

**Fahey Schultz  
Burzych Rhodes**

EXPERT COUNSEL  REAL SOLUTIONS

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# LOCKPORT TOWNSHIP & PARK TOWNSHIP 425 AGREEMENT

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BY CHRISTOPHER PATTERSON AND HANNAH STOCKER

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# INTRODUCTION

# WHAT IS A 425 AGREEMENT?

- An Agreement to Transfer Property from One Municipality to Another
  - Temporary
  - Contractually Based
  - Mutually Beneficial



# LOCKPORT/ PARK 425 AGREEMENT

- Area Transferred to Park for 15 Years
  - Revert to Lockport if No Sewer Service Installed in 6 Years
- Park Receives ½ Mill of Lockport's Operating Millage
- Park Receives Sewer Service Rates from Connected Users





# WHAT AREA IS SUBJECT TO THIS AGREEMENT?

- Tim Ave Neighborhood
- Parcels on Buckhorn Rd from Lover's Lane to City of Three Rivers Border
- Meyer Trust Properties west of Tim Ave Neighborhood

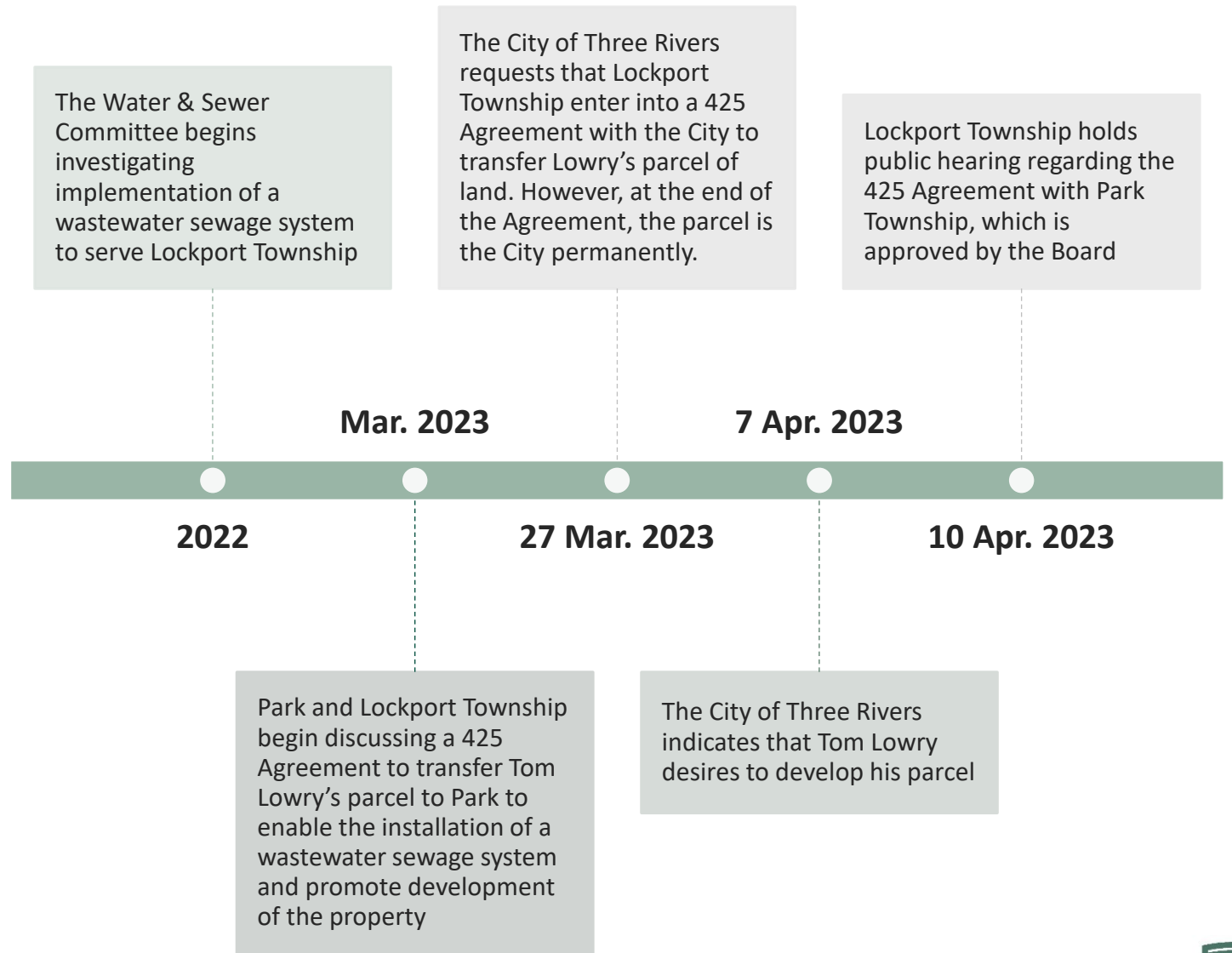


HOW DID  
WE GET  
HERE?

