

SPRENGER DRAIN
INTRA-COUNTY DRAINAGE BOARD
SEPTEMBER 13, 2021
10:45 A.M.
AGENDA

**NOTE: THIS MEETING WILL BE HELD IN PERSON WITH TELECONFERENCE
OPTION**

**Call in Number: 1-434-481-1283
Access Code: 289 083 706**

	Page
1. Call of meeting to order and roll call	
2. Approval of Agenda for September 13, 2021	
3. Approval of Minutes for September 14, 2020	3
4. Public Participation	
5. Sprenger Drain Relinquishment – Daryl Gapshes	5
Motion: To approve the resolution relinquishing jurisdiction and control of the Sprenger Drain and authorize Commissioner Miller to execute the Relinquishment Agreement.	
6. Sprenger Drain Funds Transfer - Bruce Manning	17
Motion: To approve the transfer of the remaining Sprenger Drain funds (estimated \$19,725) to the Centerline Relief and Branches Drain.	
7. Financial Report – Bruce Manning	18
8. Adjourn	

SPRENGER ENCLOSURE - ENCLOSED

WARREN - CHAPTER 20




Office of
Public Works

0 125 250 500
Feet

Drain Length (Feet/Miles):
2,084.07 / 0.395

Legend

 Sprenger Enclosure

An adjourned meeting of the Intra-County Drainage Board for the **SPRENGER DRAIN** was held via telephone conference per the State of Michigan Executive Order due to the COVID-19 pandemic, on September 14, 2020, at 11:12 A.M.

PRESENT: Brian Baker, Acting Chair

Bryan Santo, Member

ABSENT: Marv Sauger, Member

ALSO PRESENT: Robert Mijac, Macomb County Board of Commissioners; Stephen Downing, Construction & Maintenance Manager, Bruce Manning, Financial Manager, Tom Stockel, Construction Engineer, Jeff Bednar P.E., Environmental Resources Manager, Vince Astorino, Operations & Flow Manager, Kellie Kource, Drain Account Specialist, Karen Czernel, Deputy, Norb Franz, Communications Manager, Macomb County Public Works

The meeting was called to order by the Acting Chair, Brian Baker. A motion was made by Mr. Baker, supported by Mr. Santo to approve the agenda as presented.

Minutes of the meeting of July 10, 2010 were presented, noting that no current Board Members were present at this meeting. A motion was made by Mr. Baker, supported by Mr. Santo to approve the minutes as presented.

Adopted: YEAS: 2
NAYS: 0

The meeting was opened to public participation, then closed, there being no comments from the public.

A motion was made by Mr. Baker, supported by Mr. Santo to approve the transfer of \$16,430 of surplus Sprenger Drain funds to the Lorraine Storm Drain for the repair of the collapsed storm drain as requested by the City of Warren.

Adopted: YEAS: 2
NAYS: 0

A motion to receive and file the financial report given by Mr. Manning was made by Mr. Baker and supported by Mr. Santo.

Adopted: YEAS: 2
NAYS: 0

There being no further business, it was moved by Mr. Santo, supported by Mr. Baker, that the meeting of the Sprenger Drain Board be adjourned.

Adopted: YEAS: 2
NAYS: 0

The meeting was adjourned at 11:15 a.m.



Brian Baker, Acting Chair
Macomb County Public Works Chief Deputy

STATE OF MICHIGAN
COUNTY OF MACOMB

I certify that the foregoing is a true and correct copy of proceedings taking by the Intra-County Drainage Board for the Drainage District shown on the attached set of minutes, on September 14, 2020 the original of which is on file in the Public Works Commissioner's Office. Public notice of the meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1975, including, in the case of a special or rescheduled meeting or a meeting secured for more than 36 hours, notice by posting at least 18 hours prior to the time set for the meeting.



