



## Legislation Details (With Text)

**File #:** 2022-075      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** New Business  
**File created:** 2/18/2022      **In control:** Board of Directors  
**On agenda:** 2/23/2022      **Final action:** 2/23/2022  
**Title:** Good Faith Offer to the Woodmere Cemetery Owner Re: Triple Barrel Baby Creek Enclosure Sewer  
**Sponsors:** Randal Brown  
**Indexes:** General Counsel  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
2/23/2022	1	Board of Directors	Approved	Pass
2/23/2022	1	Legal Committee	Recommended for Approval	Pass

### Good Faith Offer to the Woodmere Cemetery Owner Re: Triple Barrel Baby Creek Enclosure Sewer

Agenda of: February 23, 2022  
Item No.: **2022-075**  
Amount: \$380,300.00

**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:** February 18, 2022

**RE: Good Faith Offer to the Owner of Woodmere Cemetery Re: Triple Barrel Baby Creek Enclosure Sewer**

#### MOTION

Upon recommendation of Randal Brown, General Counsel, the Board of Directors (Board) of the Great Lakes Water Authority (GLWA), **authorizes GLWA to make a good faith offer to Midwest Memorial Group, LLC, owners of the Woodmere Cemetery;** 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) If a condemnation action is filed, property owners receive fair value for their property interest condemned to serve the public need.

In order to maintain the Triple Barrel Baby Creek Enclosure Sewer, it is necessary to construct additional structures to provide access to the sewer. GLWA staff, with the support of consultants, have determined that GLWA needs to acquire easements to construct the additional structures to provide access to the sewer.

GLWA appraised the easement it needs for the Triple Barrel Baby Creek Enclosure Sewer and will negotiate in good faith with Midwest Memorial Group, LLC to acquire the easement. For the easement, the good faith offer is \$380,300.00.

#### **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 the Woodmere Cemetery, GLWA is only condemning the portion of property necessary to construct the additional structures to provide access to the sewer. At this point, GLWA will make its final good faith offer to Midwest Memorial Group, LLC and, pursuant to the Board's previous adoption of the Resolution of Necessity, will initiate any necessary legal proceeding related to the acquisition of the needed easement for the public purpose.

#### **BUDGET IMPACT**

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

#### **COMMITTEE REVIEW**

This matter was presented to the Legal Committee at its meeting on February 23, 2022.

#### **SHARED SERVICES IMPACT**

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