

# FOSTER SWIFT

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May 10, 2019

*UPS Next Day*

Clerk  
24th Judicial Circuit Court  
60 W. Sanilac  
Sandusky, MI 48471

Dear Clerk:

Re: Case No. 19-38177-CZ  
First Amended Complaint

Enclosed for filing please find the following documents:

- Township of Bridgehampton's Verified First Amended Complaint for Injunctive and Declaratory Relief
- Summons for Doug Sweet
- Proof of Service

Once filed please return a stamped received copy to the undersigned in the enclosed prepaid self-addressed envelope.

Clerk  
May 10, 2019  
Page 2

Please feel free to let me know if you have any questions.

Sincerely,

FOSTER SWIFT COLLINS & SMITH PC

A handwritten signature in black ink, appearing to read 'Leslie A. Dickinson', with a stylized, cursive script.

Leslie A. Dickinson

LAD:ajz  
Enclosures

cc: Douglas Kelly  
Stephon Bagne  
Lauren K. Burton  
Leo Sonck

Approved, SCAO <b>STATE OF MICHIGAN</b> JUDICIAL DISTRICT 24th JUDICIAL CIRCUIT COUNTY PROBATE	Original - Court 1st copy - Defendant  <b>SUMMONS</b>	2nd copy - Plaintiff 3rd copy - Return <b>CASE NO.</b>  19-38177-CZ
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Court address 60 W, Sanilac, Sandusky, MI 48471		Court telephone no. 810-648-2120
Plaintiff's name(s), address(es), and telephone no(s). Township of Bridgehampton	v	Defendant's name(s), address(es), and telephone no(s). Doug Sweet, in his official capacity Sanilac County Drain Inspector Courthouse, Room 201, 60 West Sanilac Avenue Sandusky, MI 48471 810-648-4900
Plaintiff's attorney, bar no., address, and telephone no. Michael D. Homier (P60318); Leslie A. Dickinson (P78850) Foster, Swift, Collins & Smith, PC 1700 E. Beltline Avenue, NE, Suite 200 Grand Rapids, MI 48525 616-726-2200		

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. Attached is a completed case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

**Civil Case**

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☒ this court, ☐ \_\_\_\_\_ Court, where it was given case number 19-38177-CZ and assigned to Judge Donald A. Teeple.
- The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

**SUMMONS**

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date	Expiration date *	Court clerk
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.



**PROOF OF SERVICE****SUMMONS**

Case No. 19-38177-CZ

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☐ I served personally a copy of the summons and complaint,

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with

\_\_\_\_\_ List all documents served with the summons and complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time
Doug Sweet, in his official capacity		

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature \_\_\_\_\_

Name (type or print) \_\_\_\_\_

Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_ Attachments

\_\_\_\_\_ on \_\_\_\_\_  
Day, date, time

\_\_\_\_\_ on behalf of \_\_\_\_\_

Signature



STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF SANILAC

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TOWNSHIP OF BRIDGEHAMPTON,

Case No.: 19-38177-CZ

Plaintiff,

Hon. Donald A. Teeple

vs.

SWEET EXTENSION DRAIN DRAINAGE  
DISTRICT, GREG ALEXANDER, SANILAC  
COUNTY DRAIN COMMISSIONER, in his  
official capacity, and DOUG SWEET,  
SANILAC COUNTY DRAIN INSPECTOR, in  
his official capacity.

Defendants.

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Michael D. Homier (P60318)  
Leslie A. Dickinson (P78850)  
FOSTER, SWIFT, COLLINS & SMITH, PC  
Attorneys for Plaintiff  
1700 E. Beltline Avenue, NE, Suite 200  
Grand Rapids, MI 49525  
(616) 726-2200

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Douglas R. Kelly (P49856)  
Stephon B. Bagne (P54042)  
Lauren K. Burton (P76471)  
Clark Hill PLC  
Attorneys for Defendants Sweet  
Extension Drain Drainage District and  
Greg Alexander, Sanilac County Drain  
Commissioner  
151 S. Old Woodward Ave, Ste 200  
Birmingham, MI 48009  
(248) 642-9692

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**VERIFIED FIRST AMENDED COMPLAINT  
FOR INJUNCTIVE AND DECLARATORY RELIEF**

---

THERE IS NO OTHER PENDING OR RESOLVED CIVIL  
ACTION BETWEEN THESE PARTIES ARISING OUT OF THE  
SAME TRANSACTION OR OCCURRENCE ALLEGED IN  
THIS COMPLAINT.

**Parties, Jurisdiction, and Venue**

1. Plaintiff, Township of Bridgehampton ("Township"), is a Michigan municipal corporation located in Sanilac County, Michigan.

2. The Sweet Extension Drain Drainage District is a body corporate with the power to sue and be sued pursuant to the Michigan Drain Code, Public Act 40 of 1956, as amended, MCL 280.1 *et seq.* (the "Drain Code"). The Sweet Extension is located in Sanilac County.

3. Defendant, Gregory Alexander is the Sanilac County Drain Commissioner and is therefore responsible for the establishment and administration of drains and drainage districts within Sanilac County pursuant to the Drain Code.

