

ORDINANCE R19-006

ORDINANCE ESTABLISHING THE RIGHT-OF-WAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE FLOOD CONTROL PROJECT ON 1ST AVENUE FROM ROOSEVELT ROAD TO CERMAK ROAD IN PROVISO TOWNSHIP (CONTRACT 14-111-5F) IN PARTS OF SECTION 23, TOWNSHIP 39 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 Flood Control Project on 1st Avenue from Roosevelt Road to Cermak Road in Proviso Township, Cook County, Illinois (Contract 14-111-5F) in parts of Section 23, Township 39 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 Flood Control Project on 1st Avenue from Roosevelt Road to Cermak Road in Proviso Township, Cook County, Illinois (Contract 14-111-5F) in parts of Section 23, Township 39 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 Flood Control Project on 1st Avenue from Roosevelt Road to Cermak Road in Proviso Township, Cook County, Illinois (Contract 14-111-5F) in parts of Section 23, Township 39 North, Range 12, East of the Third Principal Meridian in Cook County, 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 Flood Control Project on 1st Avenue from Roosevelt Road to Cermak Road in Proviso Township, Cook County, Illinois (Contract 14-111-5F) in parts of Section 23, Township 39 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 1st Avenue Flood Control Project, Contract 14-111-5F, 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 Flood Control Project on 1st Avenue from Roosevelt Road to Cermak Road in Proviso

Township, Cook County, Illinois (Contract 14-111-5F) in parts of Section 23, Township 39 North, Range 12, East of the Third Principal Meridian in Cook County, Illinois.

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:

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CATHERINE A. O'CONNOR  
Director of Engineering

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

Approved as to form and legality:

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Ellen M. Avery  
Head Assistant Attorney

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Susan T. Morakalis  
General Counsel

## **EXHIBITA**

### **RIGHT-OF-WAY FOR THE FLOOD CONTROL PROJECT ON 1<sup>ST</sup> AVENUE FROM ROOSEVELT ROAD TO CERMAK ROAD IN THE VILLAGES OF MAYWOOD AND BROADVIEW (CONTRACT 14-111-5F)**

*(15-23-200-001-0000)*

THE WEST 1320 FEET OF LOT 17 IN THE COUNTY CLERKS DIVISION, A DIVISION OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 23-39-12 AND THE NORTHWEST  $\frac{1}{4}$  OF SECTION 24-39-12, IN THE WEST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

*(15-23-200-002-0000)*

THE WEST 1320 FEET OF LOT 18 (EXCEPT THAT PART TAKEN FOR FIRST AVENUE AS WIDENED BY DEED 21-912-125) IN THE COUNTY CLERKS DIVISION, A DIVISION OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 23-39-12 AND THE NORTHWEST  $\frac{1}{4}$  OF SECTION 24-39-12, IN THE WEST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

*(15-23-200-003-0000)*

THE WEST 1320 FEET OF LOT 1 (EXCEPT THAT PART TAKEN FOR FIRST AVENUE AS WIDENED BY DEED 21-912-125) IN THE CIRCUIT COURT PARTITION, OF THE PART WEST OF THE DES PLAINES RIVER, OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 23-39-12 AND THE NORTHWEST  $\frac{1}{4}$  OF SECTION 24-39-12, IN THE WEST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

*(15-23-202-001-0000)*

THE WEST 1320 FEET OF LOTS 2 AND 3 IN THE CIRCUIT COURT PARTITION, OF THE PART WEST OF THE DES PLAINES RIVER, OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 23-39-12 AND THE NORTHWEST  $\frac{1}{4}$  OF SECTION 24-39-12, IN THE WEST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

*(15-23-202-002-0000)*

THE WEST 1320 FEET OF LOT 20 IN THE COUNTY CLERKS DIVISION, A DIVISION OF THE NORTH EAST  $\frac{1}{4}$  OF SECTION 23-39-12 AND THE NORTHWEST  $\frac{1}{4}$  OF SECTION 24-39-12, IN THE WEST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

*(15-23-400-002-0000)*

THE PART OF THE WEST  $\frac{1}{2}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THE SOUTH 8 RODS) LYING NORTHERLY OF THE IC RAILROAD RIGHT OF WAY IN COOK COUNTY, ILLINOIS.

*(15-23-401-004-0000)*

THE SOUTH 8 RODS OF THE WEST  $\frac{1}{2}$  OF THE SOUTHEAST  $\frac{1}{4}$  (EXCEPTING THEREFROM THE IC RAIL ROAD RIGHT OF WAY AND THE PART SOUTHWESTERLY OF THE IC RAIL ROAD RIGHT OF WAY) ALONG WITH THE EAST  $\frac{1}{2}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL IN COOK COUNTY, ILLINOIS.