

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



**PERMIT APPLICATION FOR ENCROACHMENT
IN COUNTY DRAIN EASEMENT**

Rev: June 2026

An Encroachment Permit is required whenever someone 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 illustration of the proposed activity. The illustration shall show property lines, easement location, dimensions, and encroachment location. The Drain Commissioner may require the use of a professional engineer at the applicant's expense.

APPLICANT INFORMATION:

Parcel ID: _____

Name: _____

Email Address: _____

Phone No.: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

LOCATION:

Drain Name: _____

City/Township: _____

PROJECT DESCRIPTION:

Provide a general description of the project _____

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PROJECT CONDITIONS:

1. The encroachment shall be constructed at the location, elevation, and manner shown on the attached illustration, 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 Drain Commissioner. 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 indemnify and pay all costs to defend the drainage district, the Newaygo County Drain Commission, their agents and/or contractors from any and all claims, damages, losses, demands, or actions. This includes but is 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. This includes but is 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 of an act of gross negligence and/or intentional misconduct of the applicable drainage district, the Newaygo County Drain Commission, their agents and/or contractors, and such conduct is a proximate cause of the claim or damage. Notwithstanding the foregoing, nothing contained in this permit shall constitute a waiver of any privileges and immunities as provided by law.
4. Permittee agrees to pay all costs incurred by the applicable drainage district to maintain or improve the drain resulting from the approved drain crossing, occupation and/or encroachment permit 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.
5. Applicant does hereby acknowledge and agree that future operation and maintenance of the drain and within the drain easement, the applicant, shall:
 - a. Pay any 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 applicant's expense including any utility poles or other appurtenant structures, whether temporarily or permanently as determine necessary by the Newaygo County Drain Commission. All expenses pertaining to relocations shall be paid for by the applicant. Relocation shall be completed by a date determined in writing by the Newaygo County Drain Office.
6. All work done in connection with the drain easement shall be left in good condition. Upon project completion, 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.

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- 7. The drain shall be maintained and left unobstructed during construction to prevent the backing up of water which would cause flooding of adjacent land.
- 8. The applicant agrees to notify the Drain Commissioner of the project start date so an inspector may be present, if necessary.
- 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.

I certify, as applicant, I am the property owner, authorized agent, or the agency responsible for the proposed encroachment within the county drain and agree to the conditions contained in this permit application.

Signature: _____ Date: _____

(Office use only below this line)

___ Approved

___ Not Approved

Comments: _____

Signature: _____ Date: _____