

ORDINANCE R19-005

ORDINANCE ESTABLISHING THE RIGHT-OF-WAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE 39TH STREET CONDUIT REHABILITATION PHASE 2, SSA (CONTRACT 01-103-AS) IN PARTS OF SECTIONS 32 AND 35, TOWNSHIP 39 NORTH, RANGE 14, 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 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 39th Street Conduit Rehabilitation Phase 2, SSA (Contract 01-103-AS) in parts of Sections 32 and 35, Township 39 North, 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 39th Street Conduit Rehabilitation Phase 2, SSA (Contract 01-103-AS) in parts of Sections 32 and 35, Township 39 North, Range 14, East of the Third Principal Meridian in Cook County, Illinois.

(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 39th Street Conduit Rehabilitation Phase 2, SSA (Contract 01-103-AS) in parts of Sections 32 and 35, Township 39 North, Range 14, 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 39th Street Conduit Rehabilitation Phase 2, SSA (Contract 01-103-AS) in parts of Sections 32 and 35, Township 39 North, Range 14, 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 39th Street Conduit Rehabilitation Phase 2, SSA, Contract 01-103-AS, 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 39th Street Conduit Rehabilitation Phase 2, SSA (Contract 01-103-AS) in parts of Sections 32 and 35, Township 39 North, Range 14, 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 3rd day of October 2019

Approved as to Engineering:

APPROVED:

CATHERINE A. O'CONNOR
Director of Engineering

HONORABLE 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

EXHIBIT A
RIGHT-OF-WAY
For
39TH STREET CONDUIT REHABILITATION PHASE 2, SSA
(01-103-AS)

(17-32-300-175-0000)

THAT PART OF THE SOUTH EAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:: COMMENCING ON THE WEST LINE OF THE 30 FOOT RIGHT OF WAY OF THE CHICAGO JUNCTION RAILWAY COMPANY, WHICH WEST RIGHT OF WAY LINE IS THE WEST LINE OF THE EAST 30 FEET OF SAID SOUTH EAST 1/4 OF THE SOUTHWEST 1/4, AT A POINT 509.34 FEET SOUTH OF THE NORTH LINE OF SAID SOUTH EAST 1/4 OF THE SOUTHWEST 1/4; AND RUNNING THENCE WEST PERPENDICULAR TO SAID RIGHT OF WAY LINE, A DISTANCE OF 430.04 FEET TO AN INTERSECTION, WITH A STRAIGHT LINE, 200 FEET IN LENGTH, DRAWN FROM A POINT IN THE EAST WARD EXTENSION OF THE SOUTHERLY DOCK LINE OF THE WEST ARM OF THE SOUTH FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER AS ESTABLISHED BY ORDINANCE, FROM THE CHICAGO CITY COUNCIL PASSED JULY 17, 19117 SAID POINT BEING 80 FEET EASTWARDLY FROM THE POINT OF INTERSECTION OF SAID SOUTHERLY DOCK LINE, WITH THE WESTERLY DOCK LINE OF THE EAST ARM OF SAID SOUTH FORK, TO A POINT 60 FEET, MEASURED PERPENDICULAR EASTERLY FROM THE WESTERLY DOCK LINE OF THE EAST ARM OF SAID SOUTH FORK; THENCE SOUTHWARDLY ALONG THE SAID STRAIGHT LINE, 200 FEET IN LENGTH, A DISTANCE OF 152.01 FEET, TO SAID POINT, BEING 60 FEET EASTWARDLY FROM SAID WESTERLY DOCK LINE; THENCE SOUTHWARDLY, AT 225 FEET, PASSING 30 FEET (MEASURED PERPENDICULAR), EASTERLY FROM SAID WESTERLY DOCK LINE, A DISTANCE OF 247.85 FEET, TO AN INTERSECTION, WITH A LINE DRAWN PERPENDICULAR TO THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32, AT A POINT WHITING ICH IS 421.66 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF SECTION 32, WHICH INTERSECTION IS THE POINT OF BEGINNING FOR THE PARCEL HEREINAFTER DESCRIBED; THENCE CONTINUING SOUTHWARDLY ALONG LAST DESCRIBED STRAIGHT LINE, A DISTANCE OF 21.67 FEET, TO AN INTERSECTION, WITH SAID WESTERLY DOCK LINE; THENCE SOUTHEASTWARDLY ALONG SAID WESTERLY DOCK LINE, A DISTANCE OF 397.78 FEET, TO ITS INTERSECTION, WITH THE WESTERLY LINE OF A RIGHT OF WAY OF THE CHICAGO RIVER AND INDIANA RAILROAD COMPANY, WHICH INTERSECTION IS 104.1 FEET, MORE OR LESS, NORTH OF THE SOUTH LINE AND 158.49 FEET, MORE OR LESS, WEST OF THE EAST LINE OF SAID SOUTHWEST 1/4 OF SECTION 32; THENCE NORTHEASTWARDLY ALONG SAID WESTERLY RIGHT OF WAY LINE, BEING THE A RC OF A CIRCLE, HAVING A RADIUS OF 353.12 FEET, AND CONVEX WESTERLY, A DISTANCE OF 67.15 FEET, TO A POINT 168 FEET NORTH OF SAID SOUTH LINE AND 138 FEET, WEST OF SAID EAST LINE OF SAID SOUTHWEST 1/4; THENCE NORTHEASTWARDLY ALONG SAID WESTERLY RIGHT OF WAY LINE, BEING A STRAIGHT LINE, A DISTANCE OF 169.97 FEET, TO A POINT 324 FEET, NORTH OF SAID SOUTH LINE, AND 70 FEET WEST OF SAID EAST LINE OF SAID SOUTHWEST 1/4; THENCE NORTHEASTWARDLY ALONG SAID WESTERLY RIGHT OF WAY LINE, BEING THE A RC OF A CIRCLE, CONVEX EASTERLY, WITH A RADIUS OF 491 FEET, AND HAVING AS ITS NORTHERLY TERMINUS, A POINT WHICH IS 521 FEET, NORTH OF THE SOUTH LINE, AND 30 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 50.26 FEET TO ITS INTERSECTION, WITH THE NORTHWESTERLY LINE OF AN EASEMENT, GRANTED TO THE SANITARY DISTRICT OF CHICAGO, RECORDED OCTOBER 16, 1950, AS DOCUMENT NUMBER 14927079, WHICH INTERSECTION IS 370.86 FEET, NORTH OF THE SOUTH LINE, AND 52.52 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST 1/4; THENCE SOUTHWESTWARDLY ALONG THE NORTHWESTERLY LINE OF SAID EASEMENT, BEING AN ARC OF A CIRCLE, CONVEX TO THE SOUTHEAST, HAVING A RADIUS OF 143.25 FEET, A DISTANCE OF 3.84 FEET, TO A POINT,