Brian Baker, Acting Chair
Macomb County Public Works Chief Deputy

DATED: 9/14/20



MEMORANDUM

To: Candice S. Miller, Public Works Commissioner
Brian Baker, Chief Deputy

From: Daryl Gapshes, P.E., Plan Review Manager

Date: August 23, 2021

Re: Centerline Relief and Branches – Contract No. 2, City Center Lateral and Sprenger Drain Relinquishments

Background

In 2002, the City of Warren began planning the redevelopment of their Civic Center Campus. The City consulted with Hubbel Roth & Clark, Inc. to prepare an Infrastructure Study to determine the best method to provide the various utility services to the development. In conjunction with this study, they also contracted with a planner and landscape architect to design a new roadway system within and around the redevelopment of the campus. During the planning stages, it was determined the city storm sewer system would require updating to accommodate flow from the new roadway system. These updates required removing select portions of the Centerline Relief and Branches – Contract No. 2, City Center Lateral and eliminating flow into the Sprenger Drain. These updates were completed in two phases around 2005. Further, the study also recommended that storm water from the entire campus should ultimately outlet north to the Bear Creek Drain.

Current Status of Project

In 2018, plans for the construction of the outlet to the Bear Creek were submitted to the Macomb County Public Works Office for review and approval. During the review, it was determined that the remaining sections of both drains impacted during the construction of Phase I & II were no longer a benefit to the respective drainage districts but only serviced local storm sewer drainage for the Civic Center Campus.

At this time, the Macomb County Public Works Office approached representatives from the City of Warren and requested they enter into Relinquishment Agreements with the Centerline Relief and Branches - Contract No. 2, City Center Drain Drainage Board and the Sprenger

Drain Drainage Board. Attached is a map of the Civic Center that depicts the location of the referenced existing drains to be relinquished to the City of Warren that were impacted as well as the storm sewer outlet to the Bear Creek for the Civic Center that was constructed in 2019.

The City of Warren approved the relinquishment resolutions at their July 13, 2021 City Council meeting. The Macomb County Board of Commissioners approved the relinquishments on August 19, 2021.

