

BEFORE THE BOARD OF COMMISSIONERS  
OF THE METROPOLITAN WATER RECLAMATION DISTRICT  
OF GREATER CHICAGO.

THE METROPOLITAN WATER  
RECLAMATION DISTRICT OF  
GREATER CHICAGO,  
PETITIONER,  
v.  
VILLAGE OF SKOKIE,  
SKOKIE CURRAGH, LLC., and  
8266 LINCOLN, LLC.,  
RESPONDENTS.

VIOLATION COMPLAINT  
NO 08-028-VC  
Permit # 08-099

AGREED ORDER OF SETTLEMENT

This Show Cause Hearing is before the assigned Hearing Officer to approve the terms of this Agreed Order of Settlement between Petitioner Metropolitan Water Reclamation District of Greater Chicago ("District") and Respondents, the Village of Skokie, ("Skokie"), and Skokie Curragh, LLC. and 8266 Lincoln, LLC., (collectively "Skokie Curragh").

The parties wish to resolve this Show Cause Hearing without a trial, and have read and voluntarily agreed to the terms of this Agreed Order of Settlement.

1. The District's Board of Commissioners, through the assigned Hearing Officer, has *in personam* jurisdiction over the parties and *in rem* jurisdiction over the property commonly known as 8266 Lincoln, Skokie Illinois 60077 ("subject property").

2. Respondent Skokie is the Permittee of the subject property. Respondent Skokie is the responsible local government Permittee.

3. Respondent Skokie Curragh is the co-Permittee of the subject property. Respondent Skokie is the responsible owner/manager of the property.

*Curragh*  
*[Signature]*

4. The District alleges in its *Show Cause Complaint* that Respondent Skokie Curragh is in violation of the District's Sewer Permit Ordinance and the Manual of Procedures for the Administration of the Sewer Permit Ordinance for the following reasons:

- a. Constructing and placing in service of a sewer without a District Permit
  - b. Placing of a sewer in service without prior testing or approval by the District
  - c. Constructing a sewer without prior advanced notice to the District.
5. The parties hereby agree as follows:

- i. Within 30 days of execution of this Settlement Agreement, a video inspection of the interior of the new sewer will be performed in accordance with industry standards. District engineering representatives will be present for the video, and will approve or disapprove the condition of the sewer within 3 business days after receipt of a copy of said video. A copy of the video will be provided to the District for review. The District does not recommend or pre-approve video contractors.
- ii. An external visual inspection of the new sewer installation under the Skokie Curragh parking lot will be made by District engineers, at two locations designated by the District, the size of the hole must be adequately sized to provide safe access for the inspection, designated by the District, not to exceed 5x5 feet. The inspection will include both the sanitary sewer and the storm sewer installed under the permit. The excavation and subsequent restoration of the property shall be performed by a contractor designated by Skokie Curragh (DiMeo).
- iii. District staff, as well as Skokie Curragh's contractor and engineer shall be present to observe and record both inspections, which shall if possible be scheduled for the same day, in the next 30 days if feasible but not later than 60 days after agreement to this settlement.
- iv. If the inspections reveal that the Skokie Curragh sewer installation, as so inspected, was installed in accordance with the District's Manual of Procedures for The Administration of the Sewer Permit Ordinance then the violation, VC 08-028 will be found to be in "field compliance" with the ordinance. The District permit has been issued since 5/21/08.
- v. If the inspections reveal any material discrepancy from District standards, or any significant leakage, Skokie Curragh shall promptly repair or cure the discrepancy and a re-inspection of the curative work shall be made within 30 days after the completion of the work (subject to delay due to adverse weather conditions); paragraph 4 (above) shall apply to the reinspection. The District reserves the right to an additional visual inspection of the repairs at the time of their completion.

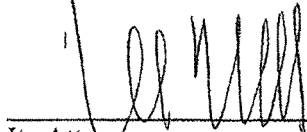
6. Upon the entry of an Order by the District's Board of Commissioners approving this Settlement under the terms and conditions stated herein, the parties hereto agree as follows:

- a. This Show Cause Hearing will be dismissed (including the District's claims against Respondents) upon approval of these terms and conditions by the District's Board of Commissioners. In the event the Board of Commissioners rejects any of the terms of this Agreed Order of Settlement, this Show Cause Hearing will be remanded to the assigned Hearing Officer for further proceedings; and
- b. Upon entry of the dispositive Order in this Show Cause Hearing, the parties shall cause the dismissal of case number 08 CH 45533, Skokie Curragh, LLC, and 8266 Lincoln, LLC, v. Joseph Rakoczy, the Metropolitan Water Reclamation District of Greater Chicago; Wayne Hanson, and the Village of Skokie. In the event that the dismissal of this Show Cause Hearing has not been formally approved by the District's Board of Commissioners on or before March 19, 2010, the parties agree the pending Circuit Court case shall be dismissed with leave to reinstate; and

- c. No fines will be levied against Respondents; and
- d. Each party waives its right to an appeal in this Show Cause Hearing. This Agreed Order of Settlement may be executed in parts. The Board of Commissioners, through the assigned Hearing Officer, retains jurisdiction of this Show Cause Hearing to enforce the terms of this Agreed Order of Settlement.

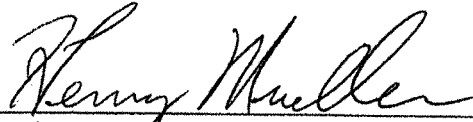
DATED: February \_\_, 2010

Agreed to by:  
Skokie Curragh



Its Attorney  
Glenn Udell/David Epstein  
Brown, Udell, et.al.  
1332 N. Halsted  
Chicago Illinois 60622

Village of Skokie



Its Attorney  
Patrick Hanley/Henry Mueller  
Skokie Corporation Counsel Office  
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Skokie Illinois 60077



Frederick M. Feldman, General Counsel

APPROVED:



Kim R. Kardas, Hearing Officer

Date: 2/25/10

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