



Legislation Details (With Text)

File #: 2023-304 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 8/10/2023 **In control:** Board of Directors
On agenda: 8/23/2023 **Final action:** 8/23/2023
Title: Resolution of Necessity Re: 96-Inch Water Transmission Main Relocation Project (Parcel 8 Vacant Land, Rochester Hills, MI 48307, Tax ID No 70-15-13-477-002)
Sponsors: Randal Brown
Indexes: General Counsel
Code sections:
Attachments: 1. Resolution of Necessity re 96-Inch Water Transmission Main Relocation Project 2023 Easement (05059108xBF7C9).pdf

Date	Ver.	Action By	Action	Result
8/23/2023	1	Board of Directors	Approved	Pass
8/23/2023	1	Legal Committee	Recommended for Approval	Pass

Resolution of Necessity Re: 96-Inch Water Transmission Main Relocation Project (Parcel 8 Vacant Land, Rochester Hills, MI 48307, Tax ID No 70-15-13-477-002)

Agenda of: August 23, 2023
Item No.: **2023-304**
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: August 10, 2023

RE: Resolution of Necessity Re: 96-Inch Water Transmission Main Relocation Project (Parcel 8 Vacant Land, Rochester Hills, MI 48307, Tax ID No 70-15-13-477-002)

MOTION

Upon recommendation of Suzanne R. Coffey, P.E., Chief Executive Officer (CEO) and Randal Brown, Deputy Chief Administrative and Compliance Officer/General Counsel, the Board of Directors (Board) of the Great Lakes Water Authority (GLWA), **adopts the attached Resolution of Necessity**; and authorizes the CEO 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). 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.

In order to provide water supply services, it is necessary to relocate the 96-inch water transmission main. GLWA staff, with the support of consultants, have determined that GLWA needs to acquire a temporary easement over a privately held property to support the relocation work. GLWA appraised the property and will negotiate in good faith with landowner. A Resolution of Necessity is now necessary to acquire a temporary easement over vacant land located in Rochester Hills, MI 48307, bearing the Tax ID No: 70-15-13-477-002.

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 a property necessary to support the relocation of the water transmission main. 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 proceeding related to the acquisition of the necessary parcel for this public purpose.

BUDGET IMPACT

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

COMMITTEE REVIEW

This matter was reviewed by the Legal Committee at its meeting on August 23, 2023.

SHARED SERVICES IMPACT

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

MMRCY6AD7MC2-1258141357-50862