

MEMORANDUM

TO: Mayor and Council

FROM: Sue F. McCormick, Public Services Administrator

DATE: August 1, 2005

SUBJECT: Resolution to Petition the Washtenaw County Drain Commissioner to Reconstruct Malletts Creek Wetland Detention in Brown Park to Perform Water Quality Functions as well as Flood Mitigation (\$1,667,150)

Attached for your approval is a resolution to petition the Washtenaw County Drain Commissioner to undertake a project to reconstruct the Brown Park Pond. Currently, the pond is designed to perform only flood control. The reconstruction of the pond will cause the pond to function additionally as a water quality control device. The resolution authorizes funding for this project from the Storm Water Fund (Fund 0069).

The Malletts Creek Restoration Plan identifies the reconstruction of Brown Park Pond as the top priority project for advancing creek restoration. The reconstructed pond will be designed to remove phosphorus from the storm water. Malletts Creek is within the Total Maximum Daily Load (TMDL) area of the Huron River. The goal of the TMDL is to remove 50% of the phosphorus from storm water.

A formal petition from the City is required to move this project to construction. Malletts Creek is an established Chapter 20 County Drain. Therefore, the work to reconstruct the pond falls under the jurisdiction of the Washtenaw County Drain Commissioner. As an established drain, the costs of the project are assessed to the governmental entities within the drainage district area. The total cost of this project is estimated at \$3,500,000 however a Michigan Department of Environmental Quality (MDEQ) grant of \$1,250,000 has been received for this project. The balance (\$2,250,000) has been approved for a State Revolving Fund (SRF) loan. The City's apportionment of this drainage district is approximately 74.54% of the district. Therefore, the City's share will be \$1,677,150.

As the Drain Commissioner will be assessing the City over a maximum of 20 years for this project, the City will not have to expend the full cost of this project at the time of construction. Rather, the reimbursement of the Drain Commissioner will be paid over the financing period, with installments not to exceed \$100,111.14 per year. The first payment is included in the Storm Water Fund budget for FY 05/06.

Prepared by: Craig Hupy, P.E., Systems Planning Manager
Reviewed by: Sue F. McCormick, Public Services Administrator
Approved by: Roger W. Fraser, City Administrator

RESOLUTION TO PETITION THE
WASHTENAW COUNTY DRAIN COMMISSIONER TO RECONSTRUCT
MALLETTS CREEK WETLAND DETENTION IN BROWN PARK
TO PERFORM WATER QUALITY FUNCTIONS AS WELL AS FLOOD MITIGATION
(\$1,667,150)

Whereas, There is a Total Maximum Daily Load (TMDL) for phosphorus reduction within the middle Huron River;

Whereas, Malletts Creek is within the area covered by the phosphorus TMDL;

Whereas, The Malletts Creek Restoration Plan has identified the reconstruction of Brown Park Pond as the top priority project for the creek restoration;

Whereas, The City Council intends to file with the Drain Commissioner for Washtenaw County a petition to clean out, relocate, widen, deepen, straighten, extend, tile, interconnect, or otherwise improve the Brown Park Pond portion of the county drain known as Malletts Creek Drain pursuant to Section 482 of Chapter 20 of the Drain Code of 1956 (MCL 280.482);

Whereas, It is the desire of the City Council to have the Mayor and Clerk sign and file the necessary petition with the Washtenaw County Drain Commissioner; and

Whereas, A suggested form of such petition is now presented to the City Council;

RESOLVED, The City Council hereby determines to proceed with the proposed drain project for the Malletts Creek Drain Drainage District as more fully described in the petition attached hereto as Attachment 1;

RESOLVED, The Mayor and Clerk be hereby authorized and directed to execute such petition for and on behalf of the City and to file the same with the Drain Commissioner of the County of Washtenaw;

RESOLVED, The City Council hereby consents to the location of the proposed clean out, relocation, widening, deepening, straightening, extending, tiling, interconnecting or otherwise improving the Brown Park Pond portion of the Malletts Creek Drain within the limits of the City and the assessment of a portion of the cost of such improvements, so located, against the City; and

RESOLVED, That the assessment (approximately \$1,667,150, plus interest) will be paid in twenty annual installments not to exceed \$100,111.14/annum from the Operations and Maintenance Budget of the Stormwater Fund (Fund 0069), beginning in FY 05/06.