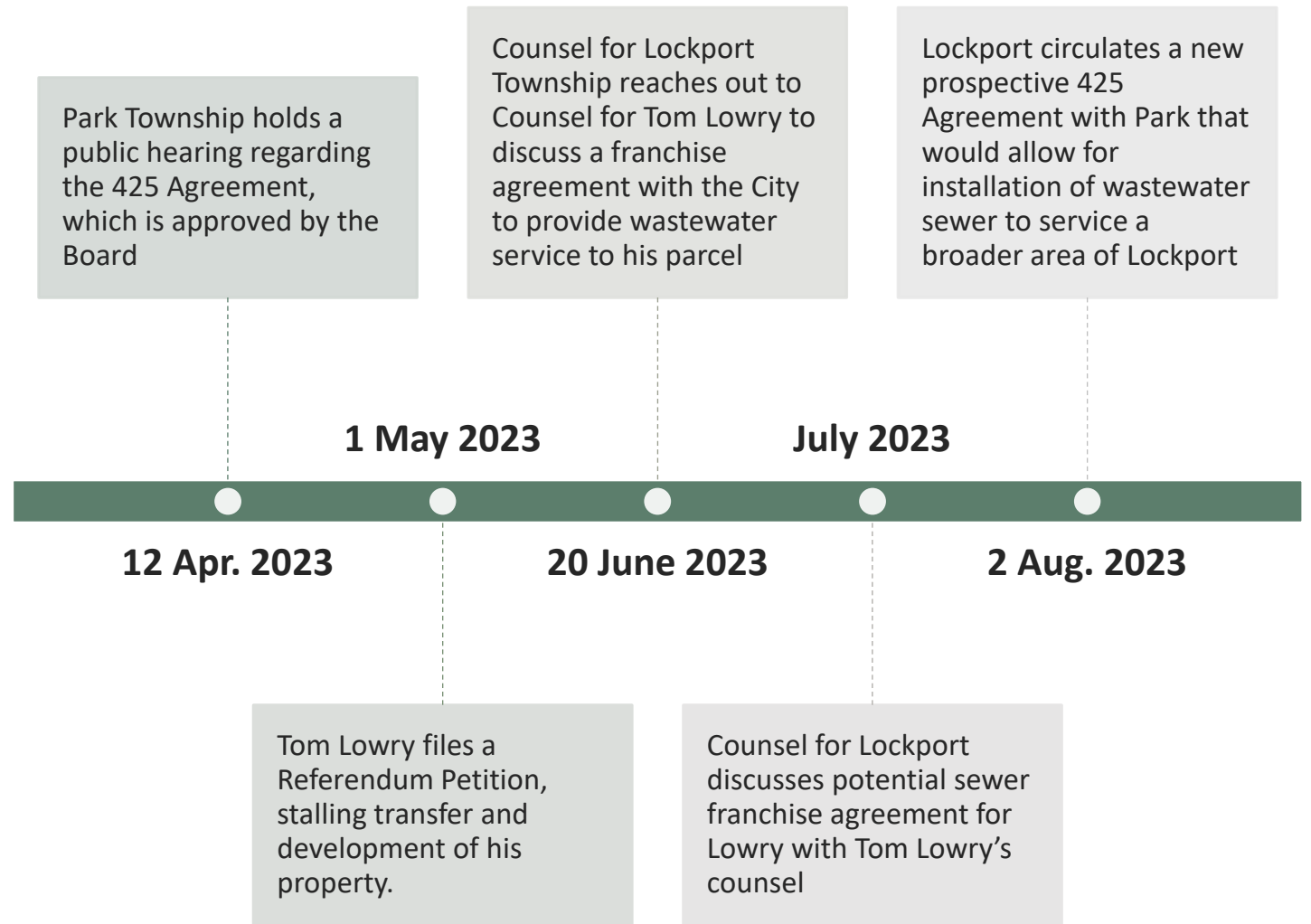
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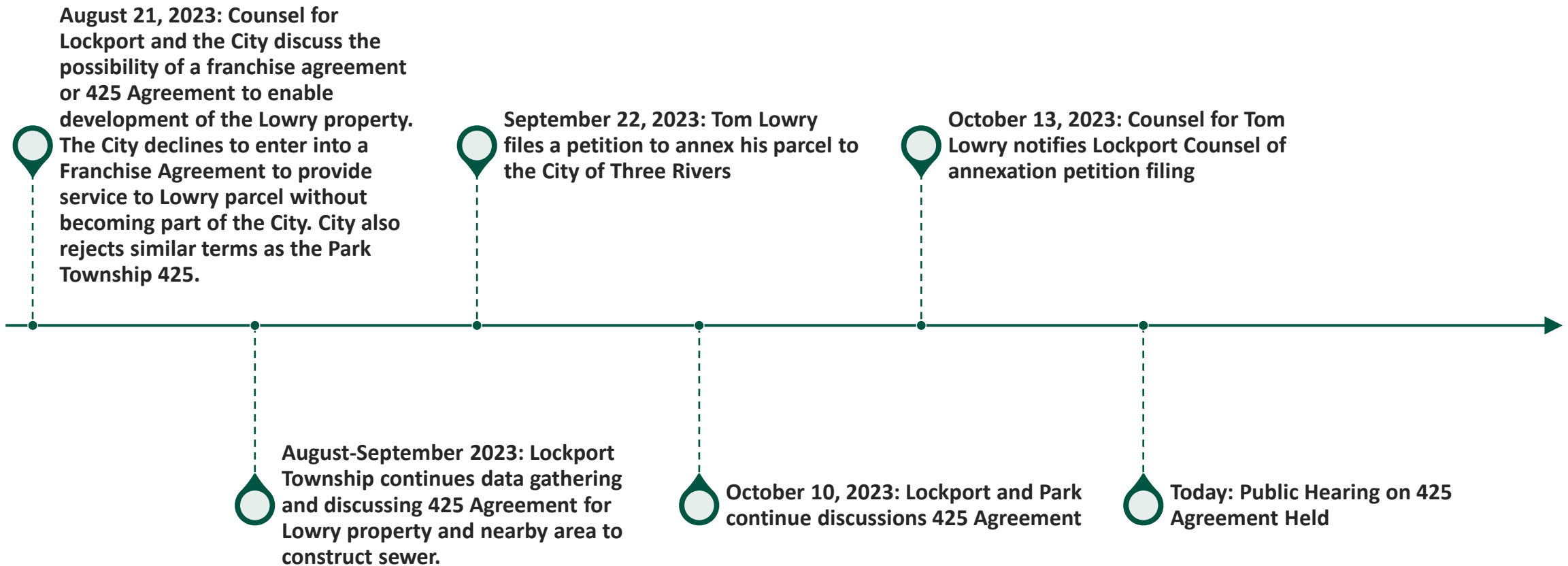
# TIMELINE



# TIMELINE CONTINUED







# TIMELINE CONTINUED

WHY A 425  
WITH PARK  
TOWNSHIP?

