



## Legislation Details (With Text)

**File #:** 2022-027      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 1/20/2022      **In control:** Board of Directors

**On agenda:** 1/26/2022      **Final action:** 1/26/2022

**Title:** Resolution of Necessity Re: 96-Inch Water Transmission Main Relocation Project and Good Faith Offer to the Owners of Yates Cider Mill Not to Exceed \$210,000.00

**Sponsors:** Randal Brown

**Indexes:** General Counsel

**Code sections:**

**Attachments:** 1. RoN re 96-Inch Water Transmission Main Relocation Project.pdf

Date	Ver.	Action By	Action	Result
1/26/2022	1	Board of Directors	Approved	Pass
1/26/2022	1	Legal Committee	Recommended for Approval	Pass

### Resolution of Necessity Re: 96-Inch Water Transmission Main Relocation Project and Good Faith Offer to the Owners of Yates Cider Mill Not to Exceed \$210,000.00

**Agenda of:** January 26, 2022  
**Item No.:** 2022-027  
**Amount:** Not to exceed \$210,000.00

**TO:** The Honorable  
Board of Directors  
Great Lakes Water Authority

**FROM:** Suzanne R. Coffey, P.E.  
Interim Chief Executive Officer  
Great Lakes Water Authority

**DATE:** January 20, 2022

### RE: Resolution of Necessity Re: 96-Inch Water Transmission Main Relocation Project and Good Faith Offer to the Owners of Yates Cider Mill Not to Exceed \$210,000.00

#### MOTION

Upon recommendation of Randal Brown, General Counsel, the Board of Directors (Board) of the Great Lakes Water Authority (GLWA), **adopts the attached Resolution of Necessity; authorizes GLWA to make a good faith offer to the owners of Yates Cider Mill in an amount not to exceed \$210,000.00;** and authorizes the Interim Chief Executive Officer to take such other action as may be necessary to accomplish the intent of this vote.

#### BACKGROUND

GLWA is a public body incorporated as a regional water and sewer authority pursuant to the provisions of Michigan 1955 PA 233, as amended. MCL 124.28I, *et seq.* Pursuant to its incorporating statute and Article 4 of its Articles of Incorporation; "The Authority may acquire property by purchase, construction, lease, grant, gift, devise, or **condemnation** ..." (emphasis added) A necessary prerequisite for filing a condemnation action, also referred to as an eminent domain action or a taking, a public body must adopt a Resolution of Necessity reflecting the public purpose to be served and authorizing the use of condemnation as a means to acquire property necessary to serve that purpose. If a condemnation action is filed, property owners receive fair value for their property interest condemned to serve the public need.

In order to provide water supply services, it is necessary to relocate the 96-inch water transmission main. GLWA staff, with the support of consultants, have determined that GLWA needs to acquire certain privately held parcels to relocate the transmission main. GLWA is appraising the properties and will negotiate in good faith with landowners regarding opportunity purchases. For the owners of the Yates Cider Mill, the good faith offer is an amount not to exceed \$210,000.00. A Resolution of Necessity is now necessary to assemble the land necessary for this project.

#### **JUSTIFICATION**

The use of condemnation is necessary to complete this project while serving the public purpose of maintaining compliance with applicable laws and regulations and protecting the environment. In order to minimize the disruption to adjoining landowners, GLWA is only condemning the properties necessary to relocate the water transmission main. At this point, GLWA will make its final good faith offers to the landowners, including to the owners of Yates Cider Mill in an amount not to exceed \$210,000.00 and, upon adoption of the Resolution of Necessity, will initiate any necessary legal proceeding related to the acquisition of the necessary parcels for this public purpose.

#### **BUDGET IMPACT**

The funds necessary for the acquisition of properties for this public purpose are available.

#### **COMMITTEE REVIEW**

This matter was reviewed by the Legal Committee at its meeting on January 26, 2022.

#### **SHARED SERVICES IMPACT**

This item does not impact the shared services agreement between GLWA and DWSD.