

SEYMOUR ROAD DRAINAGE

Position Memorandum & Evidence Packet

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1. Executive Summary

Seymour Road's drainage collects stormwater on the west side of the road and discharges it through a cross-road culvert onto private property on the east side. The water then crosses four private parcels in sequence before being pumped back to the road — a “horseshoe” that uses private land as an unbuilt drainage channel. The current reconstruction lowers the culvert and leaves the west ditch un-re-ditched, increasing the volume and velocity of water forced onto private land. FEMA maps the property as Zone X (minimal flood hazard, outside any natural floodplain), confirming this is drainage-induced flooding, not natural floodplain inundation.

Requested action (time-sensitive — crews are on site now): approve the no-added-cost backslope already offered by the project's engineering firm (Wade Trim), or direct the Road Commission engineer to evaluate the three solutions in Section 6 — before the final grade is set.

► **VIDEO OF THE FLOODING — “Seymour Road Water Damage” (about 40 seconds):**
vimeo.com/1201855236



Scan to watch

2. The Property & The Parties

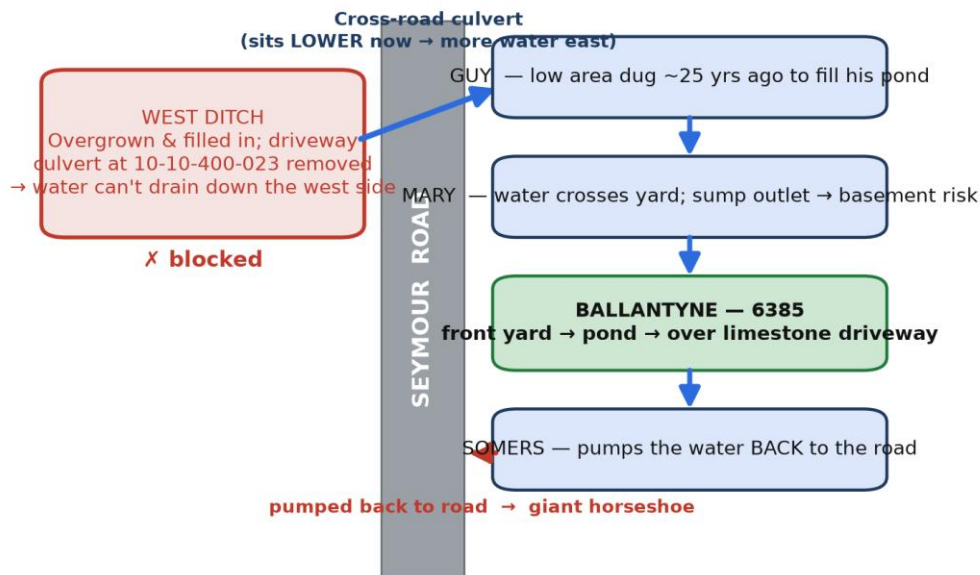
Parcel / Location	Owner	Role in the water path
West side of Seymour Rd	Genesee County Road Commission	Cross-road culvert collects & discharges stormwater eastward
East side — upstream	“Guy”	First private parcel to receive the discharged water; low area dug ~25 yrs ago to fill Guy's pond
East side — next	“Mary”	Water crosses her yard; home sump outlet now at risk of basement flooding
6385 Seymour Rd	Jason Ballantyne	Water crosses front yard, pond (Koi loss), and over limestone driveway
East side — downstream	Sue Somers	Receives the flow; pumps it back to

		the Seymour Rd ditch
10-10-400-023 (opposite Mary)	(west side)	Driveway culvert REMOVED during construction; west ditch not re-ditched

3. How The Water Moves

The county characterizes the east-side route as a natural “low-lying area” draining to the Snell Drain nearly a mile east. Residents dispute this: the low area was excavated roughly 25 years ago to fill a neighbor's (Guy's) pond — it is not a natural watercourse, and it can be re-filled. Long-time residents (including Rick Thiel of Michigan Pipe, whose family has owned land here since the 1800s) attribute added flow to a prior Reid Road project upstream.

How the water moves — the “horseshoe” off Seymour Road and back



FEMA Zone X (minimal flood hazard): this is drainage-induced flooding, not a natural floodplain.

The water's path. See the Visual Evidence Appendix for the full labeled photo set.