Submitted by: Public Services Area
Date: August 1, 2005

PETITION

TO THE DRAIN COMMISSIONER OF
WASHTENAW COUNTY, MICHIGAN

The undersigned public corporation hereby petitions for the clean out, relocation, widening, deepening, straightening, extending, tiling, interconnecting or otherwise improving the Brown Park Pond portion of the Malletts Creek Drain described in Attachment 1, which storm improvements are necessary to remove accumulated sediment, provide long-term maintenance capability, and increase the public health benefit and is located within the limits of the City of Ann Arbor, the petitioner herein.

This petition is filed by the City pursuant to the provisions of Section 482 of Chapter 20 of Act No. 40 of the Public Acts of 1956, as amended (MCL 280.482).

It is understood that none of the proposed drain project attributable to the part of the project in the City will be paid for by a special assessment levied against persons in the City.

A certified copy of the resolution of the governing body of the City of Ann Arbor authorizing execution of this petition is attached hereto.

CITY OF ANN ARBOR

BY: _____
John Hieftje, Mayor

BY: _____
Jacqueline Beaudry, City Clerk

DATED: _____, 2005

ATTACHMENT 1

DRAIN NAME:

Malletts Creek

PROJECT NAME:

Malletts Creek Wetland Detention in Brown Park

PROJECT DESCRIPTION:

Rehabilitate a storm water control basin in Brown Park, City of Ann Arbor, in order to remove accumulated sediment, provide long-term maintenance capability, and increase the public health benefit provided by the function of that facility.

PROJECT LOCATION:

The project will occur within parcel number 09-12-10-201-025 and the adjacent drain easement immediately north of that parcel. The legal description of the parcel is:

PRT OF NE 1/4 & NW 1/4 OF SEC 10, T3S, R6E, BEG AT CENT OF SD SEC 10, TH S 89 DEG 53 MIN W 328.7 FT, TH 516.85 FT ALG ARC OF A CIR CUR LT, RAD 3744.83 FT, CH BEARING N 75 DEG 23 MIN 30 SEC W 516.43 FT, TH N 1 DEG 34 MIN 30 SEC E 1469.42 FT, TH N 37 DEG 10 MIN 50 SEC E 435.63 FT, TH S 81 DEG 49 MIN 15 SEC E 200.06 FT, TH S 87 DEG 38 MIN 6 SEC E 612.23 FT, TH N 68 DEG 14 MIN 50 SEC E 290.87 FT, TH N 1 DEG 30 MIN 35 SEC E 692.27 FT, TH N 89 DEG 49 MIN 50 SEC E 166.69 FT, TH S 1 DEG 34 MIN 40 SEC W 1677.71 FT, TH S 89 DEG 58 MIN 20 SEC W 526.62 FT, TH S 1 DEG 39 MIN 20 SEC W 825.36 FT, TH N 89 DEG 58 MIN 20 SEC E 528 FT, TH S 1 DEG 39 MIN 20 SEC W 189.8 FT, TH S 89 DEG 58 MIN 30 SEC W 665.9 FT TO POB. 57.3 AC M/L

(See attached location map)

DESCRIPTION OF MALLETT'S CREEK DRAINAGE DISTRICT:

All of the Charter Township of Pittsfield and the City of Ann Arbor

(From the most recent legal description of the Malletts Creek Drainage District -- March 29, 1973 *Minutes of Meeting of the Statutory Drainage Board of the County of Washtenaw*).

