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Title:	Authority to issue a check payable to Hanson Material Service Corporation in the amount of $259,197.77 as reimbursement of the District's pro rata share of the 2nd installment of the year 2007 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)		
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Date	Ver.	Action By	Action	Result
1/21/2010	1	Committee of the Whole	Recommended	Pass
1/21/2010	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF JANUARY 21, 2010

COMMITTEE ON REAL ESTATE

Mr. Richard Lanyon, Executive Director

Authority to issue a check payable to Hanson Material Service Corporation in the amount of $259,197.77 as reimbursement of the District's pro rata share of the 2nd installment of the year 2007 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, now known as Hanson Material Service Corporation ("HMSC"), for the rough excavation of the District's Thornton Composite Reservoir in portions of HMSC'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 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.

Under the terms of the Agreement, HMSC 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.

HMSC paid the subject 2007 2nd installment taxes and has now transmitted invoice to the District requesting payment of $259,197.77 as reimbursement of the District's pro rata share of the 2nd installment of the year 2007 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 Agreement, the District must reimburse HMSC 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 Hanson Material Service Corporation in the amount of $259,197.77 as reimbursement of the District's pro rata share of the 2nd installment of year 2007 real estate taxes paid by it with respect to the Lower West Lobe of the Thornton Quarry.

It is further requested that the Executive Director recommend to the Board of Commissioners that the Chairman of the Committee on Finance and the Clerk be authorized and directed 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 January 21, 2010