

SUBJECT: Appeal to the State Tax Tribunal of the Amount of the Special Assessment For
Daniels Drain Public Drain Improvement
Special Assessment District No 21

APR 12 PM 2:47

NATURE OF THIS APPEAL

This appeal applies only to the improvements made to certain precast concrete pipe and manholes at three locations along the portion of the Daniels Drain located hydraulically upgradient of the point just east of the intersection of Ivywood Drive and Mistywood Dr. where the drain turns North and exits the Cornell Woods Subdivision (hereinafter referenced as the **subject portion of the Daniels Drain**). This appeal specifically applies to the manner in which the Township has allocated differential “benefits derived” based on the “Proximity” factor in the allocation formula for the 123 residences located within the subject portion of the Daniels Drain (i.e., the “P” in the $A \times P \times C$ formula developed by the Township for allocating costs on the basis of “benefits derived” as specified by the statute. The contention of this appeal is that the manner in which the factor “P” has been applied (in the subject portion of the Drain exclusively) is not fair and is not equitable to the 29 of 123 residences located within the subject area identified as having received greater benefit than their neighbors due to the improvements completed.

THE IMPROVEMENTS COMPLETED WITHIN THE SUBJECT AREA OF THE DRAIN

Based on the information provided at the August 26th, 2021 Informational meeting and reiterated in the Sunday April 10, 2022 Lansing State Journal article regarding the Daniels Drain project, the issues that the Drain project was initiated to resolve are, from a district-wide perspective, the following”

- Sink holes, collapsed pipes, pipes with significant sediment buildup, and
- Flooding of some apartments located on the Walden Pond apartment complex, and
- Damaged walkways and trees,
- Walden Pond outlet issues & undersized crossing of Grand River Ave.

In this context, I contacted the drain commissioner and the engineer, and met with to inquire about the nature of the issues within the subject portion of the Drain. Construction work was conducted at three locations within the subject Drain area. What I learned about the issue addressed at each of these three locations was the following:

- At the furthest hydraulically downgradient location (area located at the intersection of Ivywood and Mistywood) a portion of the drain had (mistakenly I assume) been installed out of the road right-of-way and on private property when the drain was extended to the

Mistywood portion of the subdivision when it was being developed. The purpose of the work at this location was stated to be to relocate that portion of the drain into the right-of-way.

- At the second location (on Satinwood about half way between Silkwood and Ivywood) the work was cited to be conducted to repair damage to the concrete pipe that had been caused by a contractor drilling or boring through the top of the pipe during installation of a gas line.
- At the third location (Silkwood from Satinwood to Hickorywood) a camera inspection of the storm drain had identified “two or three sections of pipe having that had developed cracks. The work in this area was conducted to remove and replace the cracked pipes. However, for the sake of ease the decision was made to dig up the entire portion of the road on Silkwood from Satinwood to Hickorywood and replace all the sections of pipe in this area (i.e., sections of pipe in good condition as well as the cracked pipe). In addition, this approach to completing the pipe repair work then required that the road, which had just been repaved a few years prior, to be repaved once again. The rationale cited was that this approach was easier than having to dig some small holes to access and replace the few sections of cracked pipe to be replaced

As evident from the above, the work (Improvements) was not conducted to remedy sink holes, flooding damaged walkways or any of the issues that had been identified at the Informational Meeting, the Lansing State Journal, and periodic project updaters - with one possible exception. The exception is, arguably the repair of the cracked pipes found at a couple of spots on Silkwood. I say arguably because of what is known from study as well as experience regarding the durability and expected life span of precast concrete pipe. I contacted the Drain Commissioner (Mr. Pat Lindeman) to inquire about this.

What I learned from Mr. Lindeman that is relevant to this issue, is that the portion of the drain along Silkwood had been installed in the period of 1984 to 1987. Houses in this area were being built starting in 1986 – 1987. My home on the corner of Hickorywood and Silkwood was built in 1990 to 1991. Mr. Lindeman noted that when that portion of the Daniels Drain had been constructed by the developer (or developer’s contractor), it was done without any supervision or inspection by his office. (He clarified that things are different now and inspection is a requirement, just as the Township requires permits for residential building projects.) I noted that the pipe on the Satinwood section of the drain had failed (cracked) after just 35 -37years. I further noted that the life span of properly installed precast concrete

pipe is more than twice this number of years. I asked Mr. Lindeman why he thought the pipe had failed (cracked) so early in its expected useful life. His answer was that the pipe had likely not been installed properly due to the absence of supervision and inspection of the construction work. In the absence of any other evidence, I concur based on my own 40+ years in the environmental engineering field that included design and construction administration work.

