



Legislation Text

File #: 2024-140, Version: 1

Final Condemnation Settlement between Great Lakes Water Authority and Yates Cider Mill, LLC, Property Owner of Parcel 8 Vacant Land, Tax ID No. 15-13-477-002, Parcel 9 1880 East Avon Road, Tax ID No. 15-13-477-001, Parcel 10 Vacant East Avon Road, Tax ID No. 15-13-427-003, and Parcel 13 Vacant East Avon Road, Tax ID No. 15-13-276-003

Agenda of: April 24, 2024
Item No.: **2024-140**
Amount: \$273,257.00

TO: The Honorable
Board of Directors
Great Lakes Water Authority

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

DATE: March 26, 2024

RE: Final Condemnation Settlement between Great Lakes Water Authority and Yates Cider Mill, LLC, Property Owner of Parcel 8 Vacant Land, Tax ID No. 15-13-477-002, Parcel 9 1880 East Avon Road, Tax ID No. 15-13-477-001, Parcel 10 Vacant East Avon Road, Tax ID No. 15-13-427-003, and Parcel 13 Vacant East Avon Road, Tax ID No. 15-13-276-003

MOTION

Upon recommendation and opinion of William M. Wolfson, Chief Administrative and Compliance Officer, and David W. Jones, General Counsel, the Board of Directors (Board) for the Great Lakes Water Authority (GLWA): **(1) approves and authorizes the just compensation for the condemnation action between GLWA and Yates Cider Mill, LLC (Yates), the property owner of Parcel 8 Vacant Land, Tax ID No. 70-15-13-477-002, Parcel 9 1880 East Avon Road, Tax ID No. 15-13-477-001, Parcel 10 Vacant East Avon Road, Tax ID No. 15-13-427-003, and Parcel 13 Vacant East Avon Road, Tax ID No. 15-13-276-003 for the real estate claims in the amount of \$273,257.00 (representing GLWA's 70% share of the \$391,876.00 sought by Yates Cider Mill, LLC); and (2) authorizes the Chief Executive Officer to take such other action as may be necessary to accomplish the intent of this vote.**

BACKGROUND

To provide water supply services, it is necessary to relocate the 96-inch water transmission main. GLWA staff, with the support of consultants, determined that GLWA needed to acquire permanent and temporary easements over a privately held property to support the relocation work. Condemnation actions were filed to acquire easements over property owned by Yates Cider Mill, LLC. GLWA secured title and possession of the easements, but the parties continued the litigation

regarding just compensation owed to Yates. After commencing discovery, the parties proceeded to non-binding mediation. The mediator proposed a resolution of the litigation (including all remaining claims for just compensation, interest, attorney fees, and costs) for the total amount of \$391,876.00. The proposal was accepted by Yates, and this settlement would resolve all claims between GLWA and Yates Cider Mill, LLC.

JUSTIFICATION

Condemnation proceedings were necessary to complete this project while serving the public purpose of maintaining compliance with applicable laws and regulations to protect the environment. To minimize the disruption to adjoining landowners, GLWA is condemning this property as it is necessary to relocate the water transmission main. Accordingly, Yates Cider Mill, LLC is entitled to just compensation for the taking. The proposed settlement is approximately 40% of the spread between the valuation of GLWA's appraiser and Yates' appraiser and represents a fair settlement of the pending litigation given (a) the strengths and weaknesses of the parties' respective positions, (b) the inherent risks associated with proceeding to a jury trial, and (c) the additional costs that would be incurred in continuing to litigate this case.

BUDGET IMPACT

Property acquisitions were included in the budget for the 96-inch relocation project.

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