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# NEED FOR SEWAGE SYSTEM UPGRADE

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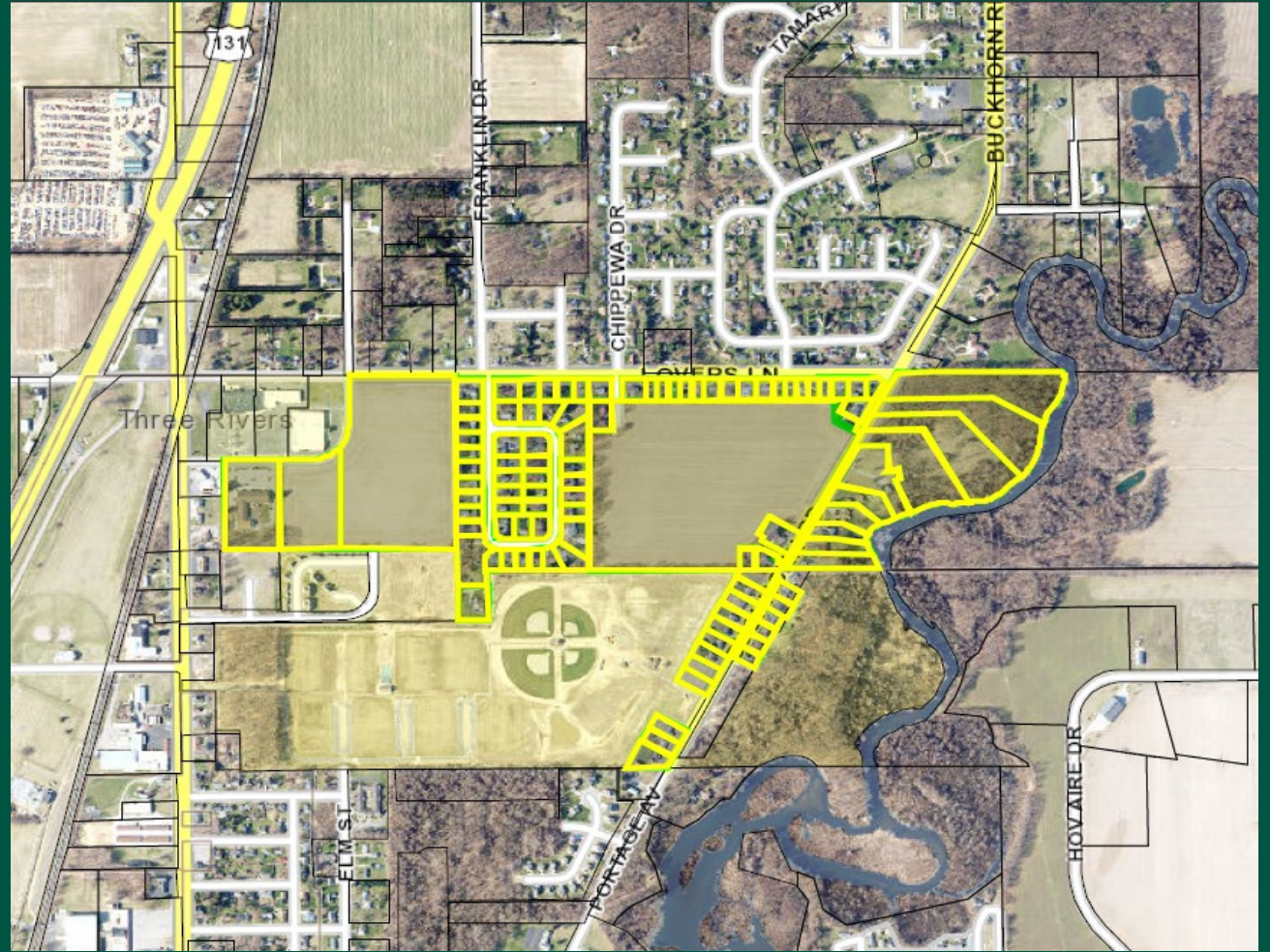


