



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

File #: 19-0184 **Version:** 1

Type: Agenda Item **Status:** Adopted

File created: 2/11/2019 **In control:** Real Estate Development Committee

On agenda: 2/21/2019 **Final action:** 2/21/2019

Title: Authority to pay final just compensation in the amount of \$160,000.00 to acquire fee simple title to real estate commonly known as 1534 North 43rd Avenue in Stone Park, Illinois in order to settle the eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. Mohsin Sheikh, Case No. 18L050736 in the Circuit Court of Cook County, Illinois, Account 401-50000-656010, Capital Improvements Bond Fund

Sponsors:

Indexes:

Code sections:

Attachments: 1. RE - Authority to purchase RE - Sheikh 1534 N 43rd Ave Stone Park - Aerial.pdf

Date	Ver.	Action By	Action	Result
2/21/2019	1	Committee of the Whole	Recommended	Pass
2/21/2019	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF FEBRUARY 21, 2019

COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authority to pay final just compensation in the amount of \$160,000.00 to acquire fee simple title to real estate commonly known as 1534 North 43rd Avenue in Stone Park, Illinois in order to settle the eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. Mohsin Sheikh, Case No. 18L050736 in the Circuit Court of Cook County, Illinois, Account 401-50000-656010, Capital Improvements Bond Fund

Dear Sir:

On August 6, 2015, the Board of Commissioners ("Board") adopted Ordinance No. R15-006 establishing the right-of-way for the construction, operation and maintenance of the Addison Creek Channel Improvement Project located in the municipalities of Northlake, Stone Park, Melrose Park, Bellwood, Westchester, and Broadview (Contract 11-187-3F) ("Project"). Ordinance R15-006 was subsequently amended by Ordinances R15-007 and R18-003 to include additional right-of-way needed for the Project.

Said Ordinances authorized and directed the Executive Director to negotiate with the respective owners to acquire fee simple title or such lesser interests, as appropriate, in and to the real estate described in the Ordinances.

On September 6, 2018, the Board authorized the District to enter into intergovernmental agreements with the City of Northlake, Village of Stone Park, Village of Melrose Park, Village of Bellwood, Village of Westchester, and Village of Broadview for the Project. The proposed channel improvements are broken down into nine reaches along approximately 15,300 linear feet of Addison Creek beginning at Hirsch Street in the City of

Northlake and continuing to Cermak Road in the Village of Broadview. The Addison Creek channel improvements, along with the proposed Addison Creek Reservoir, will provide flood reduction benefits to approximately 2,200 properties.

The Project requires the acquisition of several residential properties located in the right-of-way. One such parcel is owned by Mohsin Sheikh and is located at 1534 North 43rd Avenue in Stone Park, Illinois. The parcel comprises 6,545 square feet and is improved with an approximately 1,805 square-foot two-unit residence.

Due to certain encumbrances on title to the property, the District filed an eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Mohsin Sheikh*, Case No. 18L050736 in the Circuit Court of Cook County, Illinois. Since filing the lawsuit on October 15, 2018, the District and the owner have reached an agreement to settle the lawsuit for just compensation in the amount of \$160,000.00. It is the opinion of the General Counsel and Special Counsel, Neal & Leroy, LLC, that this amount is within the range of value for the subject property based on the fair market value appraisal obtained by the District. The final judgment order in this lawsuit will also ensure that the District obtains clear title, free and clear of any encumbrances.

The residence is currently tenant-occupied. The District's relocation consultant, Urban Relocation Services, Inc., has provided written notice to the tenant advising them of their potential right to receive relocation benefits under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. If the tenant is eligible for relocation costs, authority for such payment will be sought from the Board at a later date.

Accordingly, it is requested that the Executive Director recommend to the Board of Commissioners that it authorize payment of final just compensation in the amount of \$160,000.00 to acquire fee simple title to real estate commonly known as 1534 North 43rd Avenue in Stone Park, Illinois in order to settle the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Mohsin Sheikh*, Case No. 18L050736 in the Circuit Court of Cook County, Illinois, and that the General Counsel be authorized and directed to execute and deliver all other documents and take such other actions as may be necessary to effectuate said settlement and to attain possession of said property.

Requested, Susan T. Morakalis, General Counsel and Catherine A. O'Connor, Director of Engineering;
STM:CAO:EMA:BJD:TN:nm

Recommended, Brian A. Perkovich, Executive Director

Respectfully Submitted, Marcelino Garcia, 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 February 21, 2019

Attachment