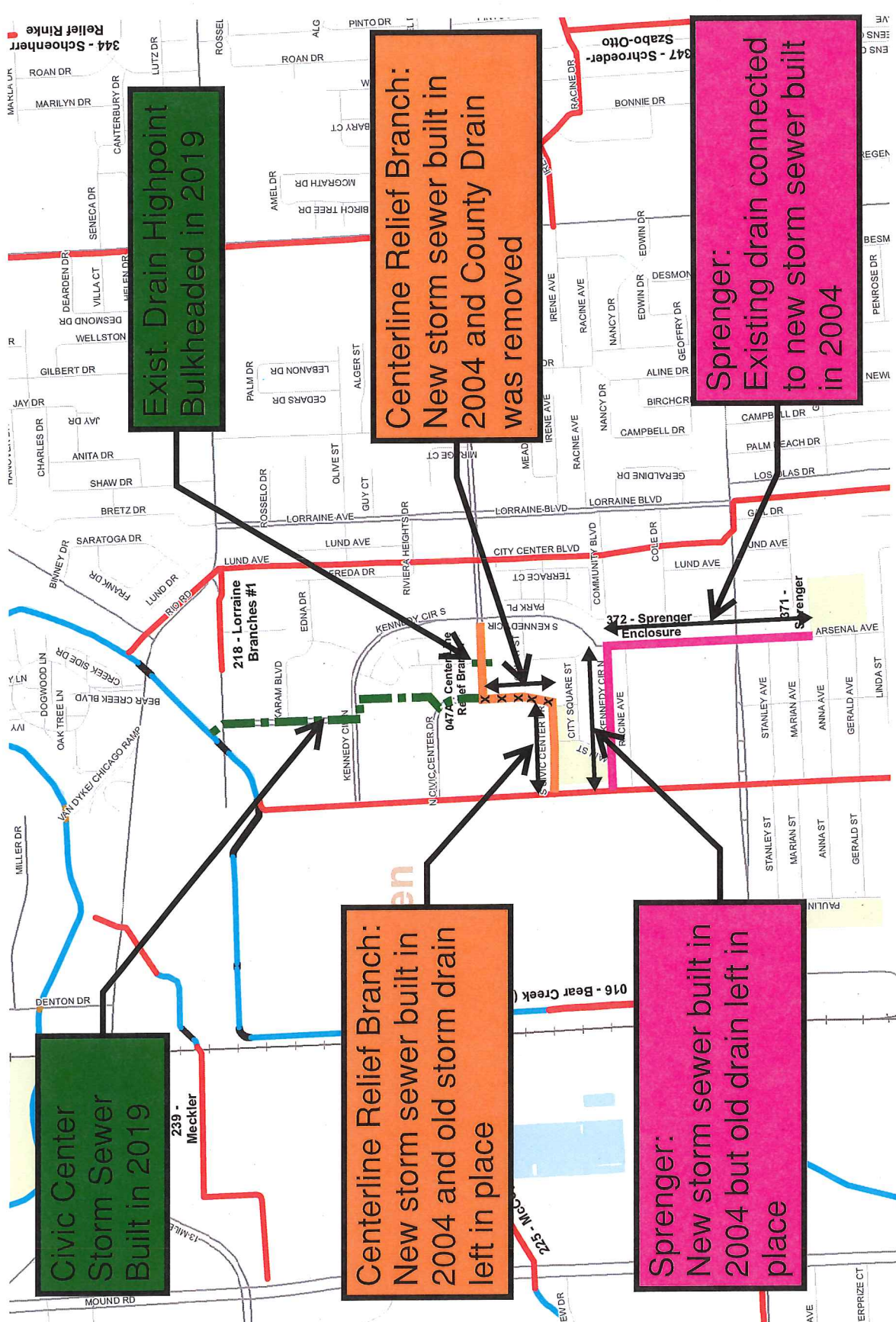
Action Requested

There are two resolutions proposed for your consideration today.

The first resolution requests the Drainage Board approve the attached resolution relinquishing jurisdiction and control of a portion of the Centerline Relief and Branches – Contract No. 2, City Center Lateral to the City of Warren.

The second resolution requests the Drainage Board approve the attached resolution relinquishing jurisdiction and control of the Sprenger Drain to the City of Warren.

Based on the above, I am respectively requesting your passage of the attached resolutions. If you have any questions regarding this matter please contact me at your earliest convenience.



Exist. Drain Highpoint Bulkheaded in 2019

**Centerline Relief Branch:
New storm sewer built in 2004 and County Drain was removed**

**Sprengr:
Existing drain connected to new storm sewer built in 2004**

**Centerline Relief Branch:
New storm sewer built in 2004 and old storm drain left in place**

**Sprengr:
New storm sewer built in 2004 but old drain left in place**

Civic Center Storm Sewer Built in 2019

JOB NO. 20170458	SHEET NO. 1
DATE April 8, 2021	OF 1
 HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915	
555 HULET DRIVE BLOOMFIELD HILLS, MICH. 48303 - 0824 P.O. BOX 824 PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: http:// www.hrcengr.com	

At a meeting of the Drainage Board for the Sprenger Drain Drainage District, Macomb County, Michigan, held on _____, 2021.

PRESENT:

ABSENT:

The following resolution was offered by:

RESOLUTION RELINQUISHING JURISDICTION AND CONTROL OF
SPRENGER DRAIN DRAINAGE DISTRICT

WHEREAS, the Sprenger Drain (“Drain”) is a storm sewer system established as a county drain under Chapter 20 of the Michigan Drain Code (Act 40, Public Acts of Michigan, 1956, as amended) located entirely within the City of Warren (the “City”) and having no outstanding indebtedness or contractual liability; and

WHEREAS, this Drainage Board is the governing body for the Sprenger Drain Drainage District (the “Drainage District”), the drainage district established for the Drain; and