Study Area #	Study Area Name	Wastewater Generating Properties	<u>Undocumented Private Systems</u>		Properties on 1st System				Properties on 2nd System				Properties on 3rd System				Weighted Average Age For Currently Active Systems
			Count	%	Count	%	Avg Install Date	Average Age (yrs)	Count	%	Avg Install Date	Average Age (yrs)	Count	%	Avg Install Date	Average Age (yrs)	
1	Barton Lake	128	25	20%	64	50%	1988-03-23	35	36	28%	2001-04-01	22	3	2%	2006-05-07	17	30
5	Tamarac 1	323	54	17%	136	42%	1985-05-05	38	117	36%	1995-12-19	27	16	5%	2011-09-16	11	32
6	Tamarac 2	111	21	19%	74	67%	1997-05-24	26	16	14%	2006-08-26	16		0%			24
7	US131-M216	162	52	32%	58	36%	1984-09-27	38	39	24%	1993-04-20	30	13	8%	2004-10-09	18	33
8	Buckhorn	122	43	35%	22	18%	1977-12-23	45	48	39%	1991-10-09	31	9	7%	2008-06-29	15	33
9	Wilbur Road	217	41	19%	97	45%	1983-08-29	39	65	30%	1994-11-21	28	14	6%	2009-07-16	14	33
10	Fisher Lake	396	106	27%	166	42%	1984-11-13	38	105	27%	1996-11-02	26	19	5%	2004-12-22	18	33
11	Parkville - Industrial	36	18	50%	8	22%	1983-12-08	39	8	22%	1992-09-01	30	2	6%	1994-07-26	29	34
12	Parkville - Residential	57	22	39%	17	30%	1983-01-21	40	13	23%	1999-11-06	23	5	9%	2008-03-29	15	30

<b>Total(s):</b>	<b>1552</b>	<b>382</b>	<b>25%</b>	<b>642</b>	<b>41%</b>	<b>1985-06-19</b>	<b>38</b>	<b>447</b>	<b>29%</b>	<b>1997-01-07</b>	<b>26</b>	<b>81</b>	<b>5%</b>	<b>2006-01-29</b>	<b>17</b>	<b>32</b>
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# PRIVATE SEPTIC SYSTEM STATISTICS

EXTENDS  
SEWER  
SERVICE TO  
PROTECT  
PUBLIC  
HEALTH



ENCOURAGES  
RESIDENTIAL  
DEVELOPMENT  
CONSISTENT  
WITH ZONING  
ORDINANCE



SUPPORTS  
COMMUNITY



# WHY NOT THE CITY?

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- Refuses to discuss a mutual acceptable sewer franchise agreement where the City would collect much needed rate revenue from development in the Township
- City believes that development outside its jurisdiction is competition as opposed to a smart growth approach benefiting the entire community;
- City's position of requiring property owners to only be within the City's boundaries only increases costs and fails to allow affordable housing to support the local area
- Township has concerns regarding City's wastewater system integrity
- City's inability to provide clean water to its residents
- Questionable fiscal ability to provide public health and safety services to residents



# More wastewater spills into St. Joseph River; no-contact advisory issued

By Robert Tomlinson  
News Director

**THREE RIVERS** — For the second time in three weeks, a no-contact advisory has been issued for the St. Joseph River following another spill of wastewater from the Three Rivers Wastewater Treatment Plant (WWTP).

The Branch-Hillsdale-St. Joseph Community Health Agency (BHSJ) announced Thursday morning that an estimated 20,000 gallons of untreated wastewater was accidentally discharged into the river on Wednesday night between 9:30 p.m. and 11:30 p.m.

