



Rochester Hills Agenda Report

1000 Rochester Hills Drive
Rochester Hills, MI 48309
(248) 656-4660
Home Page:
www.rochesterhills.org

File Number: 2006-0560

File Number: 2006-0560

File Type: Project

Status: To Council

Version: 2

Reference:

Controlling Body: City Council Special Meeting

Requester:

Cost:

Introduced: 07/21/2006

File Name: Madison Park Remediation Funding Options

Final Action:

Title: Consider a Petition to the Oakland County Drain Commission (OCDC) to Establish a Chapter 20 Drain District to Finance Remediation at Madison Park

Notes:

Code Sections:

Agenda Date:

Indexes:

Agenda Number:

Sponsors:

Enactment Date:

Attachments: 0560 Agenda Summary.pdf, 072106 Agenda Summary.pdf, Memo Rosen 072106.pdf, 061606 Letter Mayor Barnett.pdf, 062806 Letter OCDC.pdf, REI Brownstown LLC Consent Judement 021204.pdf, 021104 Spec Meeting MINUTES.pdf, 040704 WorkSession MINUTES.pdf, 051904 Regular Meeting MINUTES.pdf, Supplemental Info.pdf, 070706 Letter Oakland County.pdf, 071806 Letter Robert Jacobs.pdf, 072506 Letter Robert Jacobs.pdf

Enactment Number:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council Work Session	07/26/2006	Discussed				
1	City Council Work Session	07/26/2006	Discussed				

Text of Legislative File 2006-0560

..Title

Consider a Petition to the Oakland County Drain Commission (OCDC) to Establish a Chapter 20 Drain District to Finance Remediation at Madison Park

..Body

Be It Resolved by the City Council of the City of Rochester Hills, as follows:

1. The City of Rochester Hills (the "City") shall make and cause to be filed a petition in the form substantially as follows:

P E T I T I O N

TO THE DRAINAGE BOARD FOR THE
HEREINAFTER MENTIONED OAKLAND
COUNTY, MICHIGAN DRAIN PROJECT

The undersigned public corporation hereby petitions for an intra-county drain project consisting of the relocation, widening, deepening, straightening, extension and improvement of the Gabler Drain to be located approximately as follows:

Gabler Drain Route Description

Main Branch

Beginning at the lower terminus of the existing Nancy Dingelday Drain, also being the upper terminus of the Gabler Drain, being located distant 360 ft.± South along the West line of Section 29 and 690 ft.± East of the West ¼ corner of Section 29, Avon Township (NKA City of Rochester Hills), T.3N., R.11E., Oakland County, Michigan. Thence proceeding Easterly 850 ft.±, thence Northerly 390 ft.± to the Southerly right-of-way line of M-59 Highway, thence Easterly 1,295 ft.± adjacent to the south side of M-59 Highway to reference Point "A" being located approximately 50 ft.± North and 60 ft.± West of the center of said section, thence Northerly 410 ft.± across said M-59 highway, thence Westerly 335 ft.±, thence Northwesterly 115 ft.± to an outlet into Detention Basin "A" (as relocated and hereinafter described), thence from said outlet to an inlet on the East side of said Detention Basin "A" located approximately 340 ft. North of the North right-of-way line of M-59 Highway thence proceeding from said inlet Easterly 65 ft.±, thence Southerly 275 ft.±, Thence Easterly 862 ft.±, thence Northerly 214 ft.±, thence Northeasterly 229 ft.± to a point on the Northwesterly right-of-way of Avon Industrial Drive, thence Northeasterly 110 ft.±, thence along the existing Gabler Drain the following 5 courses: Northeasterly 1,550 ft.± adjacent to the Northwesterly side of Avon Industrial Drive, thence Northerly 75 ft.± to a point located North 1453 ft.± and West 913 ft.± from the East ¼ corner of said section, said point also being an outlet to an existing Detention Basin for the Gabler Drain, thence from said outlet Northerly 340 ft.± to an inlet located at the Northeasterly corner of said Basin, thence proceeding from said inlet Northeasterly 150 ft.± to a point within the abandoned G.T.W.R.R., thence Northerly 223 ft.± across the abandoned G.T.W.R.R. to a point on the South right-of-way line of Hamlin Road, thence Northwesterly 220 ft.± across Hamlin Road to the point of ending at the Clinton River, said point being located West 1,010 ft.± along the North line of said Section and South 400 ft.± from the Northeast Corner of said Section.