WHEREAS, as provided in Section 478 of the Drain Code, the Drainage Board is authorized to relinquish jurisdiction and control of the Drain to the City at any time when there is no outstanding indebtedness or contract liability of the Drainage District; and

WHEREAS, there is presently no outstanding indebtedness of the Drainage District and any contract liability of the Drainage District will be transferred to the City in accordance with the Relinquishment Agreement (hereinafter defined); and

WHEREAS, there has been presented to the Drainage Board a proposed Relinquishment Agreement (the “Relinquishment Agreement”) between the Drainage District and the City, setting forth the terms and conditions under which the Drainage Board will relinquish jurisdiction and control of a portion of the Drain to the City; and

WHEREAS, the Drainage Board determines it to be in the best interest of the Drainage District to relinquish jurisdiction and control of said portion of the Drain to the City, subject to the terms and conditions of the Relinquishment Agreement.

BE IT RESOLVED ON BEHALF OF THE SPRENGER DRAIN DRAINAGE DISTRICT, as follows:

1. Pursuant to Section 478 of the Drain Code, the Drainage Board hereby relinquishes jurisdiction and control of said portion of the Drain, subject to the terms and conditions of the Relinquishment Agreement.

2. The Relinquishment Agreement, in the form presented to this meeting, is approved, and the Chairperson of the Drainage Board is authorized to execute the Relinquishment Agreement on behalf of the Drainage District in substantially the form approved, with such changes as may be necessary and desirable and not materially adverse to the Drainage District.

3. All resolutions and parts of resolutions, insofar as the same may be in conflict herewith, are rescinded.

YEAS:

NAYS: None

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
) ss
COUNTY OF MACOMB)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the Drainage Board for the Sprenger Drain, Macomb County, Michigan, held on _____, 2021, the original of which resolution is on file in my office. I further certify that notice of said meeting was given in accordance with the Open Meetings Act.

Chairperson of the Drainage Board for the
Sprenger Drain

**RELINQUISHMENT AGREEMENT
SPRENGER DRAIN DRAINAGE DISTRICT**

THIS AGREEMENT is made and entered into this ___ day of _____, 2021, by and between the Sprenger Drain Drainage District, Macomb County, Michigan (the “Drainage District”) and the City of Warren, Michigan (the “City”).

WHEREAS, the Sprenger Drain (the “Drain”) is a storm sewer system established as a county drain under Chapter 20 of the Michigan Drain Code (Act 40, Public Acts of Michigan, 1956, as amended) and located entirely within the City; and

WHEREAS, the Drainage District is the drainage district established for the Drain, and the Drainage Board for the Drain is the governing body for the Drainage District; and

WHEREAS, the Drainage Board for the Drain, pursuant to Section 478 of the Drain Code, by resolution adopted on _____, 2021, has relinquished jurisdiction and control of a portion of the Drain to the City, subject to the terms and conditions of this Relinquishment Agreement; and

WHEREAS, by resolution adopted on _____, 2021 the Board of Commissioners of the County of Macomb has adopted a resolution consenting to the relinquishment of said portion of the Drain from the Drainage Board to the City; and

WHEREAS, the Drainage District and the City have agreed to the relinquishment of said portion of the Drain to the City upon the terms and conditions hereinafter set forth.

NOW THEREFORE, IT IS AGREED:

1. Jurisdiction and control of said portion of the Drain shall be relinquished by the Drainage Board to the City effective upon the execution of all parties (the “Effective Date”) Following the Effective Date, the Drainage Board shall be relieved of the jurisdiction and control of said portion of the Drain and the City shall be responsible for jurisdiction and control.

2. Following the Effective Date:

- (a) All funds of said portion of the Drain held by the Drainage District shall be transferred to the City.
- (b) The City shall be liable for any outstanding contract liability of said portion of the Drain.
- (c) The City shall be responsible for the operation and maintenance of said portion of the Drain.
- (d) The Drainage District shall convey and/or assign, as appropriate, to the City all its right, title and interest in and to the real and personal property

constituting said portion of the Drain, including without limitation all fee simple interests in land, easements, and rights-of-way.