(See attached creekshed map)

DRAIN ROUTE AND COURSE:

(a) A branch drain along the following described route:

A County Drain commencing at the south side of the Huron River 2800 feet \pm upstream from the centerline of U.S. Hwy. #23, being in the NE 1/4 of Section 35, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence proceeding southwesterly to a crossing of Washtenaw Avenue, said crossing being 532 feet \pm easterly from the centerline of Huron Parkway to a junction with the Washtenaw County Farm Drain, thence continuing south westerly, crossing Platt Road and Packard Road, thence proceeding southwesterly to a Junction with the Airport Drain, said junction being 1233 feet \pm east of the centerline of Stone School Road and 1100 feet \pm north of the centerline of Interstate Hwy. #94; thence proceeding in a northwesterly direction, crossing Stone School Road, to a junction with the Pittsfield Northwest Branch Drain, said junction being 1150 feet \pm west of the centerline of Stone School Road and 160 feet \pm north of the north line of Section 9, Pittsfield Township, T3S, R6E, Washtenaw County Michigan.

(b) A branch drain along the following described route:

Commencing at the *junction* with the Pittsfield Ann Arbor Drain, said junction being in the NW 1/4 of Section 10, Pittsfield Township, T3S, R6E, Washtenaw County, Michigan., 1233 feet \pm east of the centerline of Stone School Road and 1100 feet \pm north of the centerline of Interstate Hwy. #94 thence proceeding in a southwesterly direction to a crossing of Interstate Hwy. #94, thence proceeding southwesterly to a crossing of Stone School Road, thence proceeding southwesterly to a crossing of Ellsworth Road, thence proceeding southwesterly to a crossing of State Street, said crossing-being 2440 feet \pm southeasterly from the centerline of Ellsworth Road, to a termination at the. west right-of-way of State Street.

(c) A branch drain along the following described route:

Commencing at the junction with the Pittsfield Ann Arbor Drain, said junction being 1150 feet \pm west of the centerline of Stone School Road and 160 feet \pm north of the North line of Section 9, Pittsfield Township, T3S, R6E, Washtenaw County, Michigan. Thence proceeding westerly and southwesterly crossing the Ann Arbor R. R., thence proceeding westerly and northwesterly crossing South State Street, thence proceeding northwesterly crossing Waters Road, proceeding northerly and westerly crossing South Main Street, thence proceeding northwesterly and northerly crossing the Ann Arbor-Saline Road, thence proceeding northwesterly 4380 feet +/- to junction point No. 1, thence continuing westerly 520 feet +/- to junction point No.. 2, thence continuing northwesterly to a termination point at the intersection of the south right-of-way line of Scio Church Road with the east right-of-way line of Interstate Hwy. #94.

