



## Legislation Details (With Text)

<b>File #:</b>	2024-158	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>		Passed	
<b>File created:</b>	4/9/2024	<b>In control:</b>		Board of Directors	
<b>On agenda:</b>	4/24/2024	<b>Final action:</b>		4/24/2024	
<b>Title:</b>	Resolution of Necessity Re: Permanent Easement for 14701 East Jefferson, Detroit, MI 48215 (Parcel No. 21000607)				
<b>Sponsors:</b>	David W. Jones				
<b>Indexes:</b>	General Counsel				
<b>Code sections:</b>					
<b>Attachments:</b>	1. 14701 East JeffersonResolution of Taking, 2. 14701 E. Jeff Res of Necessity				

Date	Ver.	Action By	Action	Result
4/24/2024	1	Board of Directors	Approved	Pass
4/24/2024	1	Legal Committee	Recommended for Approval	Pass

### Resolution of Necessity Re: Permanent Easement for 14701 East Jefferson, Detroit, MI 48215 (Parcel No. 21000607)

Agenda of: April 24, 2024  
Item No.: **2024-158**  
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:** April 26, 2024

**RE: Resolution of Necessity Re: Permanent Easement for 14701 East Jefferson, Detroit, MI 48215 (Parcel No. 21000607)**

#### MOTION

Upon recommendation and opinion of David W. Jones, General Counsel, the Board of Directors for the Great Lakes Water Authority (GLWA): (1) **adopts the attached Resolution of Necessity**; and (2) authorizes the 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 124.281, *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). As 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.

GLWA is currently reconstructing and rehabilitating the necessary sewer infrastructure at the Fox Creek Sewer Facility. GLWA staff, with the support of consultants, have determined that GLWA needs to acquire this privately held property to support the project. GLWA appraised the property and will negotiate in good faith with the landowner. A Resolution of Necessity is now necessary to acquire a permanent easement located at 14701 East Jefferson, Detroit, MI 48215 (Parcel No. 21000607).

#### **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. To minimize the disruption to adjoining landowners, GLWA is only condemning a property necessary to support the project. At this point, GLWA will make its final good faith offer to the landowner and, upon adoption of the Resolution of Necessity, will initiate any necessary legal proceedings related to acquiring the necessary parcel for this public purpose.

#### **BUDGET IMPACT**

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

#### **COMMITTEE REVIEW**

This matter was presented to the Legal Committee at its meeting on April 24, 2024. The Legal Committee unanimously recommended that the GLWA Board adopt the resolution as presented.

#### **SHARED SERVICES IMPACT**

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