



## Legislation Text

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File #: 2021-447, Version: 1

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### **Resolution of Necessity Re: Access Shaft and Pump Station Near Ashland and Fox Creek Interceptors**

Agenda of: November 18, 2021  
Item No.: **2021-447**  
Amount: N/A

**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:** November 15, 2021

### **RE: Resolution of Necessity Re: Access Shaft and Pump Station Near Ashland and Fox Creek Interceptors**

#### 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**; 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.

To provide the ability to safely and reliably isolate the Freud Pump Station wet well, and pump dry weather sanitary sewage to the Water Resource Recovery Facility (WRRF), GLWA needs to construct an access shaft and sanitary pump station east of the Freud Sewage Pumping Station and realign the roadway around these structures. Working with Arcadis, GLWA's consultant on this project, GLWA has identified properties that it needs to acquire adjacent to the Ashland and Fox Creek interceptors. GLWA has appraised the properties and negotiated in good faith with landowners regarding opportunity purchases. 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 construct the access shaft, pump station and realign the roadway. At this point, GLWA will make its final good faith offers to the landowners 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 November 18, 2021. 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.

**Resolution**

No. \_\_\_\_\_

By: \_\_\_\_\_

WHEREAS, the Great Lakes Water Authority (“Authority”) has determined it is necessary to construct a new access shaft and pump station (“Access Shaft and Pump Station”) at the intersection of Connor and Freud Street in Detroit, Michigan;

WHEREAS, the intended Access Shaft and Pump Station are public improvements, serving a public purpose within the scope of the Authority’s powers, is within the purposes of the incorporation of the Authority, and are being constructed for the use and benefit of the public, making it a public use;

WHEREAS, in order to construct and operate the Access Shaft and Pump Station, it is necessary to obtain ownership in fee simple of certain parcels of private property located in the City of Detroit (“Subject Properties”);

WHEREAS, the Subject Properties to be acquired in fee simple and the known parties with an interest in each of the Subject Properties are identified in **Exhibit A**;

WHEREAS, the Subject Properties shall be acquired in accordance with applicable laws, including, but not limited to MCL 213.21 *et seq.*; and

WHEREAS, it is therefore necessary to take private property for the public use identified in this Resolution.

Now therefore be it RESOLVED that:

(1) The Authority hereby determines and declares that the Access Shaft and Pump Station are public improvements; serve a public purpose within the scope of the Authority’s powers; is within the purposes of the incorporation of the Authority; and are being constructed for the use and benefit of the public;

(2) The Authority hereby determines and declares that the condemnation of private property is necessary for said public use

and benefit; and

(3) The Authority hereby directs and authorizes its counsel to institute condemnation proceedings for the Subject Properties on the Authority's behalf in the Wayne County Circuit Court, if agreements cannot be reached for the purchase of the Subject Properties.

**EXHIBIT A**

Subject Properties

682 Conner Street, Detroit, Michigan 48215

Tax ID No. 21-046003

*Parties in interest:*

Miles Parish

686 Conner Street, Detroit, Michigan 48215

Tax ID No. 21-046004

*Parties in interest:*

Miles Parish

Linda J. Jones

707 Conner Street, Detroit, Michigan 48215

Tax ID No. 21-046485

*Parties in interest:*

Colleen Kuhn

State of Michigan, Department of Natural Resources

713 Conner Street, Detroit, Michigan 48215

Tax ID No. 21-046484

*Parties in interest:*

Colleen Kuhn

Marcolleen, LLC, a Michigan limited liability company

Nathahel, LLC, a Michigan limited liability company

681 Navahoe Street, Detroit, Michigan 48215

Tax ID No. 21-046705

*Parties in interest:*

Miles Parish

Jonas Mbonu

State of Michigan, Department of Natural Resources

Wayne County Treasurer

City of Detroit

687 Navahoe Street, Detroit, Michigan 48215

Tax ID No. 21-046704

*Parties in interest:*

TBJ A2, LLC, a Michigan limited liability company

SESJ, LLC, a Virginia limited liability company

Aijazuddein V. Shaikh

Wells Fargo Bank, N.A., as Trustee for Securitized Asset Backed Receivables LLC 2004-OP2 Mortgage Pass-Through Certificates, Series 2004-OP2

Wayne County Treasurer

700 Navahoe Street, Detroit, Michigan 48215

Tax ID No. 21-046606

*Parties in interest:*

Allison Knight  
Bankers Trust Company of California, N.A.  
Wayne County Treasurer  
Antoinette Leshawn Barber  
Jeremiah Roseboro

710 Navahoe Street, Detroit, Michigan 48215

Tax ID No. 21-046607

*Parties in interest:*

William R. Thompson  
McKinley L. Nunn  
Barbara Nunn  
City of Detroit

717 Navahoe Street, Detroit, Michigan 48215

Tax ID No. 21-046700

*Parties in interest:*

Kathy Durham  
Wayne County Treasurer

705 Algonquin Street, Detroit, Michigan 48215

Tax ID No. 21-047190

*Parties in interest:*

William A. Cooper  
Debra R. Cooper  
City of Detroit