4. Defendant, Doug Sweet, is the Sanilac County Drain Inspector.

5. Jurisdiction is proper in this Court pursuant to MCL 600.605 because the Township is seeking equitable relief, including injunctive relief.

6. Venue is proper in this Court pursuant to MCL 600.1621 because Defendants' registered office is located in Sanilac County.

#### **General Allegations**

7. The Township restates and incorporates by reference the preceding allegations.

8. Defendant, Gregory Alexander, Sanilac County Drain Commissioner ("Drain Commissioner") has jurisdiction over and maintain several drains that run through the Township.

9. Among those drains include the Sweet Extension Drain. (**Exhibit A**, Map).

10. The Sweet Extension Drain is 3.66 miles long. (**Exhibit B**).

11. Beginning in 2016, Defendants began conducting substantial maintenance on the Sweet Extension Drain.

12. Under the Drain Code, a drain commissioner may not spend more than \$5,000 per mile of drain or fraction of a mile on maintenance of an established drain each year (exclusive of

inspection and engineering fees) without a petition or a resolution from municipalities affected by more than 20% of the cost. MCL 280.196(4).

13. Similarly, the Drain Code prohibits a drain commissioner from assessing in any one year without a petition or a request from a public corporation more than \$5,000 per mile of drain or fraction of a mile. MCL 280.196(7).

14. As reflected in Sections 196(4) and (7) of the Drain Code, and because the Sweet Extension Drain is 3.66 miles in length, Defendants are limited to spending and assessing no more than \$20,000 per year on maintenance of the Sweet Extension Drain without a petition or municipality approval.

15. In 2017, Defendants spent \$22,415.58 on maintenance of the 3.66 mile drain. **(Exhibit C).**

16. None of the maintenance work done in 2017 was petitioned or otherwise approved by municipalities within the Sweet Extension Drain Drainage District.

17. In sum, Defendants exceeded their assessment limit set forth in the Drain Code by at least \$2,415.58 in 2017.

18. Based upon information and belief, the work on the Sweet Extension Drain in 2017 was done on property rented and used by Defendant Drain Inspector Doug Sweet.

19. Instead of appointing a disinterested third-party inspector, Doug Sweet performed the inspection required under Section 196 of the Drain Code, to determine whether work needed to be completed on this portion of the drain in 2017. **(Exhibit D).**

20. Based upon information and belief, Defendants utilized the same contractor for this drain work that Defendant Doug Sweet personally used for other work on this property



unrelated to the drain work, including the installation of field tile. The contractor did the drain work and the personal work for Doug Sweet at the same time.

21. Defendants intend to commence additional non-petitioned or municipally approved maintenance work on the Sweet Extension Drain beginning on April 30, 2019. The anticipated cost of this work is approximately \$55,000 over the course of three years. (**Exhibit E**).

22. However, drone footage and photographs of that portion of the drain taken shortly before commencement of the work and after the area received approximately two inches of rain shows that the ditch is not out of bank or obstructed.

23. Based upon information and belief, the scheduled maintenance work could be done at a cost substantially less than \$55,000.

24. Based upon information and belief, the work beginning on April 30 includes clean-up work on the portion of the drain on Doug Sweet's mother's property, who intends to clear out part of her woods along the drainage ditch to create a picnic area.

25. Based upon information and belief, instead of appointing a disinterested third-party inspector, Doug Sweet performed the inspection required under Section 196 of the Drain Code, to determine whether work needed to be completed on this portion of the drain in 2019.

26. The work to be done in 2019 has been contracted to Krueger Excavating, which, based upon information and belief, has previously done work personally for Defendants Alexander and Sweet. Due to these conflicts of interest, Defendants Alexander and Sweet have allegedly now recused themselves from this 2019 work, but only after determining that the work was necessary under Section 196 and after negotiating the contract for the work.

27. Defendants Alexander and Sweet had similar conflicts with the 2017 work, but did not recuse themselves from involvement in that work or contracting thereof.

28. The Township has requested documents, estimates, bids, etc. reflecting the cost and scope of this impending work and for work done in 2015-2019 (all of which are public records), but Defendants have failed to provide all of those requested documents.

**Count I – Declaratory Judgment & Violation of Drain Code**

29. The Township restates and incorporates by reference the preceding allegations.

30. An actual and justiciable controversy exists between Defendants and the Township.

31. Defendants lack authority under the Drain Code to assess and spend over \$20,000 on maintenance work in one year for the Sweet Extension Drain without a petition or a resolution from municipalities affected by more than 20% of the cost.

32. Defendants exceeded the expenditure limit in 2017 without a petition or resolution as required in the Drain Code.

33. A present adjudication of this controversy is necessary to guide the parties' future conduct and preserve the parties' legal rights.

34. Pursuant to MCR 2.605, this Court has jurisdiction to declare the rights and other legal relations of the parties.

35. The Township has no other adequate remedy at law.

36. The Township requests a declaratory judgment in its favor.

WHEREFORE, the Township requests that this Court enter an Order:

- a. declaring that Defendants lacked authority under the Drain Code to assess and/or spend over \$20,000 on maintenance work in one year for the Sweet Extension

Drain without a petition or a resolution from municipalities affected by more than 20% of the cost;

- b. enjoining Defendants from assessing and/or spending over \$20,000 on maintenance work in one year for the Sweet Extension Drain without a petition or a resolution from municipalities affected by more than 20% of the cost;
- c. awarding the Township its costs and attorney fees incurred in bringing this action; and
- d. granting the Township such other and further relief as may be just and proper.

