

FILED

Bonnie Scheele

Grand Traverse 13th Circuit Court
10/17/2017

**STATE OF MICHIGAN
GRAND TRAVERSE COUNTY CIRCUIT COURT**

IN THE MATTER OF DUCK LAKE,

File No. 15-31213-CE

GRAND TRAVERSE COUNTY BOARD
OF COMMISSIONERS,

HON. THOMAS G. POWER

Petitioner.

Christopher J. Forsyth (P63025)
Deputy Civil Counsel
GRAND TRAVERSE COUNTY
PROSECUTING ATTORNEY OFFICE
324 Court Street
Traverse City, MI 49684
(231) 922-4600

Scott W. Howard (P52028)
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420 East Front Street
Traverse City, MI 49686
(231) 946-0044

**FINAL ORDER FOR THE DETERMINATION
OF THE NORMAL LAKE LEVEL AND FOR THE ESTABLISHMENT OF A
SPECIAL ASSESSMENT DISTRICT FOR DUCK LAKE**

At a session of this Court held in
Traverse City, Michigan
on the 25th day of September, 2017.

Present: HONORABLE THOMAS G. POWER
Circuit Court Judge


The Court has reviewed the petition filed in this matter by the Petitioner, the Grand Traverse County Board of Commissioners, the Brief in Support of the Determination of the Normal Lake Level and for the Establishment of a Special Assessment District for Duck Lake, and the requirements of Part 307 of Michigan's Natural Resources & Environmental Protection Act (MCL 324.30701 *et seq.*). The Court has also heard the arguments of Petitioner and other interested parties at an initial hearing and issued an Order dated August 4, 2017. The Court scheduled and held a second hearing on September 25, 2017 for the purpose of hearing any argument from other interested parties who desired to appear and make on the record any

objections to the August 4, 2017 Order. In light of the proceeding and the Court being otherwise fully advised in the premises, IT IS ORDERED THAT:

1. The normal level of Duck Lake is reaffirmed at 837.3 feet above sea level;
2. A seasonal variation shall be allowed for Duck Lake, enabling a lower lake level during winter months (November 1 to March 31) to be set at 836.8 feet above sea level, or 0.5 feet lower than the normal lake level;
3. The special assessment district of those properties specifically benefitted by the stable lake level and seasonal variation herein approved for Duck Lake as contained in the August 4, 2017 Order is approved and certified as to any parcel within the following boundary:
 - a. See Attachment 1, the metes & bounds legal description of the SAD boundary;
and
 - b. See Attachment 2, the Duck Lake Special Assessment District Map.
4. This Court shall maintain continuing jurisdiction under MCL 324.30707(5) to enforce this Order, and to take any other actions necessary to carry out the text and purposes of this Order and 307 of the Natural Resources and Environmental Protection Act, MCL MCL 324.30701, *et seq.*

Subject to the Court's continuing jurisdiction under MCL 324.30707(5), this Order resolves the last pending claim and closes the case.

Date: _____, 2017


10/17/2017
12:04PM

THOMAS G. POWER, CIRCUIT COURT JUDGE, P2427D
HON. THOMAS G. POWER
Circuit Court Judge

**STATE OF MICHIGAN
IN THE 13TH JUDICIAL CIRCUIT COURT OF GRAND TRAVERSE**

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GRAND TRAVERSE COUNTY BOARD
OF COMMISSIONERS,

Hon. Thomas G. Power

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ATTACHMENT 1

/s/ Scott W. Howard
Scott W. Howard (P52028)
Co-Counsel for Petitioner

Received on 10/16/2017 at 4:47 PM

DUCK LAKE
SPECIAL ASSESSMENT DISTRICT BOUNDARY

Sections 14, 15, 21-23, 26-28 & 34-35, T.26 N.-R.12 W.,
Green Lake Township, Grand Traverse County, Michigan