WHICH IS 368.52 FEET, NORTH OF THE SOUTH LINE, AND 55.59 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST 1/4; THENCE NORTHWARDLY ALONG THE ARC OF A CIRCLE, CONVEX EASTERLY AND HAVING A RADIUS OF 220.41 FEET, A DISTANCE OF 52.83 FEET, TO ITS INTERSECTION, WITH THE AFORESAID LINE, DRAWN PERPENDICULAR TO THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32, AT A POINT WHICH IS 421.66 FEET, NORTH OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF SECTION 32, WHICH INTERSECTION IS 58.42 FEET, WEST OF THE EAST LINE OF SAID SOUTHWEST 1/4; AND THENCE WEST ALONG SAID PERPENDICULAR LINE, A DISTANCE OF 368.01 FEET, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

(17-35-104-011-0000)

THE SOUTHERLY 50 FEET OF LOT 8 AND THE NORTHERLY 42 FEET OF LOT 9 IN BLOCK 3 IN CLEAVERVILLE A SUBDIVISION OF THE NORTH 70.20 ACRES OF FRACTIONAL SECTION 2, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN AND ALSO 20 ACRES OF THE SOUTHEAST PART OF FRACTIONAL SECTION 35, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO LOT 72 IN ELLIS EAST ADDITION TO CHICAGO, ACCORDING TO THE MAP OF CLEAVERVILLE RECORDED OCTOBER 14TH, 1858 IN BOOK 143, PAGE 99, COOK COUNTY, ILLINOIS.

(17-35-105-006-0000)

BLOCK 4 (EXCEPT THE WESTERLY 25 FEET THEREOF) IN CLEAVERVILLE, A SUBDIVISION OF THE NORTH 70.20 ACRES OF FRACTIONAL SECTION 2, TOWNSHIP 38 NORTH, RANGE 14, ALSO 20 ACRES OF THE SOUTHEAST PART OF FRACTIONAL SECTION 35, TOWNSHIP 39 NORTH, RANGE 14 AND LOT 72 IN ELLIS EAST ADDITION TO CHICAGO IN THE SOUTHEAST 1/4 OF SECTION 34 AND FRACTIONAL SECTION 35, TOWNSHIP 39 NORTH, RANGE 14 ALL EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE MAP OF CLEAVERVILLE RECORDED OCTOBER 14TH, 1858 IN BOOK 143, PAGE 99, COOK COUNTY, ILLINOIS. IN COOK COUNTY, ILLINOIS.