**COUNT II – VIOLATION OF DUE PROCESS RIGHTS UNDER THE MICHIGAN CONSTITUTION**

37. The Township restates and incorporates by reference the preceding allegations.

38. In order to exceed the expenditure and assessment limits set forth in the Drain Code, a drain commissioner must either obtain a petition, with certain notice and hearing procedures, or a resolution from municipalities affected by more than 20% of the cost as set forth in Section 196 of the Drain Code.

39. Defendants exceeded this expenditure limit in 2017 without a petition or resolution as required in the Drain Code. The Township was not provided notice or an opportunity to be heard on any petition or resolution for this drain work.

40. The Michigan Constitution, 1963 Const., Art 1, §17 provides that:

No person shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty or property without due process of law.** The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed. **[Emphasis Added]**



41. The Fourteenth Amendment to the United States Constitution, states in part:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any state deprive any person of life, liberty or property, without due process of law;** nor deny to any person within its jurisdiction the equal protection of the law. [Emphasis Added]

42. In failing to follow the procedures for spending over the \$20,000 cap, Defendants are subject to the duties, limitations, liabilities and restrictions imposed by law including the Michigan Constitution and the Fourteenth Amendment to the United States Constitution.

43. Defendants' reckless and/or intentional failure to follow the Drain Code procedures to spend over the cap has failed to afford the Township and other property owners within the districts their due process required and provided for by law.

44. As a direct and proximate result of the Defendants' actions and inactions, as detailed throughout this Verified Complaint, the Township, and in turn its residents and taxpayers, has suffered and will continue to suffer damages until Defendants' actions and inactions are stopped.

45. As a direct and proximate result of the Defendants' actions and inactions as detailed throughout this Verified Complaint, the Township, and in turn its residents and taxpayers, have suffered (and will suffer) irreparable harm because, inter alia, they have been deprived of rights granted to it under the Michigan Constitution, including important and vested property and statutory rights.

WHEREFORE, the Township requests that this Court enter an Order:

- a. finding that Defendants have violated the Township's, and in turn its residents and taxpayers', constitutional right to due process;

- b. awarding the Township its actual damages, including any and all consequential and/or incidental damages associated with the Defendants' violation of the Township's constitutional rights;
- c. awarding the Township its actual costs and attorney's fees incurred in having to bring this action; and
- d. awarding the Township such other relief as this Court deems equitable, just, and/or proper.

**COUNT III –CONFLICT OF INTEREST VIOLATIONS: THE DRAIN CODE,  
COMMON LAW AND MICHIGAN CONSTITUTION**

46. The Township restates and incorporates by reference the preceding allegations.

47. Drain commissioners, like all public officials, are required to faithfully discharge their statutory duties to the best of their ability and owe a duty of loyalty to the public. Michigan Constitution, 1963, Art. 11, Sec 1.

48. Drain commissioners, like all public officials, are agents and their official powers are fiduciary. They are trusted with public functions for the good of the public; to protect, advance and promote its interests, and not their own. *People v Township Board of Overysel*, 11 Mich 222, 225-226 (1863).

49. Drain Commissioners rely on the support of their deputies, employees, consultants and contractors to carry out their statutory duties.

50. Consistent with these policies, the Drain Code includes several provisions to ensure that the office of the Drain Commissioner ethically administers its duties and avoids conflicts of interest:

- a. Section 601 prohibits a drain commissioner from being interested directly or indirectly in any contract, job, work or services to be performed for the drainage district. MCL 280.601.
- b. Section 72 requires a three-person board appointed by the county drain commissioner to consider applications for improvement of a drain be composed of "disinterested" property owners; a familial relationship presents an "interest" for the purpose of the statute. MCL 280.72; *Fritz v St. Joseph County Drain Comm'r*, 255 Mich App 154; 661 NW2d 605 (2003).
- c. Section 381 requires a commissioner to disqualify himself in making apportionment of benefits when he is interested by reason of himself, wife or child, owning lands that would be liable to an assessment for benefits upon the work or proceeding proposed to be done or had, and in cases where such commissioner may be otherwise disqualified to act in the making of apportionment of benefits. MCL 280.381.

51. Defendants have failed to faithfully discharge their statutory duties and duty of loyalty to the detriment of the Township, its taxpayers and property owners within the Sweet Extension drainage district by, among other things:

- a. exceeding their spending limits under the Drain Code,
- b. letting contracts and hiring contractors based on personal business relationships with such contractors without regard to cost considerations,
- c. performing inspections and making maintenance determinations/letting contracts for work on areas of the Sweet Extension Drain where Defendant Sweet and his family rent and/or own property; and



- d. failing to provide all relevant public records including invoices, bills, inspection forms, and other documents related to the Sweet Extension drain work when requested by the Township.