In summary, the issues the drain improvement work (conducted within the subject portion of the Daniels Drain) was conducted to resolve appear to have been primarily completed to resolve mistakes or damage caused by other unrelated construction work (i.e., gas line installation.) As noted, the cause of the cracked pipe issue found on Satinwood is arguable and subject to conjecture. But the most plausible explanation, in light of what is known about the durability of precast concrete pipe and its long history of use with few problems, is that it was not properly installed. But unlike the investigation / analysis of plane crashes, we have no black box to examine.

WHAT IS THE PROXIMITY FACTOR IN THE ALLOCATION FORMULA RELATED TO?

The allocation formula developed by the Township is not explained anywhere in the informational materials or meetings that have been provided during the course of the Drain Project. Presumably, it was developed to allocate cost on the basis of benefits derived. Understanding this much, I tried to unravel what the P factor in the formula related to. Proximity to what that influenced differential benefits derived by some of the residents (29 out of 123) in the portion of the drain that is the subject of this appeal. A review of the informational materials that have been provided by the Township as well as reading of the Sunday April 10, 2022 Lansing Journal Drain Project article reveal that “proximity” is related only to “proximity to the retention pond”.

The problem with “proximity to the retention pond” is that it makes absolutely no sense when attempting to apply the proximity factor (the factor P in the allocation formula derived by the Township)) to the differential benefits derived by some residences. Specifically, the 29 out of 123 residences in the subject portion of the drain who have been assigned a P value of 1.2 rather than the 1.0 value assigned to the remaining 94 residences. This is clearly seen when looking at a map of the District and observing that the residences supposedly benefiting more (residences assigned a P value of 1.2) are located right next door to residences assigned a P value of 1.0, and therefore presumably benefiting less than their neighbor. This situation is not uniform throughout the portion of the Drain that is the subject of this appeal, it is

scattered. The conclusion that is easily discernable from the District map is that the P values assigned to residences in the subject portion of the Drain addressed by this appeal has no relationship to "proximity to the retention pond".

So what does the proximity factor (P) in the allocation formula relate to for the subject residences addressed by this appeal? To get an answer to this question I went to the Township and spoke with staff who have been involved with the Drain Project. Again, looking at maps and drawings the Township staff pulled out and showed me to assist in answering my questions, the common factor for the residences in the subject portion of the Drain who had been assigned a P value of 1.2 became clear. In every case, though residences supposedly receiving greater benefits all had some portion of their property lines adjoining the street area where the improvement construction work was being conducted.

SO WHAT BENEFIT JUSTIFIES A DIFFERENTIAL P VALUE?

What is now evident is that the P value assigned to the 123 residences in the subject portion of the Drain (i.e., those residences located hydraulically upgradient (relative to the direction of flow in the drain) of the furthest downgradient improvement construction work conducted at the intersection of Ivywood and Mistywood) is related solely to whether the residence did / or did not border some portion of the street area where the construction work was conducted. This then signifies the Townships opinion that those residences that were located next to the construction area in some way received a benefit that the other residences did not receive. What benefit would that be? Answer: NONE. The 29 residents that are the subject of this appeal, as well as the other 94 residents in the portion of the Drain that is the subject of this appeal all benefit the same from the "improvement" work that was done.

Before beginning to prepare this appeal, I desired to talk about it with someone having knowledge and experience with storm drain issues. I also wanted to test drive it to see what some of my neighbors thought.

I first contacted the Drain Commissioner. As noted previously, we discussed the history of the drain and the current improvement issue. But I also asked him about benefits derived and how the formula was developed and should be applied to the portion of the drain that is the subject of this appeal. In brief, he answered that he had not been involved in developing the formula as the Daniels Drain is a chapter 20 drain for which the Township is responsible to develop the formula. He also said that he would probably

have done it differently. And with respect to how the P factor, said he didn't think it was fair when I described how it was being used in the portion of the Drain that is the subject of this appeal. Just as importantly, he spoke about what he believed would be most equitable. And that is what is captured by the A and C factors of the formula that relate to property characteristics that govern the volume of stormwater runoff, especially impermeable surface differences for the property parcels involved. More on this in the Bottom Line Section below.

I also spoke with a number of my neighbors, including those who presumably benefited more (assigned a P value of 1.2) and those who did not (assigned a P value of 1.0). In each case I asked if now that the work was done did they feel that they had received a benefit greater than any of their neighbors. None did. So I asked if they feel that they had been benefited less than any of their neighbors. Again, none did. So I asked what they thought had changed in the manner that stormwater runoff from their property was now handled. In a word, nothing. Several like myself have lived here for 25 to 30 years and commented that they had never noticed any issue with the function of the stormwater system. Things after the improvement work was completed carried on just like they did before the improvement work in the subject area of the drain. Nothing has changed in the world of those I spoke with. At most, just two folks said that they thought that the work conducted was just some maintenance work that was needed. In fairness, most of the folks awareness as to what has transpired is pretty much limited to what they saw in our neighborhood and have little knowledge or understanding of activities elsewhere in the District.

