

ORDINANCE R19-003

ORDINANCE ESTABLISHING THE RIGHT-OF-WAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE McCook Levee Section 205 Flood Risk Management Project Partnership Agreement in the Villages of McCook and Summit in parts of Section 11, Township 38 North, Range 12, East of the Third Principal Meridian in Cook County, Illinois

WHEREAS, the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, pursuant to the statute in such case made and provided, has from time to time acquired by purchase, condemnation, or otherwise, lands necessary and desirable for use in the upgrading of the quality of the waters in the Chicago Metropolitan communities; and

WHEREAS, it is necessary to obtain permanent and temporary easements or fee simple title as the right-of-way for the construction, operation and maintenance of the McCook Levee Section 205 Flood Risk Management Project Partnership Agreement in the Villages of McCook and Summit in parts of Section 11, Township 38 North, Range 12, East of the Third Principal Meridian in Cook County, Illinois.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago:

Section 1. That there be and is hereby laid out, located, created, and established a right-of-way for the construction, operation, and maintenance of the McCook Levee Section 205 Flood Risk Management Project Partnership Agreement in the Villages of McCook and Summit in parts of Section 11, Township 38 North, Range 12, East of the Third Principal Meridian in Cook County, Illinois, and legally described as follows, to wit:

(For Legal Description, see "Exhibit A" which is attached hereto and made a part hereof.)

Section 2. That it is necessary, convenient, desirable and in the public interest to acquire fee simple title or such lesser interests as may be deemed appropriate in and to the real estate hereinafter described as a site for the construction, operation and maintenance of the McCook Levee Section 205 Flood Risk Management Project Partnership Agreement in the Villages of McCook and Summit in parts of Section 11, Township 38 North, Range 12, East of the Third Principal Meridian in Cook County, Illinois, which site is the following described real estate situated in the State of Illinois, to wit:

(For Legal Description, see Exhibit "A" which is attached hereto and made a part hereof.)

Section 3. That the construction, operation, and maintenance of the McCook Levee Section 205 Flood Risk Management Project Partnership Agreement in the Villages of McCook and Summit in parts of Section 11, Township 38 North, Range 12, East of the Third Principal Meridian in Cook County, Illinois, together with all appurtenances thereto, within the right-of-way described in Sections 1 and 2 of this Ordinance, is hereby provided for and there shall be constructed, maintained, and operated within the limits of said right-of-way described in Sections 1 and 2 of this Ordinance, said McCook Levee Section 205 Flood Risk Management Project Partnership Agreement, together with all necessary appurtenances thereto, the same to be an adjunct of and addition to the drainage system of the Metropolitan Water Reclamation District of Greater Chicago.

Section 4. That it is necessary, convenient and desirable for the purposes of the Metropolitan Water Reclamation District of Greater Chicago to acquire fee simple title or such lesser interests as may be deemed appropriate in and to the real estate necessary to facilitate the construction, operation, and maintenance of the McCook Levee Section 205 Flood Risk Management Project Partnership Agreement in the Villages of McCook and Summit in parts of Section 11, Township 38 North, Range

12, East of the Third Principal Meridian in Cook County, Illinois, as described in Sections 1 and 2 of this Ordinance.

Section 5. That the Executive Director of the Metropolitan Water Reclamation District of Greater Chicago is hereby authorized and directed to negotiate with the respective owners and parties in interest of the real estate described in Sections 1 and 2 of this Ordinance for the purposes of acquiring fee simple title or such lesser interests as may be deemed appropriate in and to the real estate described in Sections 1 and 2 of this Ordinance; and to endeavor to agree with said owners and parties in interest upon the price to be paid to them for said fee simple title or such lesser interests; and to engage the services of such appraisers as may be necessary, under the provisions of Section 11.4, Act 2605, Chapter 70, Illinois Compiled Statutes, for the purposes of such acquisition. In the event that said Executive Director of the Metropolitan Water Reclamation District of Greater Chicago is unable to agree with the owners and parties in interest of any or all of said pieces or parcels of property described in Sections 1 and 2 of this Ordinance, or if said owners or parties in interest are incapable of consenting or their names or residences are unknown or they are non-residents of Illinois, the Executive Director of the Metropolitan Water Reclamation District of Greater Chicago shall report such fact to the General Counsel for the Metropolitan Water Reclamation District of Greater Chicago, and thereupon said General Counsel shall commence and prosecute condemnation proceedings in such courts as she may deem proper to acquire such fee simple title or lesser interests as she may deem proper by virtue of the Eminent Domain Laws of the State of Illinois as directed by the Executive Director and to pay all costs and expense, including appraisal fees, incurred in connection therewith.

Section 6. This Ordinance shall be in full force and effect from and after its passage.

DATED: this 11<sup>th</sup> day of July, 2019.