WHEREFORE, the Township requests that this Court enter an Order:

- e. finding that Defendants have failed to faithfully discharge their statutory duties and duty of loyalty to the detriment of the Township, its taxpayers and property owners within the Sweet Extension drainage district;
- f. enjoining Defendants from participating in the inspection, maintenance or letting of contracts for work on properties where they have a personal or financial interest;
- g. awarding the Township its actual damages, including any and all consequential and/or incidental damages associated with the Defendants' violation of the Township's statutory and constitutional rights;
- h. awarding the Township its actual costs and attorney's fees incurred in having to bring this action; and
- i. awarding the Township such other relief as this Court deems equitable, just, and/or proper.

FOSTER, SWIFT, COLLINS & SMITH, PC  
*Attorneys for Plaintiff*

Dated: May 10, 2019


By: 

Leslie A. Dickinson (P78850)  
1700 E. Beltline Avenue, NE, Suite 200  
Grand Rapids, MI 49525  
(616) 726-2200

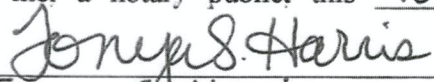
**VERIFICATION**

I declare that the Complaint information above and attached is true to the best of my knowledge, information and belief.

Dated: MAY 10, 2019

By:   
Leo Sonck, Township Supervisor

Subscribed and sworn to before me, a notary public, this 10 day of may, 2019.

  
Tonya S Harris Notary Public  
Sanilac County, Michigan  
My Commission Expires: 01-02-21  
Acting in Sanilac County, Michigan

83709:00002:4213381-2

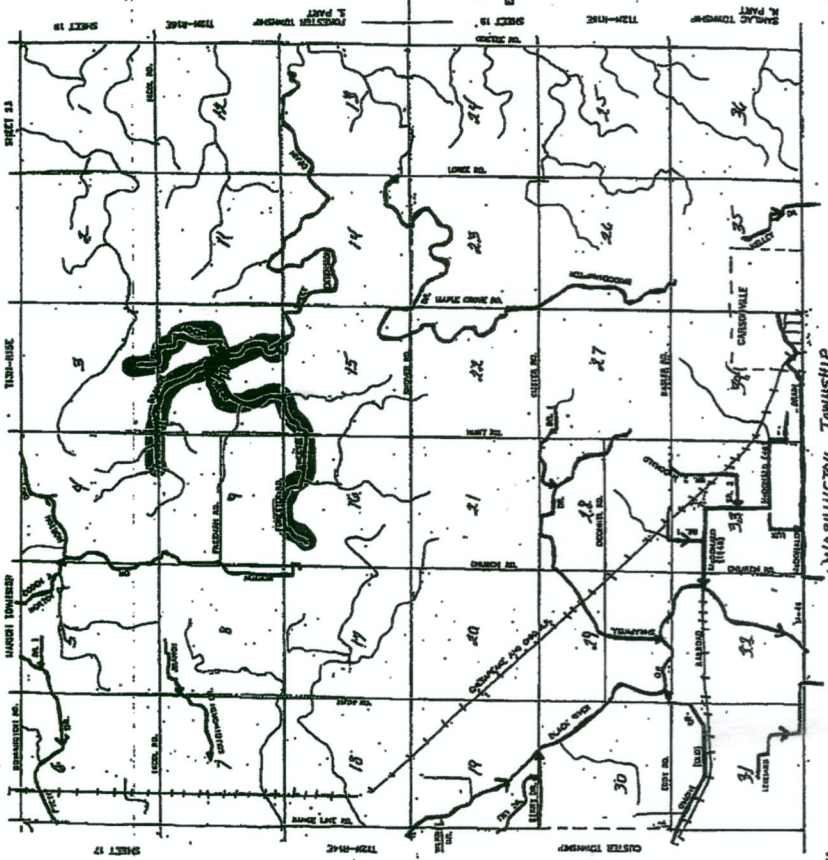
# **EXHIBIT A**



# COUNTY DRAIN MAP

FOR  
SAILLAC COUNTY  
DRAIN COMMISSIONER  
BRIDGEHAMPTON  
TOWNSHIP  
T12N-R15E  
SAILLAC COUNTY,  
MICHIGAN  
SCALE: 1" = 1,000'

LEGEND  
ESTABLISHED OPEN COUNTY DRAIN  
ESTABLISHED CLOSED COUNTY DRAIN  
NATURAL WATERCOURSE  
POINT OF BEGINNING &  
DIRECTION OF FLOW  
UNDERGROUND UTILITY  
SECTION LINE AND CORP. LIMITS



# EXHIBIT B

DRAIN  
NAME

SWEET EXTENSION DRAIN

DRAIN  
NO.

S039

BRIDGEHAMPTON TWP.