Branch "A"

Beginning at reference Point "A" in the main branch of the Gabler Drain, thence S22°08'47"E 100.13 ft., thence S00°38'10"E 155.39 ft., thence S03°13'08"W 678 ft. to a point of ending of said Branch "A", said point being N02°57'46"E 2237.27 ft. from the Southeast ¼ corner of Section 29, Avon Township (NKA City of Rochester Hills), T.3N., R.11E., Oakland County, Michigan

Detention Basin "A" (as relocated)

A parcel of land located in the NW ¼ of Section 29, Avon Township (NKA City of Rochester Hills), T.3N., R.11E., Oakland County, Michigan. Beginning at a point on the Northerly right-of-way line of M-59 Highway located distant N06°54'57"E, 316.26 ft. and S88°14'39"W, 607.52 ft. from the center of said Section, thence continuing S88°14'39"W, 136.75 ft., thence N06°54'57"E, 558.81 ft. to a point on the Southerly Line of the abandoned G.T.W.R.R., thence N69°16'00"E, 336.45 ft., along the South line of the abandoned G.T.W.R.R., thence S05°44'19"W, 619.13 ft., thence S87°53'35"W, 177.53 ft., thence S07°20'42"W, 47.23 ft. to the point of beginning.

Branch "B"

Beginning at a point located distant West 820 ft.± and South 460 ft.± from the North ¼ corner of Section 29, Avon Township (NKA City of Rochester Hills), T.3N., R.11E., Oakland County, Michigan, said point of beginning being located on the North line of existing Hamlin Road, thence Northerly 30 ft. ±, thence Northeasterly 90 ft.± to an outlet in Detention Basin "B" (hereinafter described), thence from said outlet located distant Northerly 260 ft.± and Westerly 195 ft.± to an inlet on the Northeasterly side of said Basin, thence proceeding from said inlet Northeasterly 830 ft.± to the point of ending at the Clinton River, said point being located North 425 ft.± and West 315 ft.± from the North ¼ Corner of said Section..

Detention Basin "B"

A parcel of land located in the NW ¼ of Section 29, Avon Township (NKA City of Rochester Hills), T.3N., R.11E., Oakland County, Michigan. Beginning at a point located distant Southerly 430 ft.± and Westerly 345 ft.± from the North ¼ corner of said Section, thence Northerly 200ft.±, thence Northwesterly 1,250 ft.±, thence Southwesterly 450 ft.±, thence Southeasterly 900 ft.±, thence Easterly 710 ft.± to the point of beginning.

Branch "C"

Beginning at a point located distant East 160 ft.± and South 415 ft.± from the North ¼ corner of Section 29, Avon Township (NKA City of Rochester Hills), T.3N., R.11E., Oakland County, Michigan, said point of beginning being located on the North line of existing Hamlin Road right-of-way, thence Northeasterly 155 ft.± to an outlet in Detention Basin "C" (hereinafter described), thence from said outlet Northeasterly 490 ft.± to an inlet on the Northeasterly side of said Basin, thence proceeding from said inlet Northeasterly 20 ft.±, thence Easterly 65 ft.± to the point of ending at the Clinton River, said point being located East 870 ft.± and South 260 ft.± from the North ¼ Corner of said Section.

Detention Basin "C"

A parcel of land located in the NE ¼ of Section 29, Avon Township (NKA City of Rochester Hills), T.3N., R.11E., Oakland County, Michigan. Beginning at a point located distant Southerly 380 ft.± and Easterly 205 ft.±, from the North ¼ corner of said Section, thence Northeasterly 175 ft.±,

thence Easterly 550 ft.±, thence Southeasterly 230 ft.±, thence Westerly 780 ft.± along the North line of Hamlin Road right-of-way to the point of beginning.

Branch “D” (Leachate Sanitary Sewer Line)

Beginning at a point located distant South 1,610 ft.± and Southwesterly 600 ft.± along the North line of the abandoned G.T.W.R.R. and Northerly 90 ft.± from the North ¼ corner of Section 29, Avon Township (NKA City of Rochester Hills), T.3N., R.11E., Oakland County, Michigan, thence Northerly 585 ft.±, thence Northwesterly 90 ft.±, thence Northerly 210 ft.±, thence Northwesterly 270 ft.± to the point of ending at an existing sanitary sewer line located south of Hamlin Road.

which drain project is necessary for the public health and will serve only an area located entirely within the limits of the City of Rochester Hills, County of Oakland, State of Michigan.