In summary, a rationale for the P values assigned to the residences in the subject area who supposedly received some greater benefit for the improvement work conducted in the same area is not evident. Apparently, the opinion of the Township is that the benefit is a result of these residences being next to the areas where the construction work was conducted. But there is no rationale for this opinion. Nothing was done on our properties. Nothing with regard to how the stormwater system functions in the area addressed by this appeal has changed. It functions now exactly with the way it functioned before the "improvement" work was done. The improvement work completed was maintenance work that is best described as work designed to maintain proper system function. It was not work needed to restore functioning. In the parlance of Reliability Centered Maintenance, inspection and maintenance work is done to prevent problems and avoid failures. In this case, the subject work was performed to correct mistake made in constructing a short section of the drain outside the right-of-way, damage caused by a contractor installing a gas line, and maintenance to remove and replace some pipe that had developed

cracks before a more serious problem could develop. I believe that it is generally understood that inspection and maintenance is required to keep any system operating properly and to avoid serious failures. And also that all people who use that system benefit equally from such activities. And that is why this work had little noticeable impact on how people within this area view the functioning of the system. Based on comments of folks in the neighborhood I have spoken with, the most and primary feelings expressed had to do with the noise, dust, staging of construction materials, and parking of heavy construction equipment. None of which has anything to do with what P value a given residence should be assigned.

THE BOTTOM LINE

When I met with the Township staff, I also inquired how the C factor in the formula was calculated and they kindly tried to explain. But it wasn't easy to get a clear picture as they explained it involved field data collection by their contracted engineer and then down loading the data into a software program back at the office. Still don't know what all goes into that calculation. But most importantly, the factor C was described by the Township staff to capture the quantity of impermeable surface on each individual residential parcel. And this in combination with the factor A, which is the area (in acres), is directly related to the quantity of stormwater runoff from each parcel. And I agree that this is the most equitable way to define benefits derived when the only value proposition is the reliable collection and conveyance of stormwater runoff as is the case within the subject portion of the Drain.

In the subject portion of the Drain that is the subject of this appeal, the stormwater system consists of a stormwater drain and 33 grated entrances that serve to convey stormwater runoff from 123 residences into the storm drain. These grates are installed at various spaced locations along the sides of the streets. The streets are designed and constructed to direct the runoff to the street curbs which are constructed like small aqueducts that carry the runoff to the grates. This portion of the system was working reliably before the improvement work was conducted. And the system continues to function reliability since the work was completed. The maintenance work completed in this area did not make any noticeable change in the functioning of the system and did not benefit anyone in the subject area in a differential manner. Everyone benefits the same from the function of the stormwater drain. It collects and conveys the stormwater runoff from the 123 residences in the subject area. Nothing more and nothing less for all the residences.

Based on the information and rationale presented herein, the purpose of this appeal is to request the Township to adjust the formula for 29 residences in the subject portion of the Drain where only maintenance to precast concrete pipes and manholes has been conducted in the following manner:

A x P x C

where the value for P is adjusted to a value of 1.0 for all 123 residences that are the subject of this appeal. This adjustment is requested to meet the criteria of the statute that the formula for the allocation of costs is to be based on the benefits derived.

Respectfully Submitted,
Kent Bainbridge
Kent Bainbridge
4422 Hickorywood

APR 12 PM 2:47

April 11, 2022

Meridian Township
Deborah Guthrie, Clerk
5151 Marsh Road
Okemos MI 48864

RE: Daniels Drain Assessment for 33-02-02-23-380-009

Dear Ms. Guthrie:

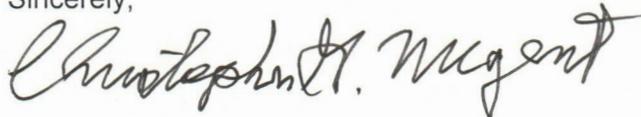
I would like to file my appearance and official objection to the special assessment for the Daniels Drain project for my property at 4563 Mistywood Drive, Okemos MI, Parcel # 33-02-02-23-380-009. I am in receipt of the attached notice indicating an amount proposed of \$6,695.39 dated 3/25/2022.

I am also in receipt of a prior notice dated 10/28/2021 where the amount is estimated to be \$3,632.57. There is no notation as to why the estimate rose by 84%. The letter indicates the formula is based on "Benefits Derived" by my property. The amount of the drastic increase leads me to believe the formula to determine said benefits may be seriously miscalculated.

As Treasurer of my neighborhood association I also noted that a previous estimate of Common area property assessment was reduced to Zero. If this amount was spread amongst the surrounding lots without a true assessment of the "benefits derived" from the project than the new assessment estimate has to be considered seriously misguided. I strenuously object that my property derives an additional \$3,063 because the common area is part of the drain district in addition, that to simply lump that amount onto my and my neighbors assessments is misguided and unfair.