3.66 MI.

Date	Drain Order and Receipts	EXPLANATION	#802				#801			
			Debit	Credit	Bal		Debit	Credit	Bal	
2015		Balance Forward			\$0.00				772.90	
7/31/15	JE	TRANSFER TO 804			0.00		79.95		692.95	
7/31/15	JE	REIMBURSE GENERAL FUND			0.00				692.95	
9/18/15	4265	JENSEN BRIDGE			0.00		87.70		605.25	
9/25/15	7268	SANILAC DRAIN & TILE			0.00		605.25		(0.00)	
9/25/15	7269	SANILAC DRAIN & TILE	9.75		(9.75)				(0.00)	
9/28/15	7270	SANILAC DRAIN & TILE	123.00		(132.75)				(0.00)	
9/30/15	JE	TRANSFER TO 804	390.80		(523.55)			390.80	(0.00)	
10/13/15	7283	CONSTRUCTION & LAND USE	150.00		(673.55)				(0.00)	
10/14/15	7286	KRUEGER EXCAVATING	4,167.50		(4,841.05)				(0.00)	
6/30/16	JE	TRANSFER TO 804	108.90		(4,949.95)			108.90	(0.00)	
7/15/16	JE	LOAN FROM DUFF & BRS. DRAIN D018			(4,949.95)			20,672.85	20,672.85	



# EXHIBIT C

DRAIN NAME

**SWEET EXTENSION DRAIN**

DRAIN NO.

**S039**

BRIDGEHAMPTON TWP.

3.66 MI.

Date	Drain Order and Receipts	EXPLANATION	REVOLVING			MAINT. REVOLVING			MAIN DRAIN FUND		
			#802			#804			#801		
			Debit	Credit	Bal.	Debit	Credit	Bal.	Debit	Credit	Bal.
<b>2015</b>		Balance Forward			\$0.00			\$498.90			772.90
7/31/15	JE	TRANSFER TO 804			0.00		79.95	578.85	79.95		692.95
7/31/15	JE	REIMBURSE GENERAL FUND			0.00	79.95		498.90			692.95
9/18/15	4265	JENSEN BRIDGE			0.00			498.90	87.70		605.25
9/25/15	7268	SANILAC DRAIN & TILE			0.00			498.90	605.25		(0.00)
9/25/15	7269	SANILAC DRAIN & TILE	9.75		(9.75)			498.90			(0.00)
9/28/15	7270	SANILAC DRAIN & TILE	123.00		(132.75)			498.90			(0.00)
9/30/15	JE	TRANSFER TO 804	390.80		(523.55)		390.80	889.70			(0.00)
10/13/15	7283	CONSTRUCTION & LAND USE	150.00		(673.55)			889.70			(0.00)
10/14/15	7286	KRUEGER EXCAVATING	4,167.50		(4,841.05)			889.70			(0.00)
6/30/16	JE	TRANSFER TO 804	108.90		(4,949.95)		108.90	998.60			(0.00)
7/15/16	JE	LOAN FROM DUFF & BRS. DRAIN D018			(4,949.95)			998.60		20,672.85	20,672.85
7/15/16	JE	REIMBURSE REVOLVING FROM #801		4,949.95	0.00			998.60	4,949.95		15,722.90
7/30/16	JE	JUNE INTEREST			0.00			998.60		3.79	15,726.69
8/4/16	7706	OWEN TREE SERVICE			0.00			998.60	1,125.00		14,601.69
10/31/16	JE	JULY-SEPTEMBER INTEREST			0.00			998.60		11.07	14,612.76
11/30/16	JE	OCTOBER INTEREST			0.00			998.60		3.84	14,616.60
12/19/16	JE	NOVEMBER INTEREST			0.00			998.60		3.58	14,620.18
12/31/16	JE	DECEMBER INTEREST			0.00			998.60		3.25	14,623.43
1/31/17	JE	JANUARY INTEREST			0.00			998.60		2.67	14,626.10
2/28/17	JE	TRANSFER TO 804			0.00		145.20	1,143.80	145.20		14,480.90
2/28/17	JE	FEBRUARY INTEREST			0.00			1,143.80		2.45	14,483.35
3/31/17	JE	MARCH INTEREST			0.00			1,143.80		2.87	14,486.22
4/30/17	JE	APRIL INTEREST			0.00			1,143.80		2.91	14,489.13
5/31/17	JE	MAY INTEREST			0.00			1,143.80		2.25	14,491.38
7/19/17	JE	JUNE INTEREST			0.00			1,143.80		2.69	14,494.07
9/22/17	8167	CONSTRUCTION & LAND USE			0.00			1,143.80	150.00		14,344.07



