



Legislation Details (With Text)

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File created: 5/3/2024 **In control:** Board of Directors

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Title: Resolution of Necessity Re: Northwest Interceptor to Oakwood CSO Sewer Project regarding 325 Fort Street, Detroit, Michigan 48217 (Tax ID No. 20014864) and 411 Fort Street, Detroit, Michigan 48217 (Tax ID No. 20014869-90) owned by Downriver Public Warehouse and Storage, LLC

Sponsors: David W. Jones

Indexes: General Counsel

Code sections:

Attachments: 1. Resolution of Necessity - Downriver Warehouse

Date	Ver.	Action By	Action	Result
5/22/2024	1	Board of Directors	Approved	Pass
5/22/2024	1	Legal Committee	Recommended for Approval	

Resolution of Necessity Re: Northwest Interceptor to Oakwood CSO Sewer Project regarding 325 Fort Street, Detroit, Michigan 48217 (Tax ID No. 20014864) and 411 Fort Street, Detroit, Michigan 48217 (Tax ID No. 20014869-90) owned by Downriver Public Warehouse and Storage, LLC

Agenda of: May 22, 2024
Item No.: **2024-184**
Amount: N/A

TO: The Honorable
Board of Directors
Great Lakes Water Authority

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

DATE: May 3, 2024

RE: Resolution of Necessity Re: Northwest Interceptor to Oakwood CSO Sewer Project regarding 325 Fort Street, Detroit, Michigan 48217 (Tax ID No. 20014864) and 411 Fort Street, Detroit, Michigan 48217 (Tax ID No. 20014869-90) owned by Downriver Public Warehouse and Storage, LLC

MOTION

Upon recommendation of David W. Jones, General Counsel, the Board of Directors (Board) of the Great Lakes Water

Authority (GLWA) (1) **adopts the attached Resolution of Necessity**; and (2) authorizes the CEO to take such other action as may be necessary to accomplish the intent of this vote.

JUSTIFICATION

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 124.281, *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.

This property is needed for the Northwest Interceptor to Oakwood CSO Sewer project. GLWA staff, with the support of consultants, have determined that GLWA needs to acquire an easement over a privately held property to support the work. GLWA appraised the property and will negotiate in good faith with the landowner. A Resolution of Necessity is now necessary to acquire an easement over vacant land located at 325 Fort Street, Detroit, Michigan 48217 (Tax ID No. 20014864) and 411 Fort Street, Detroit, Michigan 48217 (Tax ID No. 20014869-90).

BUDGET IMPACT

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

COMMITTEE REVIEW

This matter was presented to the Legal Committee at its meeting on May 22, 2024. The Legal Committee recommended that the GLWA Board adopt the resolution as presented.

SHARED SERVICES IMPACT

This request does not impact the Shared Services Agreement between GLWA and DWSD.