Health officials say the cause of the discharge was the heavy rains the area faced on Wednesday, which they say “overwhelmed” pumps that directed waste to the plant. The pumps were being

Joseph River from the Broadway Street Bridge to the Withers Road Bridge as a precautionary measure due to numerous infectious diseases being associated with fecal coliform. This advisory includes any type of body contact with the river for recreational activities such as tubing, kayaking, swimming, canoeing or fishing. It is also advised to keep animals out of the water. Anyone having contact with the river af-

ter 9:30 p.m. Wednesday is advised to take a shower and wash any clothing that was in contact with the river. Pets should also be bathed if they were in contact with the water.

The advisory is in effect until water samples from the river have been analyzed and demonstrate that coliform levels are back at normally expected amounts.

This is the second time in July that a no-contact order has been issued

for a portion of the St. Joseph River. On July 10, a no-contact advisory was issued after 500,000 gallons of wastewater spilled into the river due to a force main break that happened the previous Friday at the Constantine Street Lift Station, at the intersection of Constantine Street and Broadway Street. A temporary bypass is still in place across Constantine Street south of Broadway Street due to that spill.

During that spill, WWTP Superintendent Taylor Davis came under fire for not reporting the spill in a timely manner to BHSJ per legal requirements. BHSJ officials said he would not face discipline, and would conduct additional training with him to prevent issues like that happening again in the future.

Davis apologized for the July 7 spill at the July 18 Three Rivers City Commission meet-

ing, saying his relative inexperience with those kind of spills “wasn’t an excuse” to not contact the health department sooner. He added that he didn’t expect the Michigan Department of Environment, Great Lakes and Energy (EGLE) to levy any fines for that incident.

*Robert Tomlinson can be reached at 279-7488 or [robert@threerivers-news.com](mailto:robert@threerivers-news.com).*

## OPEN HOUSE-Sunday July 30th

16530 Hess Ave-Three Rivers, MI 49093

OPEN 11am - 12:30pm

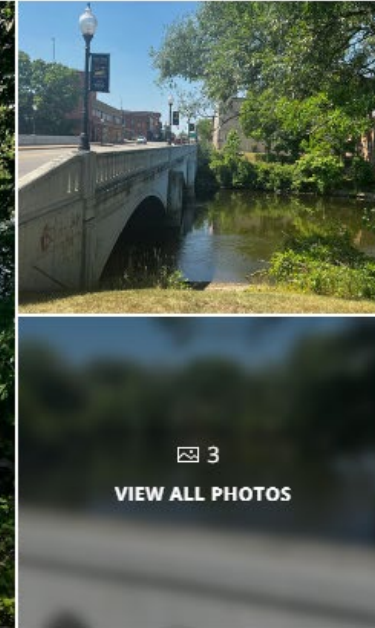
**MOVE IN READY-** Two-story Traditional Home featuring 3 bedrooms, 1000+ sqft of finished living space, fresh interior/exterior paint, 1 car det, garage & more. This Home is Move In Ready!!! Location, location, location- your Home is just a short drive to the US 131, Marcellus Highway, Park Elementary, the Rocky River



# CONCERNS ABOUT CITY SYSTEM INTEGRITY

# Half a million gallons of sewage spill into St. Joseph River near Three Rivers

by TJ Blystone and Autumn Pitchure | News Channel 3 | Mon, July 10th 2023, 2:14 PM EDT



*A no contact advisory was issued for the river between Three Rivers and Constantine on July 10, 2023 after 500,000 gallons of untreated sewage spilled into the water, the Branch-Hillsdale-St. Joseph Community Health Agency said. July 10, 2023 (Autumn Pitchure/WWMT)*



THREE RIVERS, Mich. — A no contact advisory has been issued Monday for all contact with the St. Joseph River between Three Rivers and Constantine, according to the Branch-Hillsdale-St. Joseph Community Health Agency.

KALAMAZOO

## Avoid contact with Michigan river after 2nd sewage spill this month

Published: Jul. 27, 2023, 11:03 a.m.