I hereby object to this assessment, and demand a response to my concerns. I also filed a protest to the initial assessment estimate and it's calculation and have to date received no response.

Sincerely,



Christopher G. Nugent
4563 Mistywood Drive
Okemos MI 48864
(517) 282-5052

Dear Ms Guthrie,

We have been notified (3/35/23) of the proposed charges (\$9,026.58) that have been assigned to our property for the Daniels Drain project based on a special assessment by the township. The charges assigned to us is over our planned annual budget for our taxes and would like to object certain assessment criteria and make a request to consider the points below to reduce the overall burden to our property.

Mr. Yashraidi provided us with a list assessment criteria the township used for assigning these charges - please see below.

1. The adjustment Two, stated below, where charges for publicly owned parcels were distributed among resident seem understandable, however, I am not clear on the third adjustment that wad listed. Why reduction of private parcels were made and then the charges were distributed over to other parcels? Why were we assigned charges from other private parcels?
2. The fourth adjustment, has taken the common area of Mistywood area assessment and added addional \$2,897 to our parcel. As residents of the Meridian township why is this common area charges not covered for us by the township funds.
3. This is a request as a resident of 19 years in Meridian township - we would like to propose to use the government assigned funds through the Infrastructure Investment and Jobs Act (IIJA) towards funding the Daniels Drain special project and removing the burden from your tax paying citizens.

Please feel free to email me should you have any questions.

Thanks,
-Preetha

Preetha and Subir Biswas
4505 Mistywood Dr, Okemos, MI 48864.

Preetha Biswas, Ph.D.
Director of Microbiology, Research and Development

Neogen Corporation
620 Leshar Place, Lansing, MI USA 48912
pbiswas@neogen.com



pkhousing.com

517-347-2001

1784 Hamilton Road

Okemos MI 48864

Meridian Township
Deborah Guthrie
Township Clerk

RE: Protest of Special Assessment—Daniels Drain

Dear Ms. Guthrie:

By means of this letter we officially protest the proposed special assessment for our residence at 1250 Ethel St., Okemos, MI 48864, in the amount of \$3,480.63.

This is the second notice we have received regarding this assessment and the amount has gone up by thousands of dollars. There was no reason listed for the dramatic change and there was no method for arriving at the assessed amount given. I believe that everyone affected by this assessment should have been notified and provided a logical reason for the assessment and a description of the method used to arrive at individual assessments so that they would be able to determine the legitimacy of the potential assessment and contact the Township with further questions and/or suggestions.

I will be in attendance at the April 12 meeting.

Sincerely,

Two handwritten signatures in blue ink are visible. The first signature is more fluid and cursive, while the second is more blocky and legible.

Ronald & Terry Potterpin



This institution is an equal opportunity provider | TDD# 711



Daniels Drain

Louis Henkel 4590 Seneca Dr Okemos MI ~~49964~~

1. My property is on the western fringe of the Daniels Drain district. In my opinion, water from my property never reaches the Daniels Drain but is absorbed into the ground. Meaning, if the drain were not in existence, one would not see any difference with respect to my property.
2. I do not understand why a pond on private property is included in a public funded project. If an improvement that enhanced the value of my property were made on my street, requiring a special assessment, I would not expect the owners of said pond would be required to contribute to the costs. In turn, I do not expect to be required to contribute to improvements of their pond, on their private property. I would think that improvements to their pond should be paid for entirely by the pond owners and NOT by other taxpayers. It appears to me that a clever move was made by the pond owners to arrange for its improvement to be included in the public Daniels Drain project.
3. If the township is now contributing to the enhancement of private ponds, I have a pond in my back yard that could use some upgrading and I would also appreciate township funds. 😊

In conclusion, I feel the amount of assessment on my property is entirely out of line with respect to the benefit(s) derived.

April 12, 2022

Dear Meridian Township Board, Department of Public Works and Ingham County Drain Commissioner,

We are concerned about several aspects of current reconstruction of the Daniels Drain Drainage District.. Our property at 4600 Oakwood, Okemos, MI 48864 which we have owned for over 20 years has never experienced any negative impact by the Daniels Drain. Our house is located right next to the pond where everything has been and will continue to be emptied into. We are concerned that the changes will actually negatively impact our property. It looks like the new design includes larger piping and that our property because of the proximity to the pond could now actually experience flooding from the retention pond next door. If our house does get flooded, will you compensate us for our loss due to your runoff? We fear this could also negatively impact us when we go to sell the property if it becomes a problem. If you don't feel your design and the runoff will negatively impact us, how will you assure us? As you can see we do not see a positive aspect to the reconstruction of the Daniels Drain, we are concerned about the negative impact and therefore question being assessed a special assessment fee at all for our property.

