



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 enter into a non-exclusive fifty (50) year easement with the United States Army Corps of Engineers upon a 13-mile stretch of District real estate located in Cook, Will, and Du Page Counties for constructing, maintaining, and operating the aquatic nuisance species barriers. Consideration shall be a nominal fee of \$10.00.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 12-18-14 - aerial map 50 yr easement with USACE.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|------------------------|-------------|--------|
| 12/18/2014 | 1 | Board of Commissioners | Approved | Pass |
| 12/18/2014 | 1 | Committee of the Whole | Recommended | Pass |

TRANSMITTAL LETTER FOR BOARD MEETING OF DECEMBER 18, 2014

COMMITTEE ON REAL ESTATE

Mr. David St. Pierre, Executive Director

Authority to enter into a non-exclusive fifty (50) year easement with the United States Army Corps of Engineers upon a 13-mile stretch of District real estate located in Cook, Will, and Du Page Counties for constructing, maintaining, and operating the aquatic nuisance species barriers. Consideration shall be a nominal fee of \$10.00.

Dear Sir:

At its meeting of February 18, 2010, the Board of Commissioners authorized the issuance of a five (5) year right-of-entry to the United States Army Corps of Engineers ("Corps") upon a 13-mile stretch of District real estate in Cook, Will, and Du Page Counties. The right-of-entry was issued to allow for the construction and operation of the aquatic nuisance species barriers designed to prevent the Asian Carp from moving into the Chicago Sanitary and Ship Canal from the Des Plaines River in the event of a flood. The 13-mile stretch, which the Corps has limited access to by placing jersey barriers, mesh fence, and berms, is located where the Des Plaines River and the Chicago Sanitary and Ship Canal flow alongside each other. Much of the stretch consists of land owned by the District, some of which is leased to third parties. As part of the original application process, the Corps obtained the consent of these third parties to install the barrier through their leasehold sites. The right-of-entry expires on March 31, 2015.

The Corps now requests a fifty (50) year non-exclusive easement that would allow the Corps to use this same stretch of land for these same purposes. The Corps has indicated fifty years are necessary to meet the long-term goals of the barrier project and due to the significant Federal investment in constructing the barrier. Any grant of easement would be conditioned upon the Corps obtaining the continued consent of all third parties leasing or occupying District land within this 13-mile stretch.

The District's technical departments have reviewed this request for a fifty (50) year non-exclusive easement and have no objections thereto. As is customary in agreements with the Corps involving use of District land for a public purpose, a nominal fee of \$10.00 is recommended.

It is requested that the Executive Director recommend to the Board of Commissioners that it authorize and approve the issuance of a non-exclusive fifty (50) year easement with the United States Army Corps of Engineers upon a 13-mile stretch of District real estate located in Cook, Will, and Du Page Counties for constructing, maintaining, and operating the aquatic nuisance species barriers. Consideration shall be a nominal fee of \$10.00.

It is also requested that the Executive Director recommend to the Board of Commissioners that it authorize the Chairman of the Committee on Finance and the Clerk to execute said right-of-entry extension agreement after it is approved by the General Counsel as to form and legality.

Requested, Ronald M. Hill, General Counsel, RMH:STM:CMM:vp

Recommended, David St. Pierre, Executive Director

Respectfully Submitted, Mariyana T. Spyropoulos, 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 December 18, 2014

Attachment