

**Village Council for the Village of Empire**

**RESOLUTION AUTHORIZING AN APPLICATION FOR LAYING OUT AND DESIGNATING A NEW COUNTY DRAIN DRAINAGE DISTRICT AND FILING OF A COUNTY DRAIN PETITION FOR LOCATING, ESTABLISHING, CONSTRUCTING, OPERATING AND MAINTAINING A NEW COUNTY DRAIN**

**SOUTH BAR LAKE DRAIN**

At the regularly scheduled meeting of the Village Council for the Village of Empire, County of Leelanau, State of Michigan, held on the 11th day of June, 2020.

PRESENT: Avis, Aylsworth, Bacon, Chase, Davis, Rademacher, SKrocki

ABSENT: None

The following resolution was offered by Councilmember Rademacher and seconded by Councilmember SKrocki.

**WHEREAS**, the South Bar Lake Drain ("Drain") is a proposed new county drain, of which the proposed Drainage District is to be either partially or entirely located in the Village of Empire, County of Leelanau, and to be established pursuant to the Michigan Drain Code, Public Act 40 of 1956, as amended (the "Drain Code"); and

**WHEREAS**, Section 51 of the Drain Code authorizes a Village Council or Board to file an application with the Drain Commissioner for the Laying Out and Designating of a Drainage District if the proposed drain is necessary for the public health of such municipality and the municipality will be liable for an assessment at-large for a percentage of the costs for the establishment and construction of the proposed drain; and

**WHEREAS**, Section 71 of the Drain Code also authorizes a Village Council to file a petition with the Drain Commissioner for the locating, establishing, constructing, operating and maintaining of a new drain; and

**WHEREAS**, the establishment and construction of a new county drain is necessary to address: Flooding and continued maintenance associated with a "private" storm sewer outlet (being some of both an open ditch and an enclosed culvert) from South Bar Lake out into Lake Michigan

**NOW, THEREFORE BE IT RESOVLED THAT**, the Empire Village Council does authorize that an application be made in the name of the Village of Empire to Lay Out and Designate a Drainage District for the proposed South Bar Lake Drain to the Leelanau County Drain Commissioner.

**BE IT FURTHER RESOLVED THAT**, the Councilmember Aylsworth, being the President for the Village of Empire, is authorized to execute the necessary Application, and upon the establishment and execution of an Order Designating the Drainage District by the Leelanau County Drain Commissioner, that Councilmember Aylsworth is authorized to execute a Petition for the Location, Establishment, Construction, Operation and Maintenance of the South Bar Lake Drain.

**BE IT FURTHER RESOLVED THAT**, the Clerk or Secretary shall forward to the Leelanau County Drain Commissioner a copy of this Resolution for the Application for Laying Out and Designating a new County Drain Drainage District and, after the execution of an Order Designating the Drainage District, forward a Petition to Locate, Establish, Construct, Operate and Maintain the South Bar Lake Drain.

ADOPTED: YEAS: Kademacher, Bacon, Chase, Skrodki, Avis, Aylsworth  
NAYS: Davis

The Resolution was declared and adopted.

**VILLAGE COUNCIL FOR THE  
VILLAGE OF EMPIRE**

Dated: 6/15/2020



By: Wayne R. Aylsworth

Its: President

As Authorized by its governing body on  
June 11, 2020