

OFFICE OF THE DRAIN COMMISSIONER

Dale Twing, Drain Commissioner
306 S North St, White Cloud, Michigan 49349
Telephone: (231) 689-7213 Fax: (231) 689-7266



APPLICATION FOR ENCROACHMENT IN COUNTY DRAIN EASEMENT

Rev: August 2022

An Encroachment Permit is required whenever a property owner would like to encroach (i.e., place a permanent structure) in a drain easement. Examples requiring a permit include, but are not limited to installing fences, accessory buildings, signs, pools, some landscaping features, etc.

The Application shall be filled out and accompanied by a detailed drawing illustrating the proposed activity. The drawing shall show, at a minimum, property lines, easement location and dimensions, and encroachment location and dimensions. The Drain Commissioner may determine if additional information by a professional engineer (hired by the private owner) is required. A fee of \$50 payable to the **Newaygo County Drain Commissioner's Office** is required for processing the permit. If the expense to review the proposed activity exceeds the amount of fees collected, the Drain Commissioner shall charge additional fees to cover the actual cost. Payment of a fee does not guarantee a permit.

PROJECT NAME: _____

Permit No. _____
(Office use only)

APPLICANT INFORMATION:

Contact Name: _____ Email Address: _____

Phone No.: _____ Parcel ID: _____

Address: _____

City: _____ State: _____ Zip: _____

Mailing Address: _____

LOCATION:

Drain Name: _____

City/Township: _____

PROJECT DESCRIPTION:

Provide a general description of the project (attach extra sheets if necessary) _____

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I certify, as applicant, I am the legal owner of the property for which this permit will serve/or I am the owner's authorized agent, or I am the agency responsible for the proposed encroachment within the County Drain and agree to the Conditions contained in the Permit.

Signature: _____

Date: _____

(For office use only)

____ Approved

____ Approved as noted

____ Revise and resubmit

____ Not Approved

PROJECT CONDITIONS:

1. The encroachment shall be constructed at the location, elevation, and manner shown on the drawing attached hereto, which is, hereby, made a part of this Permit.
2. Permittee shall not obstruct the flow of water in the drain as defined by Sections 421 and 422 of the Drain Code, as amended (MCL 280.421 and 280.422), unless specifically authorized in writing by the NCDC. Permittee is responsible for maintaining all storm drainage. Permittee shall not store equipment and materials in any way to cause blockage of the drain.
3. Permittee agrees to hold harmless, indemnify and pay all costs to defend the Drainage District, NCDC, NCDC Office, and their agents, employees and/or contractors from any and all claims, damages, losses, demands, or actions, including but not limited to claims for damages to person or property, administrative sanctions and/or penalties arising out of or in any manner related to the privileges granted pursuant to this Permit, and/or any activity of Permittee within or affecting the drain or drain easement, including but not limited to construction, maintenance, use and/or existence of the utility, structure, and/or any other facility crossing, occupying and/or encroaching upon the drain easement. This provision shall not apply in the event an act of gross negligence and/or intentional misconduct of the applicable drainage district, NCDC or their agents, employees and/or contractors, and such conduct is a proximate cause of the claim or damage. Notwithstanding the foregoing, nothing contained in the Permit shall constitute a waiver of any privileges and immunities as provided by law.
4. Permittee agrees to pay all increased costs incurred by the applicable drainage district to maintain or improve the drain resulting from the approved drain crossing, occupation and/or encroachment upon the drain easement. The issuance of a Permit does not relieve Permittee of any future expense for relocation of the utility, structure, or other facility to accommodate for future drain improvements. Permittee does hereby acknowledge and agree that in the event the

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area within the drain easement for which the permit is granted is necessary for future operation and maintenance of the drain, Permittee, shall:

- a. Pay any increase cost to the applicable drainage district due to its crossing, tap-in or encroachment of said drain or drain easement, said cost to be determined as a separate bid item during construction or reconstruction, or
 - b. relocate the utility, structure, or other facility at its own cost, including any utility poles or other appurtenant structures, whether temporarily or permanently as determine necessary by the NCDC. All expenses pertaining to said relocations shall be paid for by Permittee. Relocation shall be completed by a date determined necessary by the NCDC, upon written request by the NCDC.
5. All work done shall be completed in a good and workmanlike manner and said drain or easement area shall be left in a good condition. Upon the completion of said construction, the contour shall be, as near as possible, the same as that which existed prior to the start of construction. Encroachment shall not adversely impact drainage for adjacent properties.
 6. Care shall be exercised such that the drain shall be maintained and left unobstructed during construction to prevent the backing up of water which would cause flooding of adjacent land.
 7. The applicant agrees to notify the Drain Commissioner within 3 business days of when the work described herein will commence so an inspector may be present, if necessary.
 8. The applicant agrees that within 30 days after completion of the work described herein, the applicant will deliver to the Drain Commissioner a certificate stating that the work has been performed in accordance with the terms thereof.
 9. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, Public Act of 1994, or the need to acquire applicable EGLE permits.