Thank you and we look forward to your answers and how you will address our concerns.



Kenneth Terry



Christine Krisztian

Ross and Carolyn Lucas
4555 Cornell Road
Okemos, MI 48864

Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

April 12, 2022

Reference: Daniels Drain Special Assessment
Ross & Carolyn Lucas – 4555 Cornell Road
Parcel no. 33-02-02-23-377-009

Dear Clerk and Board:

This is my objection to the amount of the special assessment based on nearby properties, the benefit (compared to the assessment) I will derive from the project and the use of money to fund a project on private property to which I will not access.

- I will reserve the right to take further legal action if this is not resolved satisfactorily.

Thank you for your consideration.

Ross T. Lucas

Handwritten signatures of Ross T. Lucas and Carolyn Lucas. The signature of Ross T. Lucas is written in cursive and is positioned above the signature of Carolyn Lucas, which is also in cursive.

LEONE LAW ASSOCIATES PLLC

301 M.A.C. Avenue • East Lansing, MI 48823

JOHN FORDELL LEONE

☎ 517-701-2000

☐ John@LeoneLawAssociates.com

April 7, 2022

Deborah Guthrie
Township Clerk
Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

Via mail to:
guthrie@meridian.mi.us

Re: Appearance and Protest of Special Assessment as to these parcels:

33-02-02-22-455-012 (4530 Dobie Road)
33-02-02-22-455-011 (lot associated w/ 4530 Dobie Rd)
33-02-02-22-455-008 (4510 Dobie Road)
33-02-02-22-455-009 (4504 Dobie Road)
33-02-02-22-455-006 (4544 Dobie Road)
33-02-02-22-455-005 (4554 Dobie Road)
33-02-02-22-455-004 (4562 Dobie Road)

Dear Clerk Guthrie:

I represent each respective owner of each property identified above for the referenced subject. Pursuant to the Notice of Meeting for hearing objections dated 03/25/22, each respective owner of each property identified above (the Subject Properties) hereby appear and protest in opposition to the factual and legal basis, and the dollar-amount, of the respective special assessment on each of the Subject Properties.

Enclosed and formally re-submitted is a copy of the Appearance and Protest of Special Assessment as to these same Subject Properties, dated November 15, 2021. For the reasons stated therein and for the reasons stated in this letter, all property owners of the Subject Properties maintain the position that the Subject Properties do not benefit from the Daniels Drain, will not benefit from planned improvements, and therefore should have each of their respective special assessments reduced to \$0.00.

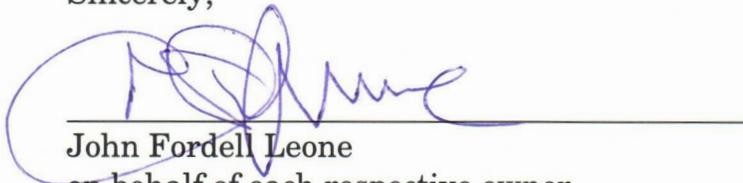
Also enclosed and submitted is the December 13, 2021, email (highlighted) from Meridian Township Chief Engineer, Younes Ishraidi, stating that after his site visit to the Subject Properties on November 23, 2021, he was in “general agreement” that (1) “the soil-filled and nonflowing condition of the drainage ditches along Dobie Road and the topography of the area in all directions, North, South, East and West, would prevent water from reaching the Daniel Drain system,” and “that water could not and did not drain from the Dobie properties in any direction that would connect with the Daniels Drain.”

Chief Engineer Ishraidi recently informed the undersigned that some type of aerial topographical reviews of the Subject Properties and surrounding area was the basis for lowering the "total acres" and "benefit acres" attributed to each of the Subject Properties. This resulted in the corresponding lowering of the dollar-amounts of the proposed special assessments stated in the Notice of Meeting for hearing objections dated 03/25/22. We request a copy of any and all such aerial topographical maps, measurements, reviews, and any and all documents, data, and information that the Township and/or the County Drain offices and/or Spicer Group, Inc. and/or any other entity considered and/or relies upon to support that any or all the Subject Properties would benefit from the Daniels Drain.

Chief Engineer Ishraidi also recently advised that the County Drain Commission is assessing and may be planning to work on the ditches along Dobie Road to address flooding issues. This work was not included in the scope of this Special Assessment. We request to be timely informed of the timeline and design features of these improvements.

Thank you for your consideration.

Sincerely,



John Fordell Leone
on behalf of each respective owner
of the Subject Properties

4-7-2022
Date

Encs.:
Younes Ishraidi email (dated 12/13/2021)
Appearance and Protest submittal (dated 11/15/2021)

From: Younes Ishraidi <ishraidi@meridian.mi.us>
Date: Mon, Dec 13, 2021 at 12:13 PM
Subject: Re: Home visit Dobie Road re: Daniels Drain
To: Kevin Hilliker <hillikerkevin@gmail.com>

Kevin,

I am in general agreement with your assessment of my findings during my visit to your property and adjacent neighboring properties.