9/22/17	R173491	SALE OF PIPE TO COLESA FARMS			0.00			1,143.80		3,456.00	17,800.07
9/30/17	JE	JULY-AUGUST INTEREST			0.00			1,143.80		7.23	17,807.30
9/30/17	JE	TRANSFER TO 804			0.00		878.90	2,022.70	878.90		16,928.40
9/30/17	JE	REIMBURSE GENERAL FUND			0.00	878.90		1,143.80			16,928.40
10/17/17	8201	JENSEN BRIDGE - COLESA			0.00			1,143.80	3,456.00		13,472.40
10/17/17	8204	CAMPBELL FARM TILING			0.00			1,143.80	13,472.40		(0.00)
10/17/17	8205	CAMPBELL FARM TILING	6,527.60		(6,527.60)			1,143.80			(0.00)
10/31/17	JE	TRANSFER TO 804	1,241.48		(7,769.08)		1,241.48	2,385.28			(0.00)
1/3/18	8316	CAMPBELL FARM TILING	4,000.00		(11,769.08)			2,385.28			(0.00)
7/16/18	JE	TRANSFER IN FROM 851			(11,769.08)			2,385.28		0.90	0.90
7/31/18	JE	TRANSFER TO 804	73.70		(11,842.78)		73.70	2,458.96			0.90
7/31/18	JE	REIMBURSE REVOLVING FROM #801			(11,842.78)	73.70		2,385.28			0.90
8/6/18	8605	OWEN TREE SERVICE	453.00		(12,295.78)			2,385.28			0.90
8/13/18	8620	RICK KAPPEL EXCAVATING LLC	2,665.50		(14,961.28)			2,385.28			0.90
8/21/18	JE	LOAN MONEY FROM POTTS & BRS DRAIN			(14,961.28)			2,385.28		15,844.48	15,845.38
8/21/18	JE	REIMBURSE REVOLVING FROM #801		14,961.28	0.00			2,385.28	14,961.28		884.10
8/31/18	JE	TRANSFER TO 804			0.00		202.90	2,588.18	202.90		681.20
8/31/18	JE	REIMBURSE GENERAL FUND			0.00	202.90		2,385.28			681.20
9/30/18	JE	EMB GEN ACCT INT - JUNE-SEPT 2018						2,385.28		0.28	681.48
10/31/18	JE	EMB GEN ACCT INT - OCT 2018						2,385.28		0.21	681.69
11/30/18	JE	TRANSFER TO 804					75.90	2,461.18	75.90		605.79
11/30/18	JE	REIMBURSE GENERAL FUND				75.90		2,385.28			605.79
11/30/18	JE	EMB GEN ACCT INT - NOV 2018						2,385.28		0.13	605.92
12/31/18	JE	EMB GEN ACCT INT - DEC 2018						2,385.28		0.32	606.24
2/28/19	JE	FEBRUARY INTEREST						2,385.28		0.14	606.38
3/31/19	JE	TRANSFER TO 804					141.90	2,527.18	141.90		464.48
3/31/19	JE	REIMBURSE GENERAL FUND				141.90		2,385.28			464.48
3/31/19	JE	TRANSFER TO 804 - CLERICAL					210.00	2,595.28	210.00		254.48
3/31/19	JE	REIMBURSE GENERAL FUND				114.14		2,481.14			254.48



# EXHIBIT D

#801

**DRAIN INSPECTION FORM**NAME OF DRAIN: Sweet Extension.xls 5039

TOWNSHIP(S): \_\_\_\_\_ SECTION (S): \_\_\_\_\_

Maintenance:

Brush	Sediment	Structures	Soil Erosion	Wash Out	Beaver Dams	Obstruction

H - High, M - Medium, L - Little, G - Good

Date Of Inspections	# OF MILES	HOURS	COMMENTS:
2/23/2017	24	2	Look at drain with Greg, going to start down by P.O.B. Drain has lots of dead trees lying in it, holding water back.
Total	24	2	

Inspection:

Doug Sweet  
 Doug Sweet, Drain Maintenance Supervisor

Campbell Exc.

SANILAC COUNTY CONSTRUCTION and LAND USE DEPARTMENT

60 W. SANILAC  
SANDUSKY, MICHIGAN 48471  
810-648-4684

**PERMIT APPLICATION**  
for Part 91  
**SOIL EROSION AND  
SEDIMENTATION CONTROL**

OFFICE USE ONLY

Permit Number
Date Issued
Expiration Date
File Number

**1. APPLICANT** (Please check if applicant is the land owner or designated agent\*)

Name		Landowner	Designated Agent
Sweet Ext. Drain			
Address			
60 West Sanilac Ave., Room 201			
City	State	Zip Code	Area Code/Telephone Number
Sandusky	MI	48471	810-648-4900

**2. LOCATION**

Section	Town	Range	Township	City/Village	County
11 & 14	12N	15E	Bridgehampton		Sanilac

**3. PROPOSED EARTH CHANGE**

Project Type:		Residential	Multi-family	Commercial
		Industrial	Land Balancing	Gov't Cooperative Body
Describe Project			Size of Earth Change (acres or square feet)	
0.75 mi. sediment removal Maintenance of an existing county drain			0.45 ac.	
Name of and Distance to Nearest Lake, Stream or Drain		Date Project to Start	Date Project to be Completed	
Sweet Ext. Drain		9/21/2017	9/21/2018	

**4. SOIL EROSION AND SEDIMENTATION CONTROL PLAN** (Refer to Rule 323.1703)

Note: _____ complete sets of plans must be attached.	Estimated Cost of Erosion and Sediment Control	
	As needed/required	
	Plan Preparer's Name and Telephone Number	Area Code ( )

**5. PARTIES RESPONSIBLE FOR EARTH CHANGE**

Name of Landowner (if not provided in Box No. 1 above)		Address	
City	State	Zip	Area Code/Telephone Number
Name of Individual "On Site" Responsible for Earth Change		Company Name	
Greg Alexander		Sanilac Co. Drain Comm.	
Address	City	State	Zip Code
60 W. Sanilac Ave., Rm 201	Sandusky	MI	48471
		Area Code/Telephone Number	
		810-648-4900	

**6. PERFORMANCE DEPOSIT** (If required by the permitting agency)

Amount Required	cash	certified check	irrevocable letter of credit	Surety Bond
Name of Surety Company				
Address	City	State	Zip Code	Area Code/Telephone Number

I (We) affirm that the above information is accurate and that I (we) will conduct the above described earth change in accordance with Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, applicable local ordinances, and the documents accompanying this application.