This petition is filed pursuant to the provisions of Chapter 20 of Act No. 40 of the Public Acts of Michigan of 1956, as amended.

It is understood and agreed that the entire cost of said drain project is to be assessed against the City of Rochester Hills except for assessments against the County of Oakland and the State of Michigan for benefits related to the drainage of County and State highways, if any, with the following further understanding:

Except as may be otherwise provided for in the agreement referred to in (c) hereof, the City shall only be obligated to pay its assessment for the drain project from the tax increment revenues (hereinafter referred to as the “Tax Increment Revenues”), as defined and provided for in Act 381 of the Public Acts of Michigan of 1996, as amended (“Act 381”), captured by the City of Rochester Hills Brownfield Redevelopment Authority (the “Authority”) pursuant to the Brownfield Plan - Former Cardinal/Veteran's Landfill Site (as amended from time to time pursuant to Act 381, the “Brownfield Plan”) approved by the Authority on March 4, 2004 and the City Council of the City on May 19, 2004. Under no circumstances shall the assessment be payable from or secured by the general funds or taxing power of the City.

The final Brownfield Plan shall be approved by the Oakland County Drain Commissioner prior to its approval by the Authority and the City Council.

The City and the drainage district to be formed shall enter into an agreement pursuant to Section 471 of the Drain Code of 1956, as amended, before the drainage district issues any bonds to finance the drain project, which agreement shall provide for, but not be limited to, matters governing the construction of the drain project, the payment of the City's assessment for its share of the cost of the drain project solely from the Tax Increment Revenues and the collection and use of the Tax Increment Revenues for such purpose.

A certified copy of the resolution of the governing body of the public corporation executing this petition authorizing its execution is attached hereto.

CITY OF ROCHESTER HILLS

By: _____
Mayor

By: _____
Clerk

2. The Mayor and City Clerk are authorized and directed to execute the petition for and on behalf of the City and to file the same with the Drain Commissioner of the County of Oakland.

3. The City consents to the assessment of part of the cost of the drain project , so located, against this City, with the following understanding:

Except as may be otherwise provided for in the agreement referred to in (c) hereof, the City shall only be obligated to pay its assessment for the drain project from the tax increment revenues (hereinafter referred to as the "Tax Increment Revenues"), as defined and provided for in Act 381 of the Public Acts of Michigan of 1996, as amended ("Act 381"), captured by the City of Rochester Hills Brownfield Redevelopment Authority (the "Authority") pursuant to the Brownfield Plan - Former Cardinal/Veteran's Landfill Site (as amended from time to time pursuant to Act 381, the "Brownfield Plan") approved by the Authority on March 4, 2004 and the City Council of the City on May 19, 2004. Under no circumstances shall the assessment be payable from or secured by the general funds or taxing power of the City.

The final Brownfield Plan shall be approved by the Oakland County Drain Commissioner prior to its approval by the Authority and the City Council.

The City and the drainage district to be formed shall enter into an agreement pursuant to Section 471 of the Drain Code of 1956, as amended, before the drainage district issues any bonds to finance the drain project, which agreement shall provide for, but not be limited to, matters governing the construction of the drain project, the payment of the City's assessment for its share of the cost of the drain project solely from the Tax Increment Revenues and the collection and use of the Tax Increment Revenues for such purpose.

4. The City agrees that it will pay its share of the costs incurred by the Oakland County Drain Commissioner or by the drainage district in the event the drain project or any portion thereof, for any reason, is not constructed, but only from the Tax Increment Revenues as provided in the Brownfield Plan.

5. The Mayor, City Treasurer, City Finance Director or City Clerk are authorized to approve the circulation of a preliminary and final official statement for the bonds to be issued by the drainage

district, to cause the preparation of those portions of the preliminary and final official statement that pertain to the City, and to do all other things necessary for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule"). The Mayor, City Treasurer, City Finance Director or City Clerk are authorized to execute and deliver such certificates and to do all other things that are necessary to effectuate the sale and delivery of the bonds.

6. The Mayor, City Treasurer, City Finance Director or City Clerk are authorized to execute a certificate of the City, constituting an undertaking to provide ongoing disclosure about the City for the benefit of the holders of the bonds to be issued by the drainage district as required under paragraph (b) (5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of the certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.