- (e) The Drainage District shall assign to the City all permits and utilities contracts related to said portion of the Drain.

3. The parties agree to cooperate with each other in achieving the intended relinquishment of jurisdiction and control of said portion of the Drain as provided herein, and to that end shall execute such other and further agreements, deeds, bills of sale and other instruments, as necessary.

4. This Agreement shall be binding upon the successors and assigns of each party.

5. Each party hereto represents and warrants to the other that it has full power and authority to enter into this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers as of the day and year first above written.

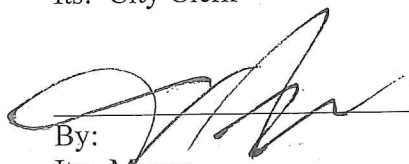
SPRENGER DRAIN DRAINAGE DISTRICT:

By:
Its: Chairperson of Drainage Board

CITY OF WARREN:



By:
Its: City Clerk



By:
Its: Mayor

**RESOLUTION TO ENTER INTO
SPRENGER DRAIN DRAINAGE DISTRICT
RELINQUISHMENT AGREEMENT**

At a regular meeting of the City Council of the City of Warren, Macomb County, Michigan held on July 13, 2021, at 7 p.m. Daylight Savings Time in Council Chambers at the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan.

PRESENT: Councilperson Green, Kabacinski, Lafferty, Moore, Papandrea,
Rogensues, Watts

ABSENT: Councilperson None

The following resolution was offered by Councilperson Moore
and supported by Councilperson Lafferty.

The Civic Center Storm Sewer from Warren Civic Center to Bear Creek Drain is a City of Warren Storm Sewer. A connecting drain to the Warren Civic Center Drain is the Sprenger Drain Drainage District (Sprenger Drain) that is owned by Macomb County. The Sprenger Drain is duly established under the Michigan Drain Code MCL 280.1 et seq. ("Drain Code"), is located entirely within the City of Warren, and has no outstanding indebtedness or contractual liability; and

The City of Warren wishes to obtain jurisdiction and control of the Sprenger Drain, which is owned by Macomb County.

The City has been advised and recognizes that as provided for by the Drain Code, upon relinquishment of the Sprenger Drain to the City, the City will assume all jurisdiction and control of the Sprenger Drain and be responsible for the maintenance and operation and all costs attendant thereto; and

Subject to terms and conditions set forth in the Sprenger Drain Drainage District Relinquishment Agreement, and provided that all requirements of Section 395 of the Drain Code, same being MCL 280.395, have been met, the Macomb County Drain Commissioner is agreeable to relinquishing jurisdiction of the Sprenger Drain, and

Section 395 of the Drain Code requires that before the relinquishment of the Sprenger Drain to the City can occur, the governing body of the City must approve the relinquishment.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 395 of the Drain Code, same being MCL 280.395, the City of Warren hereby approves the assumption of jurisdiction and control over the Sprenger Drain Drainage District from the Macomb County Drain Commissioner to the City of Warren.

BE IT FURTHER RESOLVED, that the Mayor and the City Clerk are authorized to enter into Sprenger Drain Drainage District Relinquishment Agreement with the Drainage District on behalf of the City of Warren and to sign all documents and take such other action as necessary to effectuate the relinquishment of jurisdiction of the Drain to the City.

In accordance with the City Council duly adopted budget resolution of May 11, 2021.

AYES: Councilperson: Moore, Lafferty, Kabacinski, Papandrea, Rogensues, Watts

NAYS: Councilperson: Green

RESOLUTION DECLARED ADOPTED this 13th day of July, 2021.



