



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

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Title: Authority to ratify the Executive Director's April 8, 2010 execution of a 6-month Right-of-Entry to the United States Army Corps of Engineers to use District land located near Aquatic Nuisance Species Barriers I and II along the east bank and the west bank of the Main Channel in Will County, Illinois, consideration shall be \$10.00

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Date	Ver.	Action By	Action	Result
4/15/2010	1	Committee of the Whole	Recommended	Pass
4/15/2010	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 15, 2010

COMMITTEE ON REAL ESTATE

Mr. Richard Lanyon, Executive Director

Authority to ratify the Executive Director's April 8, 2010 execution of a 6-month Right-of-Entry to the United States Army Corps of Engineers to use District land located near Aquatic Nuisance Species Barriers I and II along the east bank and the west bank of the Main Channel in Will County, Illinois, consideration shall be \$10.00

Dear Sir:

On October 1, 2009, the Board of Commissioners authorized a 2-year extension of an easement granted to the United States Army Corps of Engineers ("Government") to enter upon District lands to construct and maintain aquatic nuisance species barriers in the Main Channel north of the 135th Street Bridge in Will County, Illinois. The extension will expire on May 31, 2011. The Government has begun an investigation to determine how far and under what circumstances the electrical field generated by the fish barrier extends into any lands adjacent to the project site. The investigation was prompted by initial findings that the electrical field had gone beyond the parameters of the project site.

The Government desires to survey an extended area around the barriers during a 6-month period in order to conduct surveys and tests, including the insertion of metal rods into the ground, the erection of wires, the recording of readings, and carrying out such other exploratory work as may be necessary to complete the investigation being made of said lands by the Government. The Government shall take necessary steps and measures to protect the District's facilities and structures located upon or under any of the lands covered by the Right-of-Entry and not to interfere with any of the District's operations.

The Government states it has received no reported injuries at the barrier site or had reports of issues relating

to electricity near the barrier sites from any of its neighbors.

The Maintenance and Operations Department has no objections to the proposed testing.

The District's grant of a Right-of-Entry to the Government is conditioned upon and subject to the Government first obtaining written consent to enter upon any such land from any such individuals and entities having such rights and privileges, including but not limited to leases, easements, permits or other legal rights to use or possess any land affected by this Right-of-Entry.

Due to a demanding construction schedule for this project, there was a need that the permit is issued prior to the Board Meeting of April 15, 2010. As an accommodation to the Government, the Executive Director on April 8, 2010 issued and executed the Right-of-Entry for Survey on behalf of the District.

Due to the short term of the Right-of-Entry and the long-standing relationship with the Government, only a nominal fee of \$10.00 shall be required.

It is requested that the Board of Commissioners ratify the Executive Director's April 8, 2010 execution of a 6-month Right-of-Entry to allow the United States Army Corps of Engineers to use District land located near Aquatic Nuisance Species Barriers I and II along the east bank and the west bank of the Main Channel in Will County, Illinois. Consideration shall be \$10.00.

Requested, Frederick M. Feldman, General Counsel, FMF:CL:JCC:rg

Recommended, Richard Lanyon, Executive Director

Respectfully Submitted, Terrence J. O'Brien, Chairman Committee on Real Estate Development

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for April 15, 2010