



Legislation Text

File #: 2020-234, **Version:** 1

Settlement Approval-- GLWA v. Storage Operations LLC, et al.; 18-006894-CC and GLWA v. Storage Operations LLC, et al.; 18-006896-CC

Agenda of: July 22, 2020
Item No.: **2020-234**
Amount: N/A

TO: The Honorable
Board of Directors
Great Lakes Water Authority

FROM: Randal M. Brown, General Counsel

DATE: July 13, 2020

RE: ***Settlement Approval: GLWA v. Storage Operations LLC, et al.; 18-006894-CC and GLWA v. Storage Operations LLC, et al.; 18-006896-CC***

MOTION

Upon recommendation and opinion of Randal M. Brown, General Counsel, the Legal Committee recommends to the Board of Directors (Board) for the Great Lakes Water Authority (GLWA):

- 1) To settle the matters of GLWA v. Storage Operations LLC, et al.; 18-006894-CC & GLWA v. Storage Operations LLC, et al.; 18-006896-CC consistent with an attorney-client communication; and
- 2) To authorize the Chief Executive Officer to take such other action as may be necessary to accomplish the intent of this vote.

JUSTIFICATION

These easements are needed by Wastewater Operations to complete the Water Resource Recovery Facility's Third Electrical Feed. Through a facilitation, a settlement of \$460,481.34 in additional money, inclusive of interest, attorney fees and expert's fees, was reached. Through the condemnation process, GLWA made good faith offers on the subject easements and already paid \$214,930.00 to the property owners. The settlement is subject to full Board approval.

BUDGET IMPACT

These condemnation actions were anticipated in Wastewater Operations Budget.

COMMITTEE REVIEW

This matter is being presented to the Legal Committee at its July 22, 2020 Meeting. The Legal Committee unanimously recommended that the GLWA Board adopt the resolution as presented.

SHARED SERVICES IMPACT

These settlements do not impact the Shared Services Agreement.