

## Van Maele Drain

The City of Rochester Hills has received several requests from landowners and potential developers for the relocation of the Van Maele Drain, located between South Boulevard and M-59 east of John R Road. This area is becoming valuable for office/medical buildings. The drain and an open lineal wetland/moat divide the properties severely, reducing the development potential. In 2003 the City of Rochester Hills extended water and sewer to the area.

Because of the interest in the area and potential for improving the quality of development there, we contracted with ASTI and their sub consultant HRC to prepare a drainage study of the VanMaele Drain. It is our concern that the property may be developed piecemeal, not addressing the drainage or wetland regionally.

The Van Maele Drain is a 1947 Chapter 4 County Drain. According to one of the landowners, the drainage was further modified during the M-59 Highway construction. There are multiple ditches in the area, north of South Boulevard east of John R. Two of the ditches run through the property in locations that make development difficult.

We would like to have direction regarding the extent of the City involvement in a comprehensive project to relocate the drain.

### **Some of the issues to consider are:**

- The existing watercourse is a Chapter 4 county drain. It will require a permit from the Oakland County Drain Commissioner (OCDC) for its relocation.
- A wetland assessment was performed on the area. The drain is a "Stream" that is regulated by the Michigan Department of Natural Resources (MDNR). The drain flows from under M-59, then diagonally southwesterly through several of the parcels before it turns westerly and flows under John R along the north side of South Boulevard. The drain is a deep ditch and close to the traveled section of South Boulevard. Enclosure or relocation will require an OCDC, MDNR, Environmental Protection Agency (EPA), and RCOC permit.
- There is a lineal wetland that resembles a moat in an east-west direction, which is located approximately midway between South Boulevard and M-59.
- There is another drain (non-County) that drains under M-59 and flows southerly along property lines to meet the Van Maele Drain at South Boulevard. This drain is also a lineal wetland.
- According to the OCDC, there is an unrecorded 60-foot wide Van Maele Drain easement centered on the existing drain, which extends 15 feet beyond the top of

the banks. The easement would need to be extinguished or relocated to the relocated drain.

- There has been one site plan that has been approved that is impacted by the drain. The Executive Place Office at South Blvd and John R has some partial enclosures of the drain for the driveway crossing and lane widening.
- Another site plan was submitted this week for a dentist's office, adjacent to and east of the existing north and south drain.

**It is recommended by staff that subject to obtaining the appropriate permits, the relocation project should be an enclosure and constructed as one project. To accomplish this there are several directions that could be taken:**

- **Chapter 20 Drain:** The City of Rochester Hills could petition the County to establish a Chapter 20 Drain and construct the project. This would take several years in the planning and administrative processes. Assessments to the City for Chapter 20 Drains are paid through the current drain millage. In addition to City of Rochester Hills assessment, Oakland County, City of Troy and MDOT may be assessed for a portion, depending on the apportionment determination. This would permit the sale of bonds by the County to finance the construction. If the County sells bonds, the County would expect that the existing millage (in which all property owners pay) would be used to retire the debt. If the City of Rochester Hills paid cash for the project, it may be possible to utilize a special assessment of benefiting land to pay for the project.

**Pros:**

1. A portion of the cost would be collected from MDOT, Troy and RCOC, but most of the cost would still be the City's.
2. The bond sale would be through the County, and the rate may be better than if the City sold them.
3. The drain would be owned and maintained by the **Drain**.

**Cons:**

1. Length of time it takes for the process
  2. Loss of control by the City of Rochester Hills
  3. All of the landowners would pay for a project that would have a large financial benefit to a few.
- **City Project:** The City of Rochester Hills constructs the project and special assesses the benefiting landowners for construction. A maintenance fund would need to be established, and the benefiting landowners assessed on an as-needed basis for maintenance.

**Pros:**

1. Reduces the length of time required to construct and complete the project.
2. The benefiting landowners pay the cost of the improvement.
3. The City controls the project and costs associated with construction and maintenance.

**Cons:**

1. Due to the cost, this may require the sale of bonds by the City of Rochester Hills. It is possible that the interest rates for City bond sale would be higher than if the County sold them.
2. Not capturing apportionment from MDOT, Troy and RCOC.
3. Deviation from policy. The ownership of the drain would need to be resolved. The City does not currently claim ownership to any drain, other than that for City property.
4. If special assessed, some of the existing landowners/residents that are not planning on selling soon would also be burdened by the high assessment cost.

**Alternatives to the staff recommended comprehensive approach are:**

- **Private Development piecemeal:** Each of the landowners would construct their portion of the project as they develop.

**Pros:**

1. Reduces City and County involvement.
2. Possibly reduces the time required for individual parcel development.
3. The homeowner does not incur the expense of the improvement.

**Cons:**

1. The OCDC is not in favor of and may not approve of a relocation done piecemeal.
2. The Existing County Drain easement would remain until the whole drain has been relocated and a new easement granted.
3. MDEQ and EPA may not permit a piecemeal project.
4. Site plans and development may not propose relocation, resulting in the sites being under utilized.
5. A comprehensive permit for wetland and stream activity would be difficult.
6. Dual drainage systems would be required to maintain the existing location and the future completed location. This would reduce the land area available for development until the entire drain were completed.

- **Private development with no improvement:**

**Pros:**

1. Reduces City and County involvement.
2. Possibly reduces the time required for individual parcel development.

3. The homeowner does not incur the expense of the improvement.
4. Reduced permitting time by the County
5. Reduced construction cost for the developer
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**Cons:**

1. The existing County Drain easement would remain.
2. The existing open drain would have multiple crossings for driveways. It would remain a hazard to South Boulevard traffic and limit the ability to improve South Boulevard.
3. If future improvement were necessary, the cost would be greater and would be paid for by the taxpayers.

**Desired staff direction:**

Hold an informal meeting with the landowners and perspective landowners, to describe the project and to see if we have a consensus with the SAD approach.

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