4. Why The Current Construction Makes It Worse

- **Lowered cross-road culvert** — directs more water east onto private property (Appendix D1–D2).
- **West side can no longer drain** — the west ditch is overgrown and was not re-ditched, and the driveway culvert at parcel 10-10-400-023 was removed, so water backs up and is forced across the road (Appendix E1–E4). These west-side parcels themselves do not flood — the failure to drain them is what overloads the east side.
- **Re-ditched / cleared east-side culverts** — moves water onto private land faster, not down the road.
- **Mary's sump outlet formerly sat ~1" above the high-water line** — the lowered grade now threatens to flood her basement (Appendix F1).



Jun 2026 — cross culvert discharging east onto private land.



Apr 2025 — stormwater sheeting across yard & driveway.

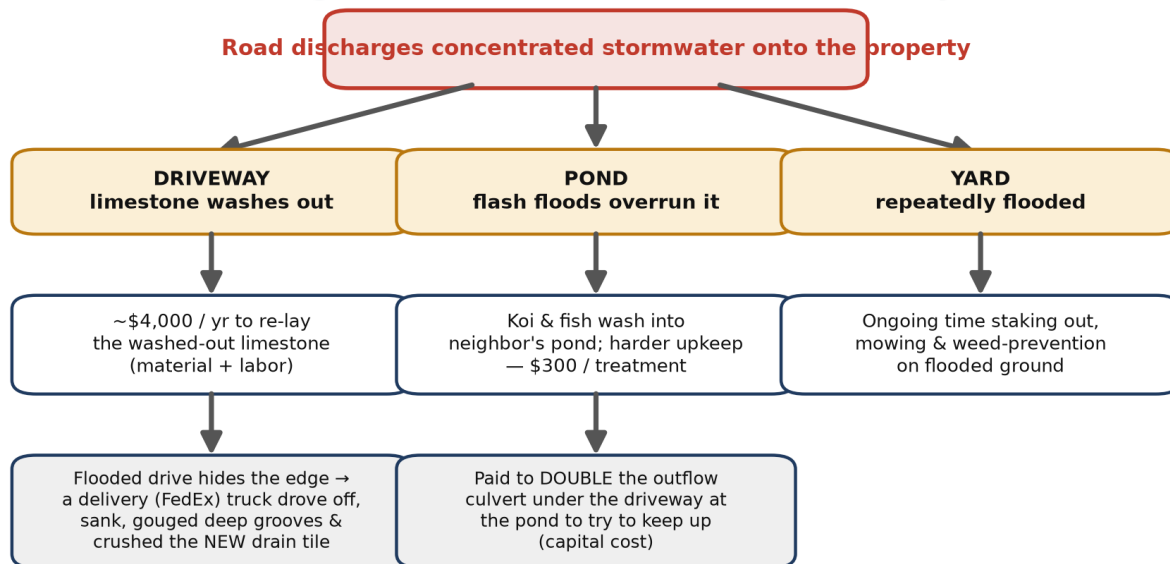
5. Documented Damages & Costs

What's at risk: the subject is an 11+ acre rural-residential property with a pond and a well-maintained two-story home. The recurring flooding, erosion, and pond overflow put that investment at risk on top of the year-to-year repair costs below.

These costs cascade — each problem triggers the next:

- **Driveway** — the rapid flow washes out the limestone every year — about \$4,000/yr in material and labor.
- **Stuck trucks** — when water covers the driveway and road the edges disappear, and delivery trucks get stuck trying to drive through the moving water. One delivery truck (FedEx) trying to get past the flow went off the driveway, sank, gouged deep grooves, and crushed newly installed drain tile — adding repair and replacement costs.
- **Mitigation already paid for** — the owner paid to roughly double the outflow capacity at the pond / under the driveway (Appendix C1–C2) to try to keep up; the moving water still overwhelms it.
- **Pond** — flash floods wash expensive Koi and other fish into the neighbor's pond; treatment runs \$300 each and upkeep is harder.
- **Yard** — ongoing time staking out, mowing, and weed-preventing the repeatedly flooded ground.

The cascading cost of the road's water on 6385 Seymour Rd



Cascading effect: each problem triggers the next — the costs compound every year.

The compounding cost of the road's water on the property.

6. Proposed Solutions

1. **Backslope east + re-ditch west + add west driveway culvert (PREFERRED).** Create a backslope from Guy's through Mary's; lower the next two driveway culverts north of Guy's to carry the flow; opposite Mary's on parcel 10-10-400-023, re-ditch and re-add a driveway culvert so water travels down the west side of the road. Lowest cost and available immediately — already offered by Wade Trim's PM (Matt), pending Road Commission approval.
2. **Pipe past Mary's.** Pipe the water past Mary's house, and still re-ditch and add the driveway culvert at 10-10-400-023, allowing flow along both sides of the road without bottlenecking onto private property.
3. **Relocate the cross drain.** Move the cross drain past the crest in the road; the low-lying west-side area can hold substantial water.

