



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 10-1272, **Version:** 1

TRANSMITTAL LETTER FOR BOARD MEETING OF OCTOBER 21, 2010

COMMITTEE ON REAL ESTATE

Mr. Richard Lanyon, Executive Director

Authority to issue a check payable to Material Service Corporation in the amount of \$264,843.00 as reimbursement of the District's pro rata share of the First Installment of the year 2009 Real Estate Taxes paid by it for the Lower West Lobe of the Thornton Quarry, Thornton Composite Reservoir, Project 77-235-2F (401-50000-645620)

Dear Sir:

On June 18, 1998, the District entered into a written agreement ("Agreement") with Material Service Corporation ("MSC"), now also known as Hanson Material Service Corporation ("HMSC"), for the rough excavation of the District's Thornton Composite Reservoir in portions of MSC's Thornton Quarry in Thornton, Illinois, and the District's ultimate acquisition of those portions of the Quarry. Included in the terms of the Agreement was a provision for the District's immediate and temporary use of the Lower West Lobe of the Thornton Quarry as the site for the District's Thornton Transitional Reservoir, which will provide immediate flood control relief for the Thorn Creek watershed prior to the completion of the Thornton Composite Reservoir ("Composite Reservoir"). The Composite Reservoir is scheduled to be completed in 2014.

Under the terms of the Agreement, MSC granted the District a temporary easement to use the Lower West Lobe as the site of the Thornton Transitional Reservoir upon condition that the District would pay the portion of the real estate taxes attributable to the Lower West Lobe for as long as it has the right to use it. By virtue of recording of the temporary easement grant, the District acquired its right of access to the Lower West Lobe on December 29, 1999. By agreement, the District's tax payment liability commenced on January 1, 2000.

Hanson Material Service Corporation ("HMSC") paid the subject 2009 First Installment Taxes and has now transmitted an invoice to the District requesting payment of \$264,843.00 to MSC as reimbursement of the District's pro rata share of the First Installment of the year 2009 Real Estate Taxes paid for the Lower West Lobe parcels. The Engineering Department has reviewed the calculations and concurs with the apportionment. Under the terms of the afore-referenced 1998 Agreement, the District must reimburse MSC for this expenditure.

Accordingly, it is requested that the Executive Director recommend to the Board of Commissioners that it authorize and approve the issuance of a check payable to Material Service Corporation in the amount of \$264,843.00 as reimbursement of the District's pro rata share of the First Installment of year 2009 Real Estate Taxes paid by it with respect to the Lower West Lobe of the Thornton Quarry.

It is also requested that the Executive Director recommend to the Board of Commissioners that it authorize and direct the Chairman of the Committee on Finance and the Clerk to execute and deliver said check to the General Counsel for disposition.

Requested, Frederick M. Feldman, General Counsel, FMF:CL:MIM: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 October 21, 2010