Beginning at a point on the South line of Section 15, T.26 N.-R.12 W., Green Lake Township, Grand Traverse County, Michigan; which is 1332.62 feet, N.88°-26'-02"W., of the South 1/4 corner of said Section 15; thence N.01°-04'-07"E., 367.16 feet; thence S.57°-32'-18"E., 296.55 feet; thence N.58°-51'-47"E., 80.11 feet; thence N.62°-25'-16"E., 468.65 feet; thence S.88°-19'-46"E., 596.13 feet; thence N.01°-00'-49"E., 2141.19 feet; thence S.88°-01'-05"E., 2646.50 feet to a point on the East line of said Section 15, which is 37.61 feet, N.01°-07'-16"E., of the East 1/4 Corner of said Section 15; thence continuing S.88°-01'-05"E., entering Section 14, 1347.22 feet; thence S.00°-33'-23"W., 1391.99 feet; thence S.88°-22'-23"E., 1327.95 feet; thence N.00°-27'-26"E., 1438.45 feet; thence S.87°-34'-37"E., 359.07 feet; thence S.00°-42'-39"W., 329.85 feet; thence S.87°-34'-29"E., 436.86 feet; thence S.00°-28'-28"W., 1776.58 feet; thence N.88°-52'-51"W., 793.54 feet; thence S.00°-27'-33"W., 646.69 feet to a point on the South line of said Section 14, which is 34.69 feet, S.87°-53'-53"E., of the South 1/4 Corner of said Section 14; thence S.87°-43'-53"E., entering Section 23, 2334.07 feet; thence S.08°-53'-36"W., 139.40 feet; thence N.89°-52'-26"E., 301.43 feet; thence N.05°-17'-03"E., 126.05 feet to the Northeast Corner of said Section 23; thence S.00°-58'-25"W., 3972.18 feet; thence N.88°-53'-10"W., 1060.10 feet; thence S.17°-21'-12"W., 781.14 feet; thence S.17°-21'-12"W., 248.07 feet; thence N.88°-54'-58"W., 316.75 feet; thence S.01°-05'-08"W., 160.03 feet; thence S.88°-54'-58"E., 270.05 feet; thence S.17°-21'-12"W., 190.04 feet; thence S.29°-54'-04"W., 19.22 feet to a point on the South line of said Section 23, which is 1165.63 feet, S.88°-34'-07"E., of the South 1/4 Corner of said Section 23; thence continuing S.29°-54'-04"W., entering Section 26, 442.08 feet; thence S.18°-59'-35"W., 163.22 feet; thence S.18°-50'-29"W., 251.28 feet; thence S.18°-26'-09"W., 560.51 feet; thence S.88°-30'-34"E., 33.96 feet; thence S.14°-58'-06"W., 1819.18 feet; thence S.10°-24'-46"W., 127.47 feet; thence S.02°-42'-37"E., 84.72 feet; thence S.10°-04'-03"E., 63.22 feet; thence S.80°-28'-10"W., 256.12 feet; thence S.00°-36'-26"W., 450.40 feet; thence S.88°-32'-39"E., 48.77 feet; thence S.00°-33'-37"W., 124.23 feet; thence N.88°-28'-11"W., 48.87 feet; thence S.00°-33'-30"W., 1308.10 feet to a point on the South line of said Section 26, which is 14.64 feet, S.88°-41'-22"E., of the South 1/4 Corner of said Section 26; thence continuing S.00°-33'-30"W., entering Section 35, 1347.27 feet; thence N.88°-35'-23"W., 2539.78 feet; thence S.01°-46'-05"W., 3962.81 feet to a point on the South line of said Section 35, which is 25.74 feet, S.88°-28'-31"E., of the Southwest Corner of said Section 35; thence N.88°-28'-31"W., on said South line, 25.74 feet to the Southwest Corner of said Section 35; thence N.88°-36'-55"W., entering Section 34, 2635.71 feet; thence N.00°-26'-36"E., 1324.84 feet; thence N.89°-04'-22"W., 1321.41 feet; thence N.00°-12'-48"E., 675.33 feet; thence S.89°-18'-00"E., 905.85 feet; thence N.00°-42'-20"E., 330.00 feet; thence N.89°-17'-49"W., 33.00 feet; thence N.00°-42'-20"E., 19.93 feet; thence N.89°-18'-16"W., 465.59 feet; thence N.03°-47'-52"W., 311.11 feet; thence S.89°-17'-57"E., 311.92 feet; thence N.04°-01'-00"W., 479.21 feet; thence