MINDY MOORE
Secretary of the Council

RESOLUTION NO. R21-6805

*Official Resolution of the Board of Commissioners
Macomb County, Michigan*

**RESOLUTION APPROVING THE ASSUMPTION OF JURISDICTION
AND CONTROL OVER THE SPRENGER DRAIN AND THE DRAINAGE DISTRICT BY THE CITY OF WARREN**

The Macomb County Board of Commissioners offers the following resolution:

WHEREAS, the Sprenger Drain Drainage District (“Drain”) is a storm sewer system established as a county drain under Chapter 20 of the Michigan Drain Code (Act 40, Public Acts of Michigan, 1956, as amended) located entirely within the City of Warren (the “City”) and having no outstanding indebtedness or contractual liability; and

WHEREAS, the Drainage Board for the Drain is the governing body of the Sprenger Drain Drainage District (the “Drainage District”), the drainage district established for the Drain; and

WHEREAS, as provided in Section 478 of the Drain Code, the Drainage Board is authorized to relinquish jurisdiction and control of the Drain to the City at any time when there is no outstanding indebtedness or contract liability of the Drainage District, and the City and County are authorized to consent to such relinquishment; and

WHEREAS, there has been presented to the Board of Commissioners a proposed Relinquishment Agreement (the “Relinquishment Agreement”) between the Drainage District and the City, setting forth the conditions under which the Drainage Board will relinquish jurisdiction and control of a portion of the Sprenger Drain to the City; and

WHEREAS, the City wishes to obtain jurisdiction and control of said portion of the Drain and Drainage District; and

WHEREAS, the City has been advised and recognizes that, as provided for by the Drain Code, upon relinquishment of said portion of the Drain and Drainage District to the City, the City will assume all jurisdiction and control of said portion of the Drain and Drainage District and be responsible for their maintenance and operation and all costs attendant thereto; and

WHEREAS, subject to terms and conditions set forth in the Relinquishment Agreement, the Drainage District is agreeable to relinquishing jurisdiction of said portion of the Drain and Drainage District to the City; and

WHEREAS, Section 478 of the Drain Code requires that before the relinquishment of said portion of the Drain and the Drainage District to the City can occur, a majority of the members of the County Board of Commissioners must approve the relinquishment,

WHEREAS, the Board of Commissioners has determined to consent to the proposed relinquishment of said portion of the Drain to the City, and to approve the execution and delivery of the Relinquishment Agreement.

NOW THEREFORE BE IT RESOLVED by the Macomb County Board of Commissioners that, pursuant to Section 478 of the Drain Code, MCL 280.478, the County of Macomb hereby approves the assumption of jurisdiction and control over the Sprenger Drain and the Drainage District by the City of Warren.

BE IT FURTHER RESOLVED that the Relinquishment Agreement, in the form presented to this meeting, is approved, and the Public Works Commissioner is authorized and directed to execute and deliver the Relinquishment Agreement on behalf of the County in substantially the form approved, with such changes as may be necessary and desirable and not materially adverse to the County. All resolutions and parts of resolutions, insofar as the same may be in conflict herewith, are rescinded.



DON BROWN, Chair



ANTHONY FORLINI, Clerk/Register of Deeds

Adopted: August 19, 2021

TO: Sprenger Drainage District Board
FROM: Bruce Manning, Finance Manager
Macomb County Public Works Finance Department
DATE: September 8, 2021
RE: Sprenger Drain

The Sprenger Drain has been relinquished to Warren. We are requesting the below funds, currently in the Sprenger Drain, to be transferred to Centerline Relief and Branches, a Chapter 20 drain in Warren.

20,400	Current Sprenger funds
<u>675</u>	Less estimated lawyer fee
19,725	Total approximate funds to transfer to Centerline Relief and Branches

The \$19,725 we are requesting to be moved is only an estimate. Until we receive the invoices from the lawyer we will not know the exact total.

YTD Trial Balance

Sprenger

As of Fiscal Period: Oct 1, 2020-Sept 8, 2021

	O&M Balance 9/30/2020	O&M	Total 9/8/2021
Cash - Operating	23,152	(2,751)	20,401
Accounts Receivable			0
Assets			0
Liabilities			0
Revenues			0
Expenditures		2,751	2,751
Equity	23,152		20,401