



## CITY COUNCIL ACTION REPORT

May 26, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services  
Timothy Richnak, Public Works Director

SUBJECT: Easement over access drive at the Madison Heights Transfer Station

Background:

Oakland County is seeking an easement from Southeastern Oakland County Resource Recovery Authority (SOCRRA) across the sole entrance to the Madison Heights Transfer Station located on John R Road in Madison Heights. The purpose of this easement is to provide access to the Red Oaks Golf Course at this location as it is controlled by a traffic signal.

The background information provided by SOCRRA concerning this request for the easement by Oakland County is attached. SOCRRA and its Board request support by the City of Troy City Council in this process by approving the suggested resolution.

TLR: S/Millers Review/SOCRRA and Oakland County Easement

## SOCRRA / OAKLAND COUNTY EASEMENT ISSUE

1. SOCRRA owns property at 29470 John R, Madison Heights, Michigan, which is known as the Madison Heights Transfer Station. The site has a valuable license for solid waste transfer station operations. SOCRRA maintains the site, including the transfer station, and the license for future uses and future planning for all member communities and as a back up to SOCRRA's Troy Transfer Station.
2. The site has minimal road frontage and only one access drive, at a stop light.
3. In resolving the historical litigation with Madison Heights, SOCRRA gave Madison Heights an easement over the access drive to allow ingress and egress to a Madison Heights senior center.
4. The key factors in the Madison Heights easement include the following:
  - traffic study;
  - indemnity;
  - maintenance; and
  - SOCRRA's right to terminate if uses are changed.
5. In 2008, the County asked SOCRRA to allow the County to have an easement over the same access drive to allow ingress and egress to a County Golf Course known as Red Oaks.
6. SOCRRA responded to the County saying "yes" as long as the terms of such an easement were consistent with the terms of the easement given to Madison Heights. This would include:
  - a traffic study to show safety;
  - indemnity to SOCRRA;
  - maintenance; and
  - SOCRRA's right to terminate if uses are changed.
7. The County never responded to SOCRRA and instead used in-house attorneys to present to SOCRRA the County's demands for different easement terms and a different easement format. Eventually, the County hired outside counsel and threatened condemnation and litigation.
8. SOCRRA must preserve this asset as a valuable resource for solid waste management and planning. SOCRRA must be able to control access should uses change. SOCRRA

cannot issue an easement to the County which exceeds the scope of the easement given to Madison Heights. The site is a valuable asset paid for and maintained by the member communities.

9. The County disagrees and seeks an easement that does not allow SOCRRA a unilateral right to terminate the easement should a change of use occur in the future.
10. The attached Resolution supports this position.