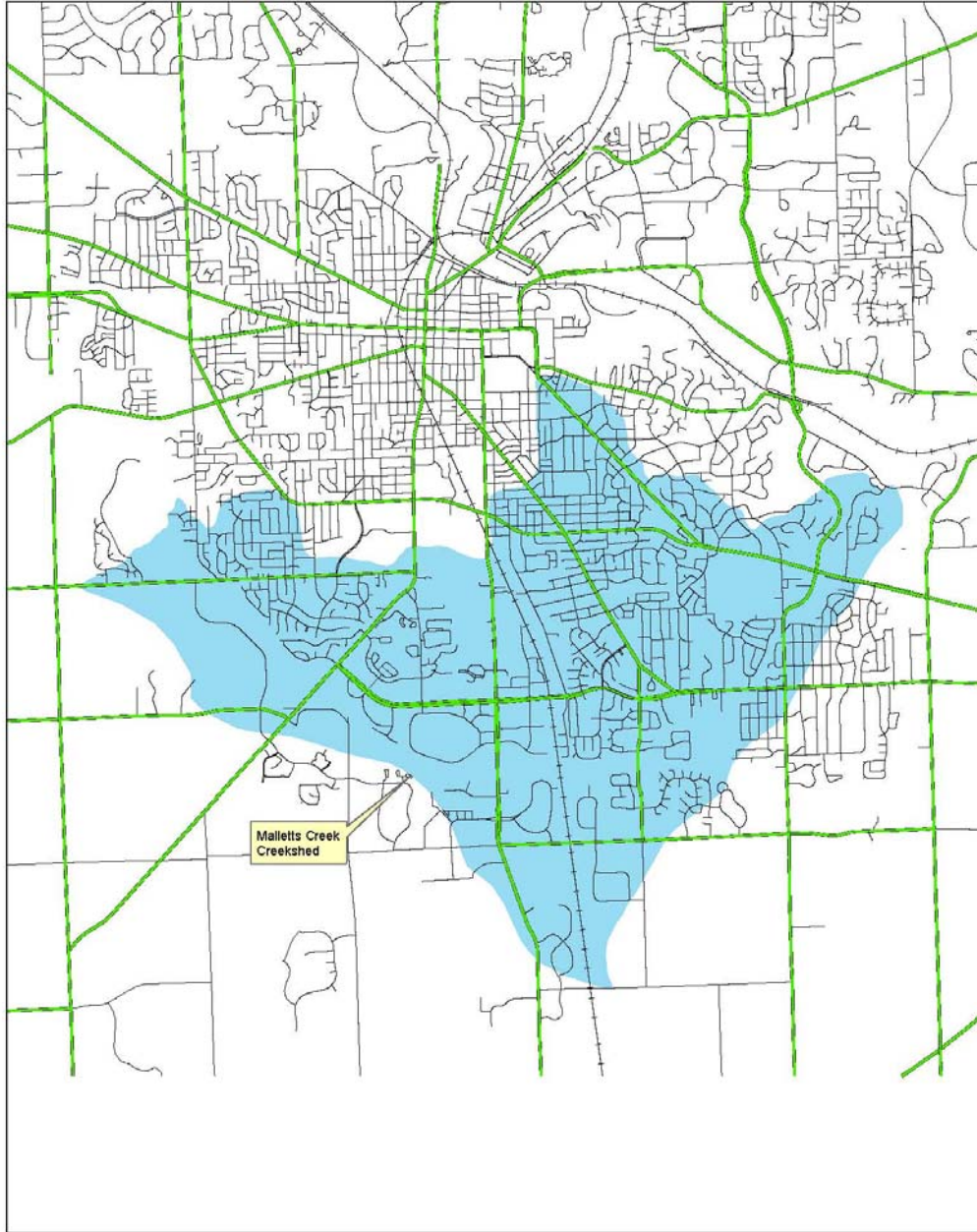
Also beginning at previously described junction point No. 1 and proceeding northwesterly to a termination point at the north right-of-way line of Scio Church Road.

Also beginning at previously described junction point No. 2 and proceeding southwesterly, to a termination point with the west right-of-way line of Interstate Hwy. #94.

(d) A branch drain along the following described route:

Commencing at a junction with the Pittsfield-Airport Branch, said junction. being 600 feet west of the centerline of Stone School Road and 1340 feet south of the centerline of Interstate Hwy. #94, thence westerly to a crossing of Ann Arbor Railroad, which is 1000 feet south of the centerline of Interstate Hwy. #94, thence continuing westerly to a crossing of State Road at its interchange with Interstate Hwy. #94; thence northwesterly crossing Interstate Hwy. #94, 840 feet west of State Road; thence continuing northwesterly crossing Water Road (Eisenhower Pkwy.) 300 feet west of South Main Street; thence continuing northwesterly to a crossing of Lohr Road 600 feet south of the centerline of Ann Arbor-Saline Road; thence northwesterly to a crossing of Ann Arbor-Saline Road 700 feet southwest of the centerline of Lohr Road; thence northwesterly to its crossing with Interstate Hwy. #94 and there terminating.

Malletts Creek Creekshed



Brown Park Pond Location Map