N.89°-17'-58"W., 339.02 feet; thence S.03°-18'-25"E., 478.76 feet; thence N.89°-17'-57"W., 355.46 feet; thence N.01°-17'-42"E., 1319.81 feet; thence S.88°-53'-26"E., 1321.11 feet; thence N.01°-21'-28"E., 90.00 feet; thence N.88°-23'-14"W., 1329.74 feet; thence N.01°-59'-29"E., 887.92 feet; thence N.88°-40'-54"W., 327.97 feet; thence S.01°-16'-49"W., 330.35 feet; thence N.88°-46'-18"W., 327.12 feet; thence N.01°-08'-01"E., 330.87 feet; thence N.88°-40'-54"W., 327.97 feet; thence N.00°-59'-16"E., 353.45 feet to a point on the North line of said Section 34, which is 337.69 feet, S.88°-56'-19"E., of the Northwest Corner of said Section 34; thence N.88°-56'-19"W., on said North line, 337.69 feet to the Northwest Corner of said Section 34; thence N.88°-32'-26"W., entering Section 28, 359.39 feet; thence N.10°-21'-28"W., 316.53 feet; thence N.88°-33'-44"W., 307.68 feet; thence N.10°-57'-20"W., 307.96 feet; thence N.08°-13'-09"W., 145.46 feet; thence N.05°-17'-11"W., 150.48 feet; thence N.00°-22'-14"W., 288.48 feet; thence N.00°-49'-43"E., 129.05 feet; thence N.00°-57'-42"E., 444.77 feet; thence N.03°-53'-35"W., 282.73 feet; thence N.08°-14'-27"W., 312.50 feet; thence N.13°-45'-14"W., 224.02 feet; thence N.15°-07'-47"W., 70.83 feet; thence N.18°-15'-45"W., 270.46 feet; thence N.22°-11'-48"W., 192.71 feet; thence N.28°-07'-54"W., 643.61 feet; thence N.29°-25'-23"W., 802.09 feet; thence N.29°-37'-53"W., 350.76 feet; thence N.25°-49'-58"W., 237.94 feet; thence N.21°-18'-05"W., 242.84 feet; thence N.15°-58'-10"W., 236.22 feet to a point on the North line of said Section 28, which is 414.65 feet, S.88°-57'-13"E., of the North 1/4 Corner of said Section 28; thence continuing N.15°-58'-10"W., entering Section 21, 16.19 feet; thence N.10°-32'-38"W., 286.61 feet; thence N.05°-34'-52"W., 237.91 feet; thence N.04°-45'-51"W., 349.56 feet; thence N.04°-34'-13"W., 1210.33 feet; thence N.04°-32'-48"W., 699.00 feet; thence N.04°-38'-26"W., 733.32 feet; thence N.03°-14'-15"W., 199.59 feet; thence N.02°-39'-56"E., 233.33 feet; thence N.09°-20'-27"E., 235.33 feet; thence N.12°-35'-48"E., 79.61 feet; thence N.16°-27'-41"E., 195.29 feet; thence N.14°-34'-45"E., 144.16 feet; thence S.88°-46'-38"E., 1158.45 feet; thence N.00°-09'-03"E., 914.56 feet; thence S.88°-31'-26"E., 1335.25 feet to a point on the East line of said Section 21, which is 33.58 feet, S.00°-53'-44"W., of the Northeast Corner of said Section 21; thence continuing S.88°-31'-26"E., entering Section 22, 1314.83 feet; thence N.01°-04'-07"E., 31.51 feet to the point of beginning.