Younes

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Kevin Hilliker <hillikerkevin@gmail.com>
Sent: Friday, December 10, 2021 12:36:51 PM
To: Younes Ishraidi <ishraidi@meridian.mi.us>
Subject: Home visit Dobie Road re: Daniels Drain

Dear Mr. Ylounes Ishraidi:

Thank you for visiting my property and the other properties on Dobie Road that are included in the letter to the Township challenging whether water from these properties enters into the Daniels Drain. I thought it would be good to confirm your findings during your visit on November 23, 2021.

During your visit you informed me, and also my neighbor, John Leone, that after walking the properties, and examining the drainage area along Dobie Road, you were convinced that water could not and did not drain from the Dobie properties in any direction that would connect with the Daniels Drain. Generally, you agreed that the soil-filled and nonflowing condition of the drainage ditches along Dobie Road and the topography of the area in all directions, North, South, East and West, would prevent water from reaching the Daniel Drain system.

You informed us that you would discuss your findings with the County Drain people to see what options might be considered.

Again, I just want the record to be clear.

Kevin Hilliker

4554 Dobie Road, Okemos, MI

517.803.0720

LEONE LAW ASSOCIATES PLLC

301 M.A.C. Avenue • East Lansing, MI 48823

JOHN FORDELL LEONE

☎ 517-701-2000

☐ John@LeoneLawAssociates.com

November 15, 2021

Deborah Guthrie
Township Clerk
Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

Hand delivered and emailed to:
guthrie@meridian.mi.us

Re: Appearance and Protest of Special Assessment as to these parcels:

33-02-02-22-445-012 (4530 Dobie Road)
33-02-02-22-455-011 (lot associated w/ 4530 Dobie Rd)
33-02-02-22-455-008 (4510 Dobie Road)
33-02-02-22-455-009 (4504 Dobie Road)
33-02-02-22-455-006 (4544 Dobie Road)
33-02-02-22-455-005 (4554 Dobie Road)
33-02-02-22-455-004 (4562 Dobie Road)

Dear Clerk Guthrie:

Pursuant to the Notice of Hearing dated 10/28/21, each respective owner of each property identified above (the Subject Properties) hereby appear and protest in opposition to the factual and legal basis, and the dollar-amount, of the respective special assessment on each of the Subject Properties.

The primary factual basis of this appearance and protest is that (1) the topography of the Subject Properties and flows do not access the Daniels Drain, and (2) the culvert areas for each of the Subject Properties for years have been filled with soil completely blocking any flowing connection with the stormwater sewer system and the subject Daniels Drain. As a result, pursuant to long-established case law standards: (1) the subject Daniels Drain improvements do not confer any benefit upon the Subject Properties, (2) the amount of the special assessments upon the Subject Properties are therefore not reasonably proportionate to the absence of any derived benefit to the Subject Properties from the improvements. Accordingly, the special assessment as to the Subject Properties should be declared invalid in totality and the Subject Properties should be completely removed from the special assessment because there is a substantial and unreasonable disproportionality between the amount assessed and the lack of any value accrued to the Subject Properties.

Deborah Guthrie, Tsp Clerk
November 15, 2021
Page Two

Given that the Subject Properties derive no benefits from the improvements, and fall outside detailed surveys, engineering drawings, or hydraulic review, it is understandable that oversights occurred relative to the draft assessment of the Subject Properties.

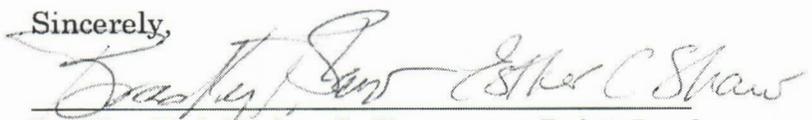
The Subject Properties do not benefit from the Daniels Drain and will not benefit from planned improvements. Please consider the following:

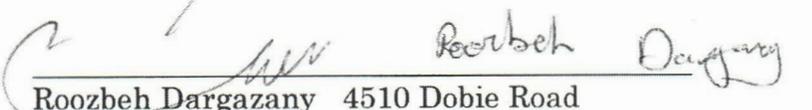
1. The rising elevation heading south on Dobie Road from the Lutheran Church is well known. In addition, an obvious visual ridge runs east-west at the northern edge of the northern most subject parcel. Given this topography, the storm sewer improvement on Dobie Road located north of the Lutheran Church do not benefit the subject parcels.
2. The Subject Properties do not slope downward to the north or east, and thus produce no runoff due to rainfall. Moreover, the land across Dobie Road (for example, the south entrance to the Lutheran Church) slopes downward to the west (toward the Red Cedar River). As such, groundwater or stormwater infiltration pressures are not driving groundwater flows to the Daniels Drain.
3. In the event the township elected to benefit the Subject Properties with a future storm drain, it would need to either run under Dobie Road or head south on Dobie Road. Both options would take stormwater outside of the subject Daniels Drain. The other unlikely alternatives would require pumping stormwater north up the incline of Dobie Road or east up the incline of Forest Hills Drive.