THREE RIVERS, MI -- For the second time this month, untreated wastewater was discharged into the St. Joseph River. Once again, health officials are warning people to avoid the river.

Officials at the Three Rivers Wastewater Treatment Plant notified the Branch-Hillsdale-St. Joseph Community Health Agency of an estimated 20,000 gallons of untreated wastewater discharged into the St. Joseph River, the Three Rivers Police Department said on Thursday, July 27.

People are advised to avoid any body contact with the St. Joseph River from the Broadway Street Bridge to the Withers Road Bridge. In other words, the affected area is between Three Rivers and Constantine.

After Constantine, the St. Joseph River flows through South Bend, Indiana, and then back into Michigan through St. Joseph and out into Lake Michigan.

The issue was identified at 9:30 p.m. Wednesday, July 26, and resolved at 11:30 p.m. that day.



# CONCERNS WITH FISCAL ABILITY OF CITY TO PROVIDE SERVICES



# Health department: Don't drink the water in Three Rivers

by: [Rachel Van Gilder](#), [David Horak](#)  
Posted: Aug 3, 2023 / 01:25 PM EDT  
Updated: Aug 3, 2023 / 06:07 PM EDT



SHARE



THREE RIVERS, Mich. (WOOD) — The local health department is advising people in Three Rivers not to drink the water from their taps without a filter after tests by the city returned lead results above the state “action level.”

The [Branch-Hillsdale-St. Joseph Community Health Agency](#) said it will [start distributing filters](#)

## TOP STORIES ON WOODTV.COM

- **Million-dollar Powerball prize set to expire**  
Michigan • 3 hours ago
- **3 West Michigan missionaries die in crash in Kenya**  
Ottawa County • 2 hours ago
- ▶ **Storm Team 8 Forecast**  
Forecast • 3 hours ago

CITY'S INABILITY TO PROVIDE  
CLEAN WATER SERVICE

# MAYOR LOWRY ON COMPROMISED WATER SYSTEM

## How will you address Three Rivers' water quality and cost issues if elected?

- This is a very serious issue and I and others are addressing this. But first a few facts. The City of Three Rivers is having the same problems with our water as thousands of other cities across our state and nation.
- There is a trickle of money to start the sampling to get a sense of how many houses might have an issue. **The first sampling here in Three Rivers suggests that maybe 40% of all houses are at risk.** That would be up to 1400 houses! That would take about 6-10 million dollars to fix!
- [O]ur City Commission has been aware of this for several years and will start addressing it as we get more money to tackle it.

- The Watershed Voice

# MAYOR LOWRY ON POLICE, FIRE, AND AMBULANCE

**What other issues do you believe are important to address? What measures will you pursue to address those issues?**

- We continue to support our Police, Fire, and Ambulance Depts but are looking at some tremendous increases in replacement costs! For instance the last fire truck was \$400,000 or so but a replacement will be 3-5 times as much!