EXCEPTING

Part of the Northeast 1/4 of Section 21, T.26 N.-R.12 W., Green Lake Township, Grand Traverse County, Michigan; described as follows: To fix the point of beginning, Commence at the East 1/4 Corner of said Section; thence N.88°-30'-23"W., on the East and West 1/4 line, 2076.56 feet; thence N.01°-29'-37"E., 31.47 feet to the point of beginning of this description; thence S.89°-18'-15"E., 174.85 feet; thence N.00°-48'-59"E., 546.52 feet; thence N.89°-33'-28"W., 458.70 feet; thence S.04°-35'-09"E., 548.93 feet; thence N.89°-01'-14"E., 165.66 feet; thence N.12°-00'-41"W., 34.01 feet; thence N.09°-16'-21"W., 35.14 feet; thence N.07°-39'-02"W., 47.85 feet; thence N.18°-26'-06"E., 38.05 feet; thence N.55°-00'-29"E., 25.92 feet; thence N.62°-44'-41"E., 26.28 feet; thence S.75°-57'-50"E., 23.35 feet; thence S.55°-42'-47"E., 37.70 feet; thence S.12°-22'-51"E., 29.71 feet; thence S.06°-47'-20"E., 29.94 feet; thence S.01°-32'-53"W., 26.20 feet;

thence S.28°-04'-21"W., 24.07 feet; thence S.45°-52'-53"W., 32.54 feet; thence S.01°-30'-27"E., 26.91 to the point of beginning.

EXCEPTING

Part of the Southeast 1/4 of Section 21, T.26 N.-R.12 W., Green Lake Township, Grand Traverse County, Michigan; described as follows: To fix the point of beginning, Commence at the South 1/4 Corner of said Section; thence N.01°-02'-26"E., on the North and South 1/4 line, 1773.28 feet; thence S.88°-57'-34"E., 396.85 feet to the point of beginning of this description; thence N.01°-41'-05"E., 75.23 feet; thence S.88°-53'-54"E., 95.79 feet; thence N.00°-58'-16"E., 58.80 feet; thence S.88°-41'-53"E., 48.67 feet; thence S.01°-38'-12"W., 135.53 feet; thence N.88°-14'-15"W., 143.83 feet to the point of beginning.

EXCEPTING

Part of the Northeast 1/4 of Section 23, T.26 N.-R.12 W., Green Lake Township, Grand Traverse County, Michigan; described as follows: To fix the point of beginning, Commence at the Northeast Corner of said Section; thence S.00°-52'-38"W., on the East line, 193.57 feet; thence N.90°-00'-00"W., 19.51 feet to the point of beginning of this description; thence S.13°-35'-36"W., 162.12 feet; thence S.16°-03'-59"W., 137.43 feet; thence N.89°-19'-00"W., 299.60 feet; thence N.14°-43'-35"E., 299.53 feet; thence S.89°-18'-32"E., 299.59 feet to the point of beginning.

EXCEPTING

Part of the Northeast 1/4 of Section 23, T.26 N.-R.12 W., Green Lake Township, Grand Traverse County, Michigan; described as follows: To fix the point of beginning, Commence at the Northeast Corner of said Section; thence S.00°-52'-38"W., on the East line, 1297.08 feet; thence N.90°-00'-00"W., 313.43 feet to the point of beginning of this description; thence N.16°-01'-26"E., 749.23 feet; thence N.89°-12'-41"W., 2043.94 feet; thence S.01°-12'-13"W., 1055.08 feet; thence S.89°-06'-24"E., 1045.06 feet; thence N.01°-09'-25"E., 334.08 feet; thence S.89°-12'-41"E., 807.50 feet to the point of beginning.

