

AGREEMENT FOR IMPROVEMENTS TO AN EXISTING COUNTY DRAIN

CARPENTER ROAD DRAIN

THIS AGREEMENT, made and entered into this 12th day of may, 2017, by and between the Carpenter Road Drain Drainage Board, whose address is 705 N. Zeeb Rd., Ann Arbor, MI 48103 ("Board"), on behalf of the Carpenter Drain Drainage District ("Drainage District"); and Pittsfield Charter Township, a Michigan municipal corporation, whose address is 6201 West Michigan Avenue, Ann Arbor, Michigan 48108 ("Township").

WITNESSETH:

WHEREAS, the Carpenter Road Drain ("Drain") is an established county drain under the jurisdiction of the Board; and,

WHEREAS, Sections 425 and 433 of the Michigan Drain Code, Public Act 40 of 1956, as amended ("Drain Code"), authorizes the Board to enter into agreements to improve the Drain to allow for increased service of lands currently within an existing Drainage District; and,

WHEREAS, pursuant to Sections 425 and 433 of the Drain Code, the Township wishes to improve the Drain; and,

WHEREAS, the Board may determine and set certain terms and conditions for improvements to the Drain, and,

WHEREAS, portions of the existing drain have been relocated in the past, concurrent with road reconstruction; and,

WHEREAS, a legal description of the relocated Drain route and course is attached hereto in *Exhibit A*; and,

WHEREAS, improvements to the Drain will be confined to a treatment area located within public road right-of-way, attached hereto in *Exhibit B*; and,

NOW, THEREFORE, in consideration of the premises and covenants of each, the parties hereto agree as follows:

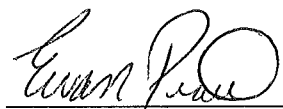
1. The Board agrees to improve the Drain in *Exhibit B*, subject to the provisions of this

Agreement. The Board also acknowledges and accepts the relocation of the Drain as described in **Exhibit A**.

2. The Township has been advised, understands, and agrees to assume the total costs for improvement of the Drain, including the acquisition of the necessary rights of way or easements, engineering, surveying, inspection, legal, administration, and costs incurred by the Board associated with the same.
3. The Township further understands and agrees that once improvements are completed by the Board, they will be established as part of the Drain, and that Township will be liable for an assessment for the Drain as determined by the Board in accordance with the Drain Code.
4. The Board shall secure all necessary permits or authorizations as may be required by local, state or federal law.
5. The Washtenaw County Road Commission does not object to improvements of the Drain, together with the incorporation of the improvement area, located in county road right-of-way, into the Drain, and will provide a permit to the Drainage District prior to improvements being made.
6. This Agreement is deemed to run with the land and is binding on the parties, their assigns and successors in interest.
7. This Agreement shall become effective upon its execution by the Township and the Board and shall be binding upon the successors and assigns of each party.

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

CARPENTER ROAD DRAIN DRAINAGE DISTRICT



Evan Pratt, Drainage Board Chair
Washtenaw County Water Resources Commissioner

5/22/17

DATE

PITTSFIELD CHARTER TOWNSHIP


A Michigan municipal company



Mandy Grewal, Supervisor
Pittsfield Charter Township

5/12/17

DATE

 5/12/17
Michelle L. Anzaldi, Clerk
Pittsfield Charter Township

Date

STATE OF MICHIGAN)
)SS
COUNTY OF WASHTENAW)

On this 22nd day of May, 2017, before me, a Notary Public in and for said County, personally appeared Evan Pratt, Washtenaw County Water Resources Commissioner, Chair of the Carpenter Road Drain Drainage Board, on behalf of the Carpenter Road Drain Drainage District to me known to be the person described in and who executed the foregoing instrument and acknowledged the same to be his free act and deed.

MALLORY K. WALCZESKY
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WASHTENAW
My Commission Expires July 28, 2019
Acting in the County of Washtenaw

Mallory K Walczesky
Mallory K Walczesky Notary Public
State of Michigan, County of
Washtenaw My Commission Expires:
July 28, 2019 Acting in the County of
Washtenaw

STATE OF MICHIGAN)
)SS
COUNTY OF)

On this 12th day of May, 2017, before me, a Notary Public in and for said County, personally appeared Mandy Grewal, Supervisor on behalf of Pittsfield Charter Township, a Michigan municipal company, to me known to be the person described in and who executed the foregoing instrument and acknowledged the same to be her free act and deed.