Landowners Signature	Print Name	Date
Designated Agent's Signature for Drainage District	Print Name	Date
<i>Doug Sweet</i>	Doug Sweet	9/6/2017

\*Designated agent must have a written statement from landowner authorizing him/her to secure a permit in the landowners name.



**Sanilac County Drain Commission**  
**Soil Erosion and Sedimentation Control Plan**  
**For Part 91 Compliance**

Project Name: Sweet Drain

Project Location: BRIDGHAMPTON, 11 & 14

Township

Section

Plans Used:           , X, X,           

Engr. Drawing

District Map

Soils Map

USGS Map

Scope Of Work: 3/4 mile sediment removal

Plan Control Measures: X, X, X,           

Temp. & Permanent

Grass Buffer

Grade Work

Seeding

Sed. Trap

          ,           ,           ,             
Check Dams

Rip Rap

Structures

Other

Start Date: 09-21-17

Completion Date 09-21-18

Doug Sweet

Drain Office Representative

09-07-17

Date

## DRAIN INSPECTION FORM

NAME OF DRAIN:

Sweet Ext.xls

S039

TOWNSHIP(S):

SECTION (S):

Maintenance:

Brush	Sediment	Structures	Soil Erosion	Wash Out	Beaver Dams	Obstruction

H - High, M - Medium, L - Little, G - Good

Date Of Inspections	# OF MILES	HOURS	COMMENTS:
9/13/2017	22	1.5	Call from Blaine Colesa about being concerned that his water isn't going to get away when we do clean out project. Took Greg out there and showed him what our plan was, he said ok it will work. We are doing the same thing on this project as we do on every other one.
9/15/2017	24	1	Check on Campbell, he is just getting started clearing trees, looks good.
9/20/2017	18	1.5	Drop off bill to Colesa Farms and pick up a check for there replacement tube. Campbell is down by where we are going to start ditching. He is knocking out the last of the trees right now.
9/21/2017	18	1.5	Check on Campbell, he is just getting started ditching, looks good. He is taking out 24-36" of sediment.
9/22/2017	16	1.5	Check on Campbell, he just crossed over Forester Rd., still taking out several feet of dirt. Also talked with Blaine Colesa, Dale Chambers said his tube needs a minimum of 18" of dirt on it, 2' would be better. If they can't get that on it they need to go up in thickness. Jenson said if contractor or farmer wreck tube there not responsible.
9/27/2017	20	2	Check on Campbell, he is just crossed over Forester Rd. He is pulling out about 36" of sediment, looks good.
9/29/2017	18	1.5	Check on Campbell, he will make Klaty's and Colesa's property line by tonight. Looks good, he is pulling 24-30" of sediment out of drain.
<b>Total</b>	<b>136</b>	<b>10.5</b>	

Inspection:

*Doug Sweet*

Doug Sweet, Drain Maintenance Supervisor

#802

**DRAIN INSPECTION FORM**

NAME OF DRAIN: Sweet Ext.xls S039

TOWNSHIP(S): SECTION (S):

Maintenance:

Brush	Sediment	Structures	Soil Erosion	Wash Out	Beaver Dams	Obstruction

H - High, M - Medium, L - Little, G - Good

Date Of Inspections	# OF MILES	HOURS	COMMENTS:
10/5/2017	24	2	Seed down drain, <u>used 3 bags of seed.</u>
10/6/2017	22	1.5	Seed down drain, <u>used 1.5 bags of seed.</u> Everything is all seeded that is dug.
10/10/2017	28	2.5	Seed down drain up to Colesa's tube, Campbell is installing it right now. Will do the last little bit of seeding next week.
10/12/2017	24	1	Check on Campbell, he will be done late tonight or early Saturday morning. I will seed I down the first of next week.
10/13/2017	24	1.5	Finished seeding down drain, <u>used 1 bag of grass seed,</u> looks good.
<b>Total</b>	<b>122</b>	<b>8.5</b>	

Quad/Seeder 3.25

Inspection:

*Doug Sweet*

Doug Sweet, Drain Maintenance Supervisor



# EXHIBIT E

## Dickinson, Leslie

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**From:** Burton, Lauren K. <lburton@clarkhill.com>  
**Sent:** Wednesday, April 24, 2019 5:27 PM  
**To:** Dickinson, Leslie  
**Cc:** Teets, Lisa; Kelly, Douglas R.  
**Subject:** RE: Sanilac County - Sweet Extension Drain/Bridgehampton Township  
**Attachments:** Correspondence to L. Dickinson re Bridgehampton Twp Sweet Drain.pdf

Hi Leslie,

Attached, please find our response to your letter on April 12, 2019. I hope this information is helpful. A hard copy will be sent out to you first thing in the morning. Please let me know if you have any further questions.