- The Watershed Voice

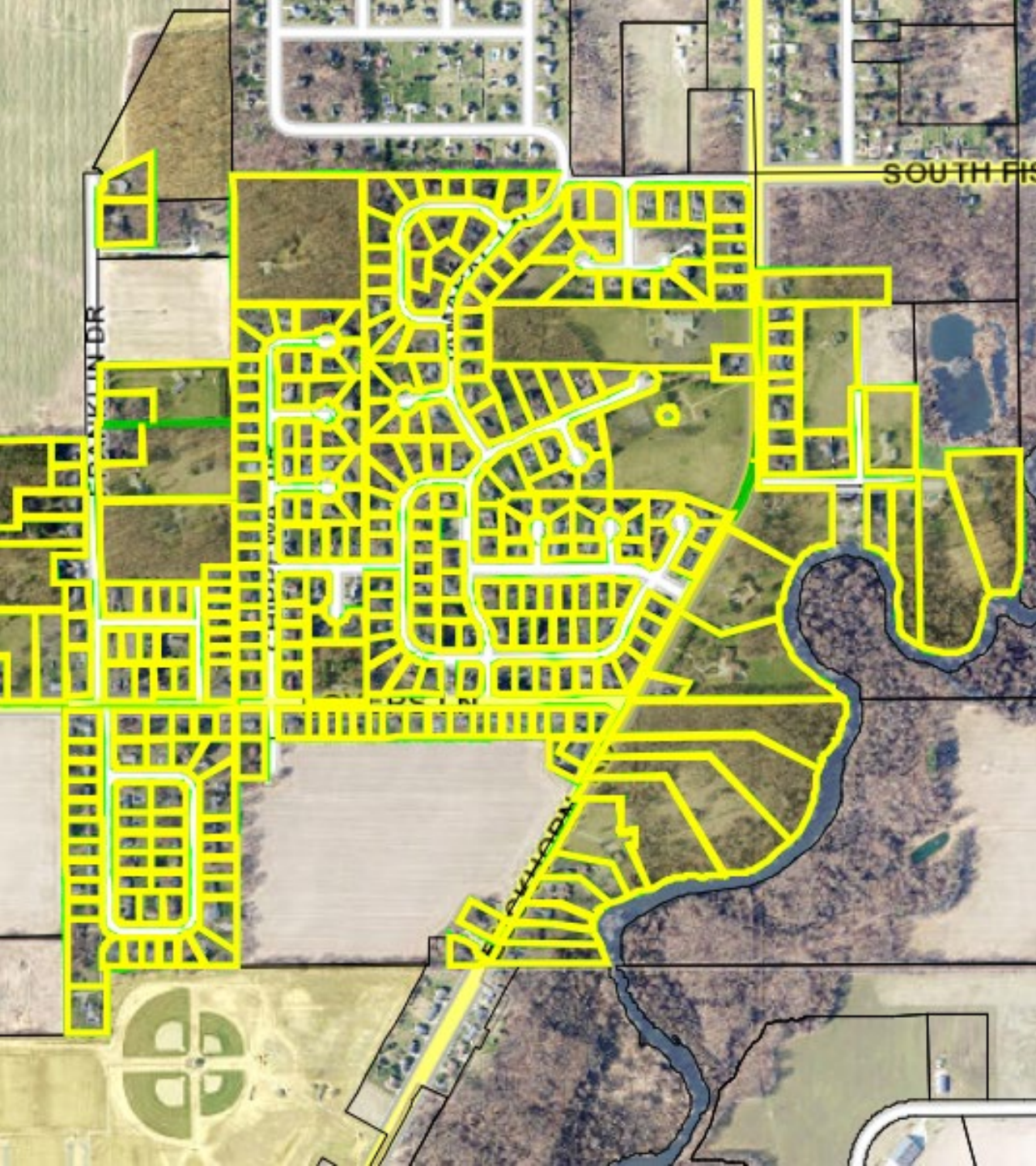
# MAYOR LOWRY ON AFFORDABLE HOUSING

How will you plan to address the lack of affordable housing in the community if elected?

- We have very little money to find those builders of affordable housing, so we welcome any companies that will address this issue and we work closely with them.

- The Watershed Voice





# PROPOSED, NEW SEWER SYSTEM FROM PARK

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# LOCKPORT WATER SYSTEM

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AM I STILL A  
LOCKPORT RESIDENT?

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# YES!

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Taxed by Lockport



Subject to Lockport Ordinances



Subject to Lockport Zoning and Planning



Vote in Lockport



Receive Lockport Services



# LOCKPORT/PARK 425 AGREEMENT IN SUMMARY

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- Helps Provide Funding to Park to Establish the Wastewater Service System
- Would Bring Wastewater Service to Over 85 Parcels in Lockport
  - Wastewater Service Leads to Development
  - Attracts New Businesses
  - Encourages New Homes
  - Brings New People
- Mutually Beneficial



# QUESTIONS

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