Hillary B Schmitz
Hillary B Schmitz Notary Public
State of Michigan, County of
Monroe My Commission Expires:
8/28/2023 Acting in the County of
Washtenaw

HILLARY B. SCHMITZ
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MONROE
My Commission Expires August 28, 2023
Acting in the County of Washtenaw

EXHIBIT A

ROUTE AND COURSE DESCRIPTION

CARPENTER ROAD DRAIN WASHTENAW COUNTY, MICHIGAN

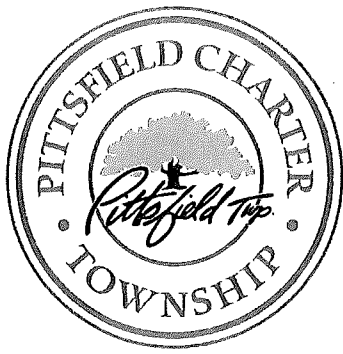
Commencing at the SE corner of the W.½ of the NE ¼ of Section 12. T 3S. R 6E. Pittsfield Township, Washtenaw County Michigan, thence N 01° 37' 16" W 1802 feet; Thence S 59° 38' 00" W 725 feet to the Point of Beginning (POB) Thence N 64° 40' 52" W 298.349 feet; Thence S 62° 19' 22" W 189.605 feet; Thence S 59° 29' 4" W 297.299 feet; Thence N 32° 40' 15" W 207.202 feet; Thence N 0° 15' 26" W 278.373 feet; Thence N 63° 48' 31" W 390.283 feet; Thence N 68° 45' 52" W 92.297 feet; Thence N 87° 28' 5" W 236.992 feet; Thence S 60° 24' 51" W 194.763 feet; Thence S 86° 39' 18" W 78.153 feet; Thence N 87° 52' 47" W 145.41 feet; Thence N 86° 45' 5" W 221.807 feet; Thence S 84° 53' 23" W 195.005 feet; Thence N 86° 55' 8" W 389.784 feet; Thence N 87° 27' 43" W 338.042 feet; Thence N 75° 54' 28" W 173.934 feet; Thence N 69° 13' 20" W 229.827 feet to a point known as point A; thence continuing S 2° 34' 31" E 356.994 feet; Thence S 2° 46' 7" E 398.755 feet; Thence S 88° 14' 16" W 58.635 feet; Thence S 1° 32' 55" E 249.811 feet; Thence N 87° 15' 0" E 76.241 feet; Thence N 86° 59' 46" E 33.087 feet; Thence S 2° 9' 54" E 389.868 feet; Thence S 1° 18' 42" E 308.052 feet; Thence S 0° 30' 35" E 142.86 feet; Thence S 1° 38' 24" E 66.305 feet; Thence S 0° 48' 26" E 286.659 feet; Thence S 83° 21' 29" W 28.302 feet to the point of ending. Also including a branch (branch 1) beginning at point A Thence N 70° 11' 44" W 60.84 feet; Thence N 0° 51' 43" W 313.095 feet; Thence N 2° 1' 44" W 208.741 feet to the point of ending. Also including a branch (branch 2) beginning at point A Thence N 1° 37' 7" W 266.246 feet to the Point of Ending. Total Length of 7173.31 Feet

EXHIBIT B

IMPROVEMENTS DESCRIPTION

**CARPENTER ROAD DRAIN
WASHTENAW COUNTY, MICHIGAN**

Commencing at the E 1/4 corner of Section 11 T 3S. R 6E Pittsfield Township, Washtenaw County Michigan, Thence N 0° 20' 30" W 576.62 feet; Thence N 89° 16' 30" W 67.33 feet; Thence N 89° 16' 30" W 188.51 feet; Thence N 0° 20' 30" W 272.2 feet; Thence S 89° 16' 30" E 188.51 feet; Thence N 14° 22' 7" E 60.235 feet to the Point of Beginning (POB); Thence N 1° 49' 48" W 337.392 feet; Thence N 79° 12' 55" E 11.516 feet; Thence S 1° 56' 6" E 319.087 feet; Thence S 19° 10' 43" W 13.118 feet; Thence S 40° 54' 51" W 10.693 feet to the POB. Total Area is 0.088 acres or 3859.05 square feet.



Pittsfield Charter Township
Clerk's Office

6201 West Michigan Avenue, Ann Arbor, MI 48108
Phone: (734) 822-3120 • Fax: (734) 944-8024
Website: www.pittsfield-mi.gov

Michelle L. Anzaldi
Township Clerk
manzaldi@Pittsfield-mi.gov

Lyn Sebestyen
Deputy Clerk
sebestyenl@Pittsfield-mi.gov

May 15, 2017

Evan Pratt, Washtenaw County Water Resources Commissioner
705 N. Zeeb Rd.
PO Box 8645
Ann Arbor, MI 48107

Re: Agreement for Improvements to Carpenter Rd Drain

Dear Commissioner Pratt:

I have enclosed an original copy of the approved agreement between Pittsfield Township and Washtenaw County Water Resources Commission for Carpenter Road Drain Improvements. The agreement was approved at the May 10, 2017 Pittsfield Township Board of Trustees meeting.

Please make a copy for your records, and send one (1) original signed copy of the documents back to:

**Pittsfield Charter Township
Clerk's Office
6201 W. Michigan Avenue
Ann Arbor, MI 48108**

Should you have any questions, please feel free to contact me at (734) 822-3120 or schmitzhi@pittsfield-mi.gov.

Sincerely,

Hillary Schmitz, Records Specialist
Pittsfield Township Clerk's Office

WASHTENAW CO.

MAY 18 2017

WATER RESOURCES