



# Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street  
Chicago, IL 60611

## Legislation Details (With Text)

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**On agenda:** 9/3/2020      **Final action:** 9/3/2020

**Title:** Issue a purchase order and enter into an agreement with the law firm of Neal & Leroy, LLC, to represent the District in acquiring certain property rights in connection with the construction, operation and maintenance of the Flood Control Project on Midlothian Creek (Contract 14-253-5F) in Robbins, Illinois, in an amount not to exceed \$300,000.00, Account 501-50000-612430, Requisition 1546922 (As Revised)

**Sponsors:**

**Indexes:**

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| Date     | Ver. | Action By              | Action   | Result |
|----------|------|------------------------|----------|--------|
| 9/3/2020 | 1    | Board of Commissioners | Approved | Pass   |

### TRANSMITTAL LETTER FOR BOARD MEETING OF SEPTEMBER 3, 2020

#### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Issue a purchase order and enter into an agreement with the law firm of Neal & Leroy, LLC, to represent the District in acquiring certain property rights in connection with the construction, operation and maintenance of the Flood Control Project on Midlothian Creek (Contract 14-253-5F) in Robbins, Illinois, in an amount not to exceed \$300,000.00, Account 501-50000-612430, Requisition 1546922 (As Revised)

Dear Sir:

Authorization is requested to issue a purchase order and enter into an agreement with the law firm of Neal & Leroy, LLC, to represent the District in acquiring certain property rights in connection with the construction, operation and maintenance of the Flood Control Project on Midlothian Creek in Robbins, Illinois, in an amount not to exceed \$300,000.00.

On March 15, 2018, the District adopted Ordinance R18-002 establishing the right-of-way for the construction, operation, and maintenance of the Flood Control Project on Midlothian Creek (Contract 14-253-5F) ("Project"). The Project will reduce flooding along Midlothian Creek within the Village of Robbins by providing flood storage and increasing channel conveyance. This project is expected to provide significant flood relief to the general area and eliminate flooding damage to approximately 92 structures.

The right-of-way for the Project requires the District to acquire in fee simple approximately 14 parcels of land consisting of 22 Property Identification Numbers (PINs) or portions thereof. These properties are mainly vacant with complex ownership, encumbered title, and extensive tax delinquencies. Additionally, the District must acquire permanent and temporary easements over approximately 60 additional properties owned by the Village of Robbins. Close coordination with the Village and other entities is essential; the Cook County Land

Bank Authority, for example, holds the back taxes on certain properties in the right-of-way.

Based on the complexity of the ownership of these properties and the high likelihood of multiple condemnation proceedings, it is recommended that an eminent domain attorney be retained to ensure that the acquisitions are handled in accordance with the statutory requirements of the Illinois Eminent Domain Act and that the District obtains clear title to the properties.

The District solicited three (3) law firms possessing the expertise to provide the requested legal services. These services will involve working collaboratively with the District to negotiate offers for the right-of-way properties; and preparing, filing, and prosecuting condemnation actions including rights of entry for environmental testing, as may be necessary.

The firms were interviewed by an evaluation committee comprised of staff from the Engineering, Law, and Procurement and Materials Management Departments. Based on evaluation criteria, including the firm's legal expertise, resources, experience with the relocation process, and cost proposals, a composite evaluation score was calculated from the committee's individual evaluations.

The law firm of Neal & Leroy, LLC, received the highest composite score from the evaluation committee. Neal & Leroy, LLC, is nationally recognized for its experience in real estate law, including condemnation actions, and has extensive expertise representing public bodies in large scale acquisition projects. The firm has agreed to an hourly rate of \$250.00 for legal services. Neal & Leroy, LLC is a minority-owned firm.

As the law firm of Neal & Leroy, LLC, possesses a high degree of professional experience and skill, such action may be taken without advertising in accordance with Section 11.4 of the MWRD Purchasing Act.

Therefore, it is requested that the Director of Procurement and Materials Management be authorized to issue a purchase order and enter into an agreement with the law firm of Neal & Leroy, LLC, to represent the District in acquiring certain property rights in connection with the construction, operation and maintenance of the Flood Control Project on Midlothian Creek in Robbins, Illinois, in an amount not to exceed \$300,000.00.

Funds for the 2020 expenditures in the amount of \$100,000.00 are available in Account 501-50000-612430. The estimated expenditures for 2021 are \$200,000.00. Funds for 2021 expenditures are contingent on the Board of Commissioners' approval of the District's budget for that year.

Requested, Susan M. Morakalis, General Counsel, STM:EMA:JMP:CN:vp  
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management  
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement  
Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for September 3, 2020