

RESOLUTION OF THE TUSCOLA COUNTY BOARD OF COMMISSIONERS**MURPHY LAKE**

WHEREAS, the Tuscola County Circuit Court entered an Order on November 26, 1958, establishing the inland lake level for Murphy Lake, located in the Townships of Millington and Watertown, Tuscola County, at a summer elevation of 747.0 feet above sea level and a winter elevation of 746.5 feet above sea level; and

WHEREAS, subsequent to the Court's November 26, 1958, Order, the Drain Commissioner entered a Final Order on May 8, 1962, setting the Murphy Lake Special Assessment District;

WHEREAS, the Tuscola County Circuit Court entered an Order dated December 14, 1984, stating that "the Winter Level of Murphy Lake shall be seven hundred forty-six (746.0) above sea level. Said level shall be established immediately and shall hereafter and be maintained between October 1 and Ice Out;"

WHEREAS, the Tuscola County Circuit Court entered an Order dated November 8, 1985, stating that "the Winter Level of Murphy Lake shall be seven hundred forty-five and one-half (745.5) feet above sea level. Said level shall be established immediately hereafter and be maintained between September 1 and Ice Out, or March 10, next, which occurs first, each year;"

WHEREAS, the Tuscola County Circuit Court entered an Order dated February 27, 2009, revising the time periods between the winter and summer levels, and also approving the Special Assessment District boundaries determined by the Tuscola County Drain Commissioner, however, no Special Assessment District boundaries were set by the Drain Commissioner as a result of the February 27, 2009 Order; and

WHEREAS, the special assessment district requires updating to include additional lands consistent with the Court's Order;

WHEREAS, the Order dated February 27, 2009, amended the winter level maintenance time period from the dates of September 1, through March 10 or Ice Out, whichever occurs first, to the dates of October 15 through March 10, or Ice Out, each year, effective immediately."

WHEREAS, the Tuscola County Board of Commissioners, deems it necessary to clarify that the winter level maintenance time period is October 15 through March 10 or Ice Out, whichever occurs later.

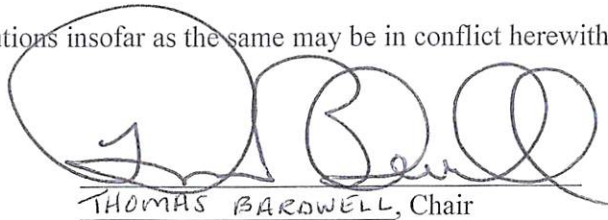
WHEREAS, the Tuscola County Board of Commissioners deems it necessary to revise the special assessment district boundaries pursuant to Part 307 of the Natural Resources and Environmental Protection Act, MCL 324.30701 et seq. ("Part 307");

WHEREAS, the Tuscola County Drain Commissioner has authority to expend up to Ten Thousand (\$10,000.00) Dollars in any one year for the maintenance and repair of the lake level project, and where it is estimated that expenditures exceeding this amount are necessary, those amounts may not be expended until approved by Resolution of the Tuscola County Board of Commissioners; and

WHEREAS, the Tuscola County Drain Commissioner has advised the Board of Commissioners for the County of Tuscola that it will be necessary to expend funds in excess of Ten Thousand (\$10,000.00) Dollars for the maintenance and repair of the lake level project; and

NOW, THEREFORE, BE IT RESOLVED:

1. The Board of Commissioners confirms that the Tuscola County Drain Commissioner is the delegated authority under Part 307.
2. The Board directs the Drain Commissioner to appoint legal counsel to institute proceedings in the Tuscola County Circuit Court to revise and confirm the special assessment district boundaries for the established lake level of Murphy Lake, and all costs to do so shall be borne by the special assessment district.
3. The Board directs the Drain Commissioner to retain an engineering firm to assist with the preparation of the special assessment district and any other information necessary to revise the Court's Order dated February 27, 2009 (including clarifying that the winter level maintenance time period is October 15 through March 10 or Ice Out, whichever occurs later), and all costs to do so shall be borne by the special assessment district.
4. The Board does hereby determine that the whole cost of the project to revise and confirm special assessment district boundaries for the lake level for Murphy Lake shall be defrayed by special assessments against privately owned parcels of land, State-owned lands that are under the jurisdiction and control of the Michigan Department of Natural Resources, and political subdivisions of the State that are benefited by the project in accordance with procedures set forth in Part 307.
5. After the revision and confirmation of the special assessment district for Murphy Lake, the Drain Commissioner, as delegated authority, shall prepare a computation of cost and prepare a special assessment roll consistent with the requirements of Part 307.
6. The Board hereby authorizes the Tuscola County Drain Commissioner to expend money for the maintenance and repair of the lake level project in excess of Ten Thousand (\$10,000.00) Dollars pursuant to the requirements of Part 307.
7. The Tuscola County Drain Commissioner shall retain the services of a licensed professional engineer to compute the cost of the project, prepare a special assessment roll and hold a public hearing pursuant to Part 307.
8. All resolutions and parts of resolutions insofar as the same may be in conflict herewith are hereby rescinded.



THOMAS BARWELL, Chair

Dated: March 28, 2019

Motion by Mimsaw, seconded by Young to approve the Murphy Lake
Water Level Resolution.
 Yeas: Young, Mimsaw, Bardwell
 Nays: Vaughan, Janson
 Abstain: none
 Absent: none

Resolution Number _____

I, the undersigned, being duly qualified and acting Clerk of Tuscola County, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Tuscola County Board of Commissioners at a regular meeting held on the 28th day of March, 2019, and that notice of said meeting was given in accordance with the Open Meetings Act.

Dated: March 28, 2019



Jodi Jetting, Clerk
Tuscola County

