RESOLUTION CONCERNING THE ACQUISITION
OF PROPERTY AND APPROVING DECLARATION OF NECESSITY AND TAKING

Great Lakes Water Authority
Board of Directors

Minutes of a Meeting of the Board of Directors of Great Lakes Water Authority, held in the Board Room, 5th Floor, 735 Randolph St., Detroit, Michigan on April 24, 2024, at ___ o'clock P.M. Prevailing Eastern Time.

PRESENT: Directors _____

_____

ABSENT: Directors _____

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The following preamble and Resolution were offered by Director _____

_____ and supported by Director _____.

WHEREAS, present conditions in the City of Detroit, Wayne County, Michigan, necessitate reconstruction and the rehabilitation of the Fox Creek Regulator Structure, located at 14737 East Jefferson Avenue, Detroit, Michigan, over, upon and through a portion of the following described premises situated in the City of Detroit, Wayne County, State of Michigan, to-wit:

PARCEL DESCRIPTION (21-000607):
(PER CITY OF DETROIT TAX ROLLS)

The northerly 20.03' of Lots 144 through 147 of FOX CREEK SUBDIVISION, according to the plat thereof as recorded in Liber 25 of Plats, Page 73, Wayne County Records being part of Private Claim 120, City of Detroit, Wayne County Michigan.

Commonly known as: the northerly 20.03' of 14701 East Jefferson, Detroit MI.

WHEREAS, the Fox Creek Regulator Structure serves as the interface of the large-diameter Fox Creek Enclosure and the East Jefferson Relief Sewer, directing combined sewage from Detroit and upstream communities in Wayne and Macomb counties toward the Connor Creek Pump Station and ultimately to the Water Resource Reclamation Facility; and

WHEREAS, this structure has recently been found to be in the process of structural failure, and extensive repairs and improvements are proposed to prevent collapse and to extend the service life of this critical facility. At a minimum, Great Lakes Water Authority seeks a 20.03' x 123.16' permanent easement along the northerly edge of the property for installation of a permanent combined sewage pipe connecting the Fox Creek Enclosure to the parallel Fox Creek Relief Sewer. A site-wide construction easement to facilitate the necessary site work has already been obtained. Failure to address the observed conditions may lead to a reduction in service and/or failure of the facility. Acquisition of a permanent easement on this property is critical both to facilitate current improvements and to allow for future access and maintenance; and

WHEREAS, proposed plans showing said improvements have been prepared and are on file with the Engineering Department at Great Lakes Water Authority's office, 735 Randolph St., Detroit, Michigan; and

WHEREAS, it has been determined that said improvements are necessary for the use and benefit of the public; and

WHEREAS, in order to construct said improvements, it is necessary that Great Lakes Water Authority acquires a permanent easement in the above-described real estate described as follows:

PERMANENT EASEMENT:

Land in the City of Detroit, County of Wayne, and State of Michigan, described as:

The northerly 20.03' of Lots 144 through 147 of FOX CREEK SUBDIVISION, according to the plat thereof as recorded in Liber 25 of Plats, page 73, Wayne County Records being Part of Private Claim 120, City of Detroit, Wayne County Michigan.

Commonly known as: the northerly 20.03' x 123.16' of 14701 East Jefferson, Detroit MI
Tax Parcel No.: 21-000607

Vacant 20.03' x 123.16' land abutting a public alley
Subject to all easements and restrictions of record, if any.

WHEREAS, Great Lakes Water Authority General Counsel has caused a valuation of the subject property to be prepared by Susan Shipman, Senior Appraiser, Beam, Longest, and Neff Egis Group on the basis of assessment records and related information; and

WHEREAS, the Board of Directors has determined that it is in the best interests of Great Lakes Water Authority to offer to purchase an easement on the subject property from the owner of such property, and to take such other actions as are deemed necessary to acquire the permanent easement on the subject property for the purposes of constructing the improvements.

NOW, THEREFORE, BE IT RESOLVED, by the authority vested in Great Lakes Water Authority Board of Directors by law, that it is hereby declared and determined that it is necessary to reconstruct and rehabilitate the Fox Creek Regulator Structure in, over, upon, and through the above-described property within the City of Detroit in accordance with the plans prepared by the Great Lakes Water Authority and its Consulting Engineers, and that said improvements are necessary for the use and benefit of the public; and

BE IT FURTHER RESOLVED, that the General Counsel commissioned an appraisal of the property, which was completed by Beam, Longest and Neff, and the General Counsel and/or the Chief Compliance Officer were previously authorized to execute, on behalf of Great Lakes Water Authority, a good faith Offer to Purchase, a copy of which is attached hereto as Exhibit A, calling for the payment of Forty Thousand Seven Hundred and Six ($40,706.00) Dollars for acquisition of a permanent easement on the property. The appraisal established just compensation for the acquisition of a permanent easement on the property, based upon a valuation of the permanent easement by the appraiser; and

BE IT FURTHER RESOLVED, that a good faith offer was made and serves as the good faith Offer to Purchase by the Great Lakes Water Authority; and

BE IT FURTHER RESOLVED, that this resolution shall be sent to the owner's registered agent via certified mail, and in the event the owner fails to close on the transaction within fourteen (14) days of the date of the good faith offer, the Chief Executive Officer is hereby authorized to execute the Declaration of Taking, which is attached hereto; and

BE IT FURTHER RESOLVED, that in the event the sale is not consummated within 14 fourteen (14) days from the date of the good faith offer, it will have the effect of the good faith offer not being accepted, and the Chief Executive Officer, General Counsel, and Chief Compliance Officer are authorized to take all actions required to obtain a permanent easement on the subject property by eminent domain; and

BE IT FURTHER RESOLVED, that in the event the sale is not consummated and the good faith offer is not accepted as set forth above, and the Declaration is executed, the Great Lakes Water Authority Finance Director is authorized and directed to place an amount equal to the amount contained in the good faith offer that was made to the property owner ($40,706.00) into a separate account and to hold such money on deposit as the estimated amount of just compensation to be paid in connection with the eminent domain proceedings; and

BE IT FURTHER RESOLVED, that all resolutions and part of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

AYES: Directors _____

_____

NAYES: Directors _____

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RESOLUTION DECLARED _____.

_____

_____, SECRETARY

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Great Lakes Water Authority Board of Directors at its meeting held this 24th day of April, 2024.

_____

_____, SECRETARY