Enclosed are photos depicting the filled and blocked culverts and maps of the subject area. Thank you for your consideration.

The signatories below not attending the Public Hearing on November 16, 2021, hereby accept John Leone as their agent for the purpose of the Public Hearing.

Sincerely,


Bradley T. & Esther C. Shaw 4504 Dobie Road 11/13/21
Dated


Roozbeh Dargazany 4510 Dobie Road 11/14/21
Dated

Deborah Guthrie, Tsp Clerk
November 15, 2021
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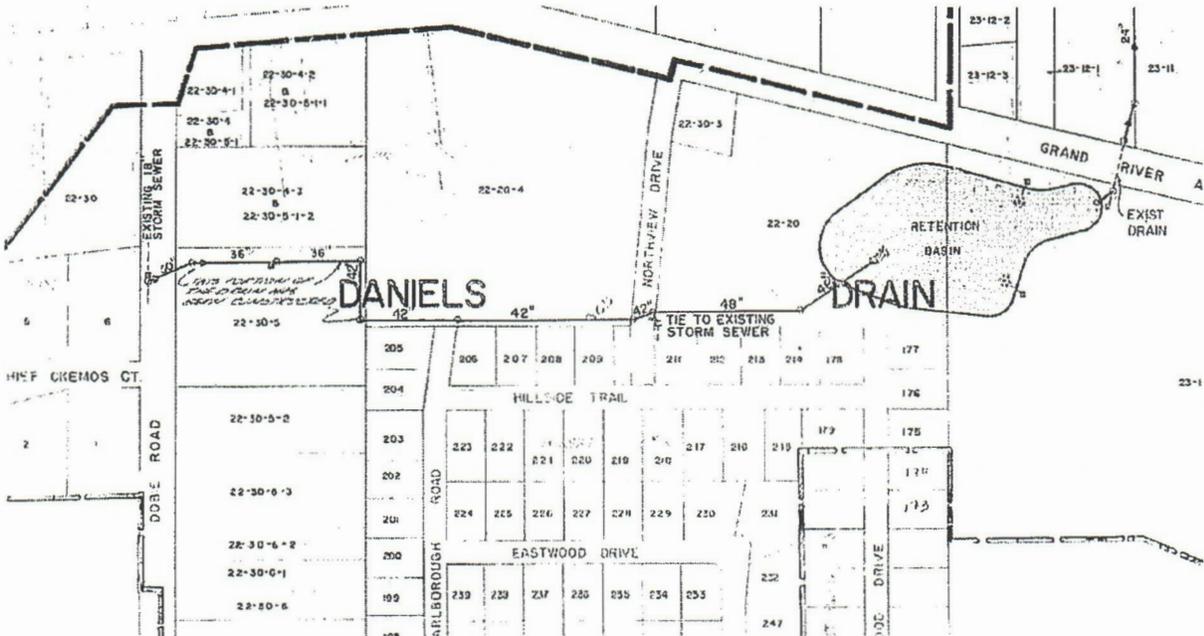
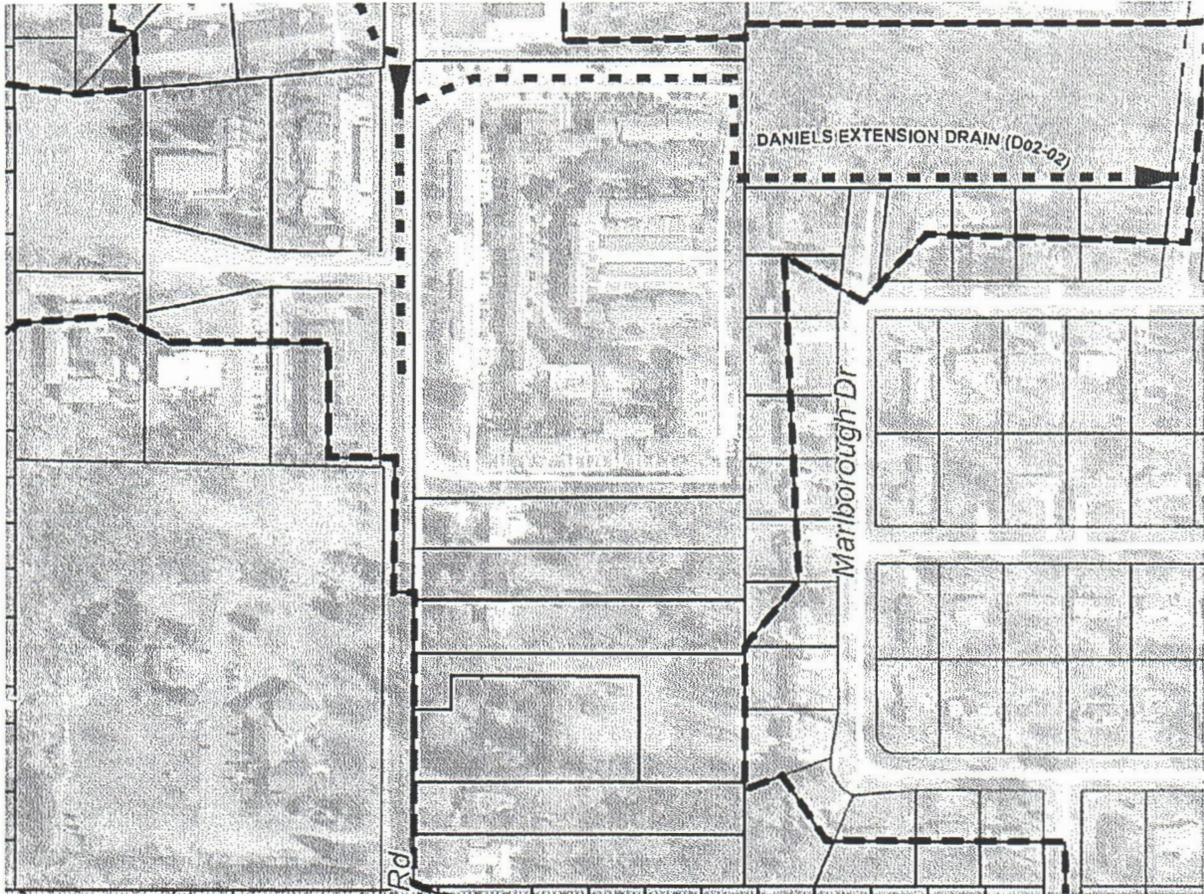
Keki Mistry Phyllis Mistry
Keki & Phyllis Mistry 4530 Dobie Road 11-13-21
Dated