7. Legal Backbone (information — not legal advice)

Michigan surface-water ("natural flow" / reasonable-use) rule.

Lower land must accept the natural flow of surface water from higher land, but an upper owner (including a road authority) may not artificially collect surface water and discharge it in a concentrated flow, in greater quantity or velocity, onto a lower owner through an artificial ditch, drain, or culvert. Concentrating stormwater through a cross-road culvert and casting it onto private parcels is the classic exception to the natural-flow easement.

FEMA flood designation.

The parcel is mapped Zone X — "Area of Minimal Flood Hazard," outside the 1% (100-yr) and 0.2% (500-yr) floodplains (FEMA National Flood Hazard Layer; parcel at 42.9331, -83.8577). This is independently corroborated by the property's mortgage appraisal, which records the parcel as not in a Special Flood

Hazard Area (FEMA FIRM panel 26049C0290D, eff. 9/25/2009). Together these support that the flooding is induced by the road's concentrated discharge, not natural floodplain inundation.

Liability of a public road/drain authority.

Michigan abolished the “trespass-nuisance” exception to governmental immunity in *Pohutski v City of Allen Park*, 465 Mich 675 (2002) (overruling *Hadfield v Oakland County Drain Comm'r*). The live theory when a public improvement floods private land is therefore inverse condemnation / unconstitutional taking — *Peterman v Dep't of Natural Resources*, 446 Mich 177 (1994) — which requires a deliberate act in furtherance of a public improvement (not mere negligence) and a causal connection to the damage. Deliberately lowering a culvert during a road project so that it concentrates water onto private land fits that framing. (Mich Const 1963, art 10, § 2; U.S. Const amend. V.)

Michigan Drain Code (Act 40 of 1956, MCL 280.1 et seq.).

A landowner may petition the Genesee County Drain Commissioner to establish, clean out, deepen, or improve a county drain, or for permission to connect drainage to an established drain. If the Road Commission asserts the water lawfully flows to the Snell Drain, there should be a recognized drain and easement for that route; if none exists across these private parcels, that undercuts the “low-lying area to the Snell Drain” justification.

Cautions / deadlines.

Claims against governmental bodies can carry short notice deadlines (e.g., the highway-defect exception, MCL 691.1402 / .1404, requires written notice within 120 days). Inverse-condemnation claims are constitutional and generally are not subject to that 120-day notice, but limitations periods still apply. This memo is general information, not legal advice; before filing any claim, consult a Michigan attorney experienced in drainage / inverse condemnation so no deadline lapses.

8. Requested Action & Timeline

- **Now (days)** — Approve Wade Trim's offered backslope while equipment is mobilized (lowest cost), OR direct the Road Commission engineer to evaluate Solutions 1–3.
- **This week** — Brief site visit / call with the resident, Wade Trim (Matt / Andre), and the Road Commission.
- **Backstop** — If unresolved, formalize a proper drainage outlet via the Genesee County Drain Commissioner and preserve the inverse-condemnation record.

9. Exhibit Index (see Visual Evidence Appendix)

Proves	Appendix / Files
Flood video (online)	“Seymour Road Water Damage” — vimeo.com/1201855236
Chronic flooding pre-dates construction	A1–A2 · 20230331_111729; 20231124_164233.jpg
Flood events (incl. video)	B1–B4 · 20250402_151333/163045; Hurricane Flood + 20240710 videos & stills
Resident-funded mitigation (doubled outflow)	C1–C4 · 20240805_175132/175103; 20240806_101052; 20250506_102525

Cross-road drain discharging east	D1–D2 · Seymour road\20260615_085425/085526
West side can't drain (before/after)	E1–E2 Street View (May 2025) + E3–E4 Seymour road\20260615_085935/085938
Mary's sump — basement risk	F1 · Seymour road\20260615_095827
Water-flow map & cost cascade	custom graphics (this packet)

10. Key Contacts

- Alex Patsy — Genesee County Road Commission — apatsy@gcrc.org (decision-maker; approval needed).
- Matt — Wade Trim, Project Manager — offered to backslope; supports residents.
- Andre — Wade Trim, Inspector — supports residents.
- Rick Thiel — Michigan Pipe; family on Seymour Rd since the 1800s — corroborating witness on historic water flow & the Reid Road contribution.
- Affected owners: Guy, Mary, Jason Ballantyne (6385), Sue Somers.

This document organizes the resident's own observations and publicly available legal information for discussion with the Road Commission. It is not legal advice and does not create an attorney-client relationship.