



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

File #: 19-0620 **Version:** 1

Type: Agenda Item **Status:** Adopted

File created: 6/26/2019 **In control:** Real Estate Development Committee

On agenda: 7/11/2019 **Final action:** 7/11/2019

Title: Authority to pay final just compensation in the amount of \$135,000.00 to acquire fee simple title to real estate commonly known as 1131 South 32nd Avenue in Bellwood, Illinois in order to settle the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Ethel L. Rucker et al.*, Case No. 18L050807 in the Circuit Court of Cook County, Illinois, and to pay relocation costs in an amount not to exceed \$49,900.00, Account 501-50000-656010, Stormwater Management Fund

Sponsors:

Indexes:

Code sections:

Attachments: 1. Authority to pay final compensation Exhibit - Aerial.pdf

Date	Ver.	Action By	Action	Result
7/11/2019	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF JULY 11, 2019

COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authority to pay final just compensation in the amount of \$135,000.00 to acquire fee simple title to real estate commonly known as 1131 South 32nd Avenue in Bellwood, Illinois in order to settle the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Ethel L. Rucker et al.*, Case No. 18L050807 in the Circuit Court of Cook County, Illinois, and to pay relocation costs in an amount not to exceed \$49,900.00, Account 501-50000-656010, Stormwater Management 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, R18-003, and R19-002 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 Ms. Ethel Rucker. The parcel is located at 1131 South 32nd Avenue in Bellwood, Illinois. The parcel comprises 4,158 square feet and is improved with an approximately 984 square-foot single-family residence.

After the owner did not respond to the District's offer to acquire the parcel, the District filed an eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. Ethel L. Rucker et al., Case No. 18L050807 in the Circuit Court of Cook County, Illinois. Since filing the lawsuit on November 16, 2018, the District and the owner have reached an agreement to settle the lawsuit for just compensation in the amount of \$135,000.00. 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 District's relocation consultant, Urban Relocation Services, Inc., has determined that the owner is eligible for relocation costs of approximately \$49,900.00. These relocation costs are required to be paid by the District under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. This total amount includes the maximum replacement housing payment, reasonable moving expenses, closing costs, and Mortgage Interest Differential Payment, if applicable. The amount is subject to adjustment based upon the actual costs incurred.

Accordingly, it is requested that the Executive Director recommend to the Board of Commissioners that it adopt the following orders:

1. That payment of final just compensation in the amount of \$135,000.00 be authorized to acquire fee simple title to real estate commonly known as 1131 South 32nd Avenue in Bellwood, Illinois in order to settle the eminent domain lawsuit.
2. 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;
3. That the Executive Director be authorized to make intermittent payments to the owner, in an amount not to exceed \$49,900.00, for eligible costs in connection with relocation, as provided for in the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

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

Recommended, Brian A. Perkovich, Executive Director

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for July 11, 2019

Attachment