John & Alba Leone
John & Alba Leone 4544 Dobie Road 11-13-21
Dated

Kevin T. & Laurel Hilliker
Kevin T. & Laurel Hilliker 4554 Dobie Road 11.13.21
Dated

Patsy J. Fagan
Patsy J. Fagan 4562 Dobie Road 11-13-21
Dated

Enclosures (maps and photos)















Comments on Daniels Drain Assessments

- Commend team for developing a reasonable plan to fairly assign assessments to properties in the region
 - Nearly impossible task
- Despite best efforts, inequities remain
 - Land cover classification
 - Proximity

NLCD 2016 Product

- Based on Landsat 8 imagery
 - Landsat 8 (and NLCD) Pixel size 30 meters by 30 meters (**0.22 acres**)
 - Light measured by Landsat 8 sensor comes from larger area (up to 60 by 60 meters – **0.89 acres**)
- Impact on Daniels Drain assessment
 - Typical lots in assessment area are ~0.33 acre
 - Any NLCD pixel will be influenced by the surrounding area, that is, it will not be purely the target of interest (even if perfectly centered in the lot)
 - Lots adjacent to roads will tend to be marked as higher development intensity
 - Lots adjacent to fields and forests will tend to be marked as lower development intensity
 - This is evident in the Land use classification in the Daniel Drain assessment
 - Houses on corners usually have higher intensity classification (roads on two sides)
 - One side of street has higher assessment than other (location of original pixels)

Propensity of Corner lots to be higher assessment also one side of street more than other

Hickorywood	0.322		0.300	Satinwood	0.334		0.312	Alderwood
	0.313		0.300		0.340		0.328	
	0.306		0.300		0.329		0.301	
	0.387	0.320	0.332		0.375	0.356	0.355	
			Silkwood					
	0.360	0.333	0.434		0.400	0.400	0.400	

Up to ~35% difference in assessment for Land Cover for similar lots and houses – is this reasonable?
 Consider treating all equally or Not to exceed value, e.g. 0.30 maximum (allows undeveloped land to be lower)

Proximity Factor

- Current approach appears to assign a proximity factor of 1.20 for all property that touches any of the replaced pipe regions (includes new main pipe (benefits everyone), perhaps new connections to pipe and replaced pavement)
 - Same 1.20 factor if area fully repaved in front of house to 1 foot replaced
 - Is this reasonable?
- Consider scaling improvement factor based on how much of road frontage was improved, say in increments of 10% (this does not look like a big effort as most sites have all road front replaced (or none)).

Backup

Landsat Pixel Response

