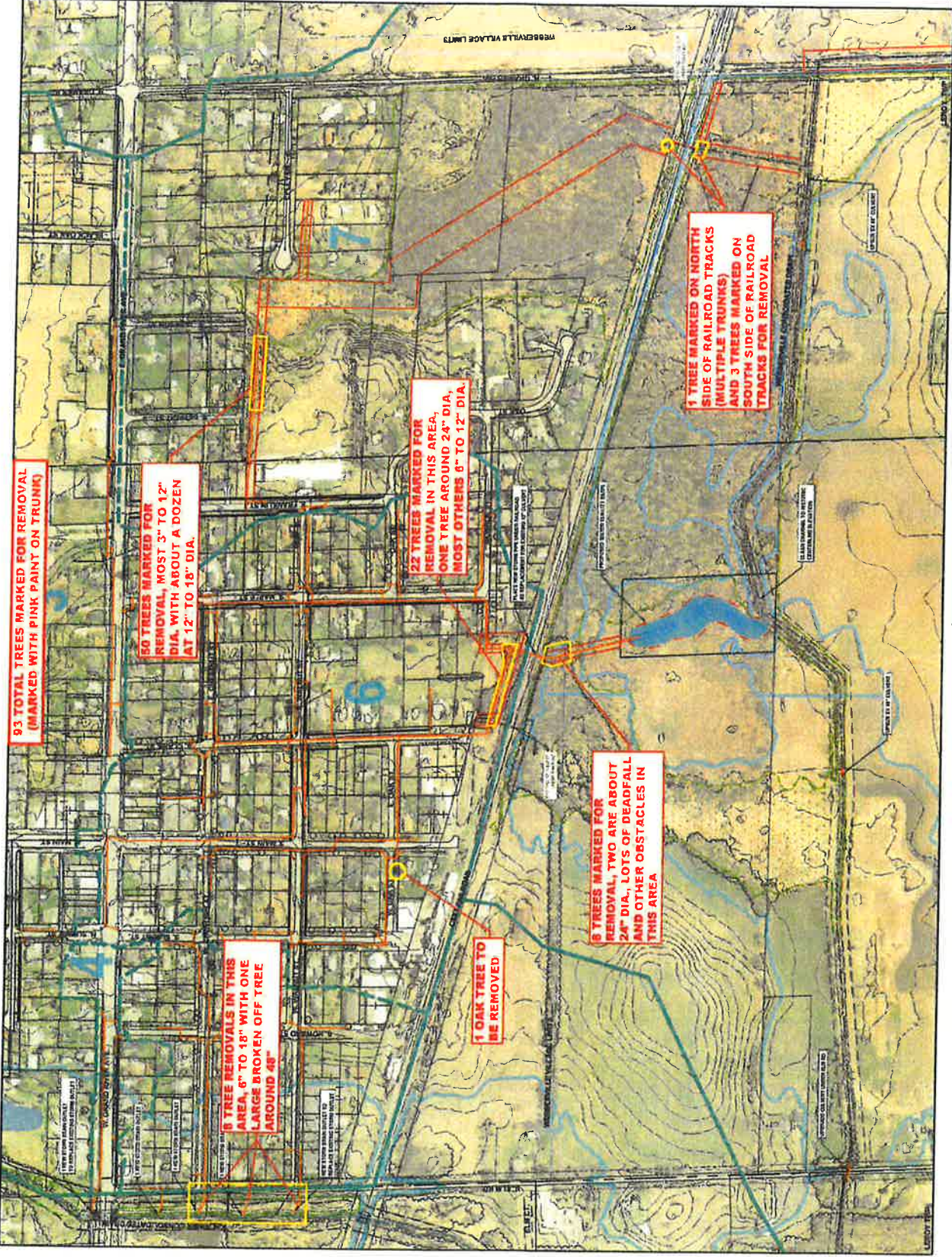
4. This Agreement contains the entire understanding of the parties with respect to the subject matter. All previous negotiations and statements of the parties or their representatives

JANUARY 4, 2016



LEGEND

- CALUMNA, DISCONTINUED DRAIN, CENTERLINE
- WEBBERVILLE VILLAGE LIMITS
- CONCEPT DRAINAGE STRUCTURE
- CONCEPT STORM DRAIN
- CONCEPT IRRIGATION
- CONCEPT FENCE, ETC.
- REGULATORY BOUNDARY



93 TOTAL TREES MARKED FOR REMOVAL (MARKED WITH PINK PAINT ON TRUNK)

50 TREES MARKED FOR REMOVAL, MOST 3" TO 12" DIA. WITH ABOUT A DOZEN AT 12" TO 18" DIA.

22 TREES MARKED FOR REMOVAL IN THIS AREA, ONE TREE AROUND 24" DIA, MOST OTHERS 8" TO 12" DIA.

1 TREE MARKED ON NORTH SIDE OF RAILROAD TRACKS (MULTIPLE TRUNKS) AND 3 TREES MARKED ON SOUTH SIDE OF RAILROAD TRACKS FOR REMOVAL

8 TREES MARKED FOR REMOVAL, TWO ARE ABOUT 24" DIA., LOTS OF DEADFALL AND OTHER OBSTACLES IN THIS AREA

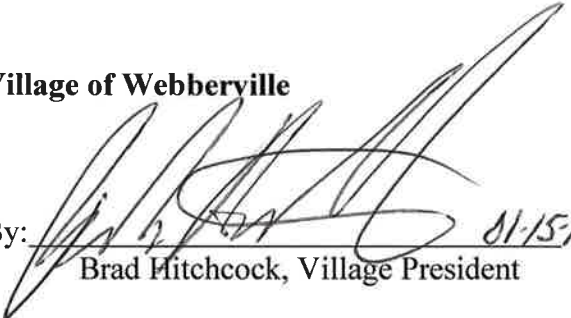
1 OAK TREE TO BE REMOVED

6 TREE REMOVALS IN THIS AREA, 6" TO 18" WITH ONE LARGE BROKEN OFF TREE AROUND 48"

WINTER TREE REMOVALS (TO BE DONE PRIOR TO MARCH 31, 2016)

are merged into this Agreement and no modification, amendment or waiver of any of its provisions shall be effective unless contained in a writing dated and signed by both parties.

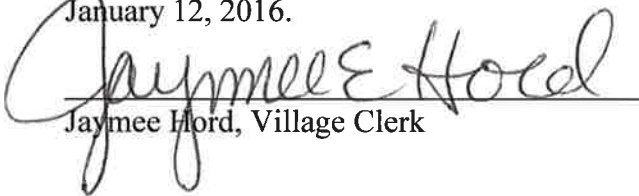
Village of Webberville

By:  01-15-16
Brad Hitchcock, Village President

**Webberville Consolidated Drain
Drainage District**

By: 
Patrick E. Lindemann
Ingham County Drain Commissioner

As approved by the Village of Webberville
at its regularly scheduled meeting on
January 12, 2016.


Jaymee Hoed, Village Clerk