EXCEPTING

Beginning at a point on the East line of Section 22, T.26 N.-R.12 W., Green Lake Township, Grand Traverse County, Michigan; which is 359.07 feet, N.00°-33'-23"E., of the Southeast corner of said Section 22; thence S.11°-24'-44"W., 218.53 feet; thence S.00°-26'-52"W., 131.59 feet; thence N.88°-37'-32"W., 294.55 feet; thence N.01°-26'-50"E., 1505.37 feet; thence S.89°-06'-10"E., 312.02 feet to a point on the East line of said Section 22, which is 1520.39 feet, N.00°-33'-23"E., of the Southeast Corner of said Section 22; thence continuing S.89°-06'-10"E., entering Section 23, 501.37 feet; thence S.60°-00'-19"E., 29.13 feet; thence S.01°-49'-41"E., 29.13 feet; thence S.36°-08'-43"W., 31.00 feet; thence S.33°-25'-39"W., 788.42 feet; thence S.11°-24'-44"W., 435.31 feet to the point of beginning.

EXCEPTING

Part of the Northwest 1/4 of Section 34, T.26 N.-R.12 W., Green Lake Township, Grand Traverse County, Michigan; described as follows: To fix the point of beginning, Commence at the Northwest Corner of said Section; thence S.00°-25'-53"W., on the West line, 1772.97 feet; thence S.89°-34'-07"E., 1561.90 feet to the point of beginning of this description; thence N.04°-59'-18"W., 204.41 feet; thence S.88°-53'-22"E., 612.04 feet; thence S.04°-58'-02"E., 204.59 feet; thence N.88°-52'-18"W., 611.99 feet to the point of beginning, containing.

EXCEPTING

Part of the Southeast 1/4 of Section 34, T.26 N.-R.12 W., Green Lake Township, Grand Traverse County, Michigan; described as follows: To fix the point of beginning, Commence at the South 1/4 Corner of said Section; thence S.88°-36'-55"E., on the South line, 298.60 feet; thence N.01°-23'-05"E., 544.15 feet to the point of beginning of this description; thence N.00°-25'-32"E., 66.00 feet; thence S.88°-24'-33"E., 132.00 feet; thence S.00°-25'-31"W., 66.00 feet; thence N.88°-24'-33"W., 132.00 feet to the point of beginning.

Containing 3,514.38 acres of land, more or less.

Section lines were not field verified. Bearings and distances are based on Grand Traverse County GIS information.

**STATE OF MICHIGAN
IN THE 13TH JUDICIAL CIRCUIT COURT OF GRAND TRAVERSE**

IN THE MATTER OF DUCK LAKE,

File No. 15-31213-CE

GRAND TRAVERSE COUNTY BOARD
OF COMMISSIONERS,

Hon. Thomas G. Power

Petitioner.