Additionally, I wanted to let you know that the Drain Commissioner has put the last four years of the Annual Drain Reports on the County's website. You can find them here: <https://sanilacounty.net/PublicPages/Entity.aspx?ID=198>.

And finally, the maintenance notification that the Township recently received is for a 2-year maintenance project consisting of mostly vegetation management (removal of trees from the drain) and minor bank stabilization work. My understanding is that the cost estimate for the entire 2-year project is approximately \$55,000. The project is currently scheduled to begin on April 30, 2019 and will run through March of 2020. Please let me know if you or the Township have any additional questions.

Thank you,

Lauren K Burton

CLARK HILL PLC  
248.988.5854 (Direct) | 248.988.2309 (Fax) | 248.925.2962 (Cell)

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**From:** Dickinson, Leslie [<mailto:LDickinson@fosterswift.com>]  
**Sent:** Monday, April 22, 2019 9:23 AM  
**To:** Burton, Lauren K.  
**Subject:** FW: Sanilac County - Sweet Extension Drain/Bridgehampton Township

Lauren – just wanted to follow up with you on my letter regarding the Sweet Extension Drain. It is my understanding that the Drain Commissioner intends to begin additional work on that drain beginning on April 30th and the Township has no information on cost, what maintenance work will be done, etc. Can you advise? Thanks.

**Leslie A. Dickinson**  
Attorney  
Foster Swift Collins & Smith PC  
1700 East Beltline, NE, Suite 200  
Grand Rapids, MI 49525-7044  
Phone: 616.726.2232  
Fax: 616.726.2299  
[ldickinson@fosterswift.com](mailto:ldickinson@fosterswift.com)  
[www.fosterswift.com](http://www.fosterswift.com)

**FOSTER SWIFT**

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF SANILAC

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TOWNSHIP OF BRIDGEHAMPTON,

Case No.: 19-38177-CZ

Plaintiff,

Hon. Donald A. Teeple

vs.

SWEET EXTENSION DRAIN  
DRAINAGE DISTRICT, GREG  
ALEXANDER, SANILAC COUNTY  
DRAIN COMMISSIONER, in his official  
capacity, DOUG SWEET, SANILAC  
COUNTY DRAIN INSPECTOR in his  
official capacity.

Defendants.

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Michael D. Homier (P60318)  
Leslie A. Dickinson (P78850)  
FOSTER, SWIFT, COLLINS & SMITH, PC  
Attorneys for Plaintiff  
1700 E. Beltline Avenue, NE, Suite 200  
Grand Rapids, MI 49525  
(616) 726-2200

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Douglas R. Kelly (P49856)  
Stephon B. Bagne (P54042)  
Lauren K. Burton (P76471)  
Clark Hill PLC  
Attorneys for Defendants Sweet Extension  
Drain Drainage District and Greg Alexander,  
Sanilac County Drain Commissioner  
151 S. Old Woodward Ave, Ste 200  
Birmingham, MI 48009  
(248) 642-9692

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**PROOF OF SERVICE**

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On this 10<sup>th</sup> day of May, 2019, I served a copy of the Township of Bridgehampton's Verified First Amended Complaint for Injunctive and Declaratory Relief, and a copy of this Proof of Service, upon the following:



Douglas R. Kelly (P49856)  
Stephon B. Bagne (P54042)  
Lauren K. Burton (P76471)  
Clark Hill PLC  
Attorneys for Defendants Sweet Extension  
Drain Drainage District and Greg Alexander,  
Sanilac County Drain Commissioner  
151 S. Old Woodward Ave, Ste 200  
Birmingham, MI 48009

I declare that the statements above are true to the best of my information, knowledge and belief.

Date: May 10, 2019

  
\_\_\_\_\_  
Amanda J. Zint

83709:00003:4215717-1

## UPS CampusShip: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**  
**Customers with a Daily Pickup**  
Your driver will pickup your shipment(s) as usual.

### Customers without a Daily Pickup

Take your package to any location of The UPS Store®, UPS Access Point™ location, UPS Drop Box, UPS Customer Center, Staples® or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.

Hand the package to any UPS driver in your area.

UPS Access Point™  
PAKMAIL

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KNAPP'S

2121 CELEBRATION DR NE  
GRAND RAPIDS ,MI 49525

UPS Access Point™  
THE UPS STORE

2153 WEALTHY ST SE  
GRAND RAPIDS ,MI 49506

AMANDA ZINT 616.726.2210 FOSTER SWIFT COLLINS & SMITH P 1700 EAST BELTLINE, NE GRAND RAPIDS MI 48933	SHIP TO: CLERK SANILAC COUNTY CIRCUIT COURT #303 60 SANILAC RD SANDUSKY MI 48471-1063	2 LBS PAK	1 OF 1
		MI 487 2-01 	
UPS NEXT DAY AIR TRACKING #: 1Z 460 468 24 9142 0194		1	
			
BILLING: P/P SIGNATURE REQUIRED			
Location: GRAND RAPIDS Client - Matter Number: 83709-00003 CS 21.1.23 WNTNVS0 12.0A 04/2019			