



Legislation Text

File #: 2022-028, Version: 1

Resolution of Necessity Re: Triple Barrel Baby Creek Enclosure Sewer

Agenda of: January 26, 2022

Item No.: **2022-028**

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: January 20, 2022

RE: Resolution of Necessity 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), **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 124.281, *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 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 certain privately held parcels to construct the additional structures to provide access to the sewer. 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 additional structures to provide access to the sewer. 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 January 26, 2022.

SHARED SERVICES IMPACT

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