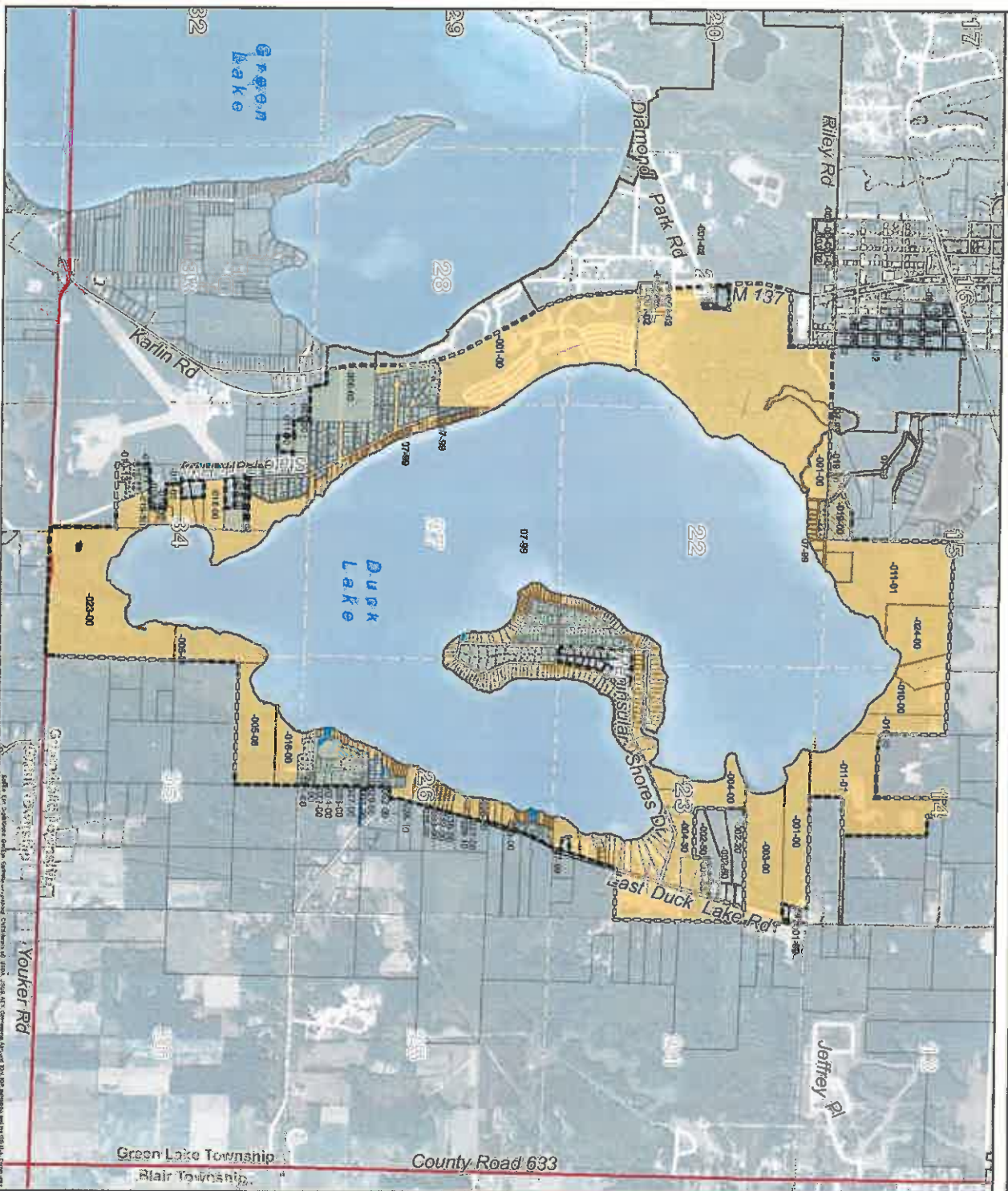
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ATTACHMENT 2

/s/ Scott W. Howard
Scott W. Howard (P52028)
Co-Counsel for Petitioner

Received on 10/16/2017 at 4:47 PM



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LEGEND

- 2015 ASSESS BOUNDARY
- 2015 ASSESS BOUNDARY EXEMPT AREA
- 2015 ASSESS BOUNDARY EXEMPT AREA
- 2015 ASSESS BOUNDARY EXEMPT AREAS WITH FRONTAGE
- 2015 NOT EXEMPT SHARED ACCESS AREAS
- 2015 NOT EXEMPT AREAS
- PARCELS
- Municipal Boundaries
- Section Boundaries
- Roads



PRELIMINARY
07/15/2015



COVER	2015 SPECIAL ASSESSMENT DISTRICT DUCK LAKE GREEN LAKE TOWNSHIP GRAND TRAVERSE COUNTY MICHIGAN		KEVIN P. McELYEA, L.L.A. GRAND TRAVERSE COUNTY DRAIN COMMISSIONER GOVERNMENT CENTER 400 BOARDMAN AVENUE TRAVERSE CITY, MI 49684 PHONE: (231)-922-4807 FAX: (231)-922-4658
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