Approved as to Engineering:

---

Catherine A. O'Connor  
Director of Engineering

APPROVED:

---

HON. KARI K. STEELE  
President  
Board of Commissioners of the  
Metropolitan Water Reclamation District of  
Greater Chicago

Approved as to form and legality:

---

Ellen M. Avery  
Head Assistant Attorney

---

Susan T. Morakalis  
General Counsel

**RIGHT-OF-WAY  
FOR  
MCCOOK LEVEE IMPROVEMENTS**

*(18-11-401-004-0000)*

LOT 1 IN THE PAGE ENGINEERING SUBDIVISION, A RE-SUBDIVISION OF LOT 1 IN MCDONNEL AND OTHERS SUBDIVISION OF THE SOUTHEAST FRACTIONAL QUARTER OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 22, 1988 AS DOCUMENT NUMBER 88274713, IN COOK COUNTY, ILLINOIS.

*(18-11-401-005-0000)*

LOT 2 IN THE PAGE ENGINEERING SUBDIVISION, A RE-SUBDIVISION OF LOT 1 IN MCDONNEL AND OTHERS SUBDIVISION OF THE SOUTHEAST FRACTIONAL QUARTER OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 22, 1988 AS DOCUMENT NUMBER 88274713, IN COOK COUNTY, ILLINOIS.

*(18-11-401-014-0000)*

THE SOUTHWESTERLY 138.11 FEET OF LOT 7 IN THE PAGE ENGINEERING SUBDIVISION, A RE-SUBDIVISION OF LOT 1 IN MCDONNEL AND OTHERS SUBDIVISION OF THE SOUTHEAST FRACTIONAL QUARTER OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 22 1988 AS DOCUMENT NUMBER 88274713, IN COOK COUNTY, ILLINOIS SUCH PORTION OF SAID LOT 7 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY MOST POINT OF AFORESAID LOT 7 AT ITS INTERSECTION WITH THE NORTHEASTERLY LINE OF LOT 1 OF THE PAGE ENGINEERING SUBDIVISION, THENCE NORTH 50 DEGREES 01 MINUTES 36 SECONDS EAST ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LOT 7 A DISTANCE OF 138.11 FEET TO A POINT; THENCE NORTH 39 DEGREES 58 MINUTES 24 SECONDS WEST A DISTANCE OF 329.22 FEET TO A POINT IN THE EASTERLY BOUNDARY OF SAID LOT 7; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST ALONG THE NORTHWESTERLY BOUNDARY OF SAID LOT 7 A DISTANCE OF 180.00 FEET ; THENCE SOUTH 39 DEGREES 58 MINUTES 24 SECONDS EAST ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LOT 7 A DISTANCE OF 444.66 FEET TO THE POINT OF BEGINNING.

*(18-11-401-015-0000)*

LOT 7 IN THE PAGE ENGINEERING SUBDIVISION (EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE SOUTHERLY MOST POINT OF AFORESAID LOT 7 AT ITS INTERSECTION WITH THE NORTHEASTERLY LINE OF LOT 1 OF THE PAGE ENGINEERING SUBDIVISION, THENCE NORTH 50 DEGREES 01 MINUTES 36 SECONDS EAST ALONG THE



SOUTHEASTERLY BOUNDARY OF SAID LOT 7 A DISTANCE OF 138.11 FEET TO A POINT; THENCE NORTH 39 DEGREES 58 MINUTES 24 SECONDS WEST A DISTANCE OF 329.22 FEET TO A POINT IN THE EASTERLY BOUNDARY OF SAID LOT 7; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST ALONG THE NORTHWESTERLY BOUNDARY OF SAID LOT 7 A DISTANCE OF 180.00 FEET; THENCE SOUTH 39 DEGREES 58 MINUTES 24 SECONDS EAST ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LOT 7 A DISTANCE OF 444.66 FEET TO THE POINT OF BEGINNING.) A RE-SUBDIVISION OF LOT 1 IN MCDONNEL AND OTHERS SUBDIVISION OF THE SOUTHEAST FRACTIONAL QUARTER OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 22, 1988 AS DOCUMENT NUMBER 88274713, IN COOK COUNTY, ILLINOIS.

(LAWNDALE AVENUE RIGHT-OF-WAY)

THAT PART OF DEDICATED LAWNDALE AVENUE LYING SOUTH EASTERLY OF THE NORTHWESTERLY LINE, EXTENDED WEST TO THE WESTERLY LINE OF SAID LAWNDALE AVENUE, OF LOT 2 IN THE PAGE ENGINEERING SUBDIVISION, A RE-SUBDIVISION OF LOT 1 IN MCDONNEL AND OTHERS SUBDIVISION OF THE SOUTHEAST FRACTIONAL QUARTER OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 22, 1988 AS DOCUMENT NUMBER 88274713, AND ALSO LYING NORTHWESTERLY OF THE DESPLAINES RIVER, IN COOK COUNTY, ILLINOIS.