



# Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street  
Chicago, IL 60611

## Legislation Details (With Text)

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**On agenda:** 5/6/2010 **Final action:** 5/6/2010  
**Title:** Issue a purchase order and enter into an agreement with the law firm of Neal & Leroy, LLC and Mr. Michael D. Leroy to represent the District in acquiring certain land rights in connection with the construction, operation and maintenance of the Heritage Park Flood Control Facility for an amount not to exceed \$35,000.00, Account 501-50000-601170, Requisition 1304561

**Sponsors:**

**Indexes:**

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**Attachments:**

Date	Ver.	Action By	Action	Result
5/6/2010	1	Committee of the Whole	Recommended	Pass
5/6/2010	1	Board of Commissioners	Approved	Pass

### TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 6, 2010

#### COMMITTEE ON PROCUREMENT

Richard Lanyon, Executive Director

Issue a purchase order and enter into an agreement with the law firm of Neal & Leroy, LLC and Mr. Michael D. Leroy to represent the District in acquiring certain land rights in connection with the construction, operation and maintenance of the Heritage Park Flood Control Facility for an amount not to exceed \$35,000.00, Account 501-50000-601170, Requisition 1304561

Dear Sir:

On November 6, 2008, the Board of Commissioners ("Board") authorized the District to enter into an Intergovernmental Agreement ("IGA") with the Wheeling Park District ("Park District") and the Village of Wheeling ("Village") for the construction of a flood control facility and site improvements at Heritage Park. The proposed project, known as the Heritage Park Flood Control Facility, will provide compensatory storage required by the Illinois Department of Natural Resources for Levee 37, a United States Army Corps of Engineers project located on the Des Plaines River.

On October 15, 2009, the Board authorized the payment of \$3,600,000.00 to the Park District for land rights for the construction of the Heritage Park Flood Control Facility.

The project is located at Heritage Park and bounded by Dundee Road to the north, Wolf Road to the east, and Jeffery Road to the south in the Village of Wheeling.

The IGA was signed on April 1, 2010, and the transaction to effectuate the acquisition of the land rights from the Village and Park District is expected to close within the next 60 days. Three additional privately owned parcels necessary for the project are located along Wolf Road. Staff is attempting to work out negotiations

with the three homeowners without filing condemnation actions. However, in the event condemnation is required for any of these privately owned parcels, it is recommended that an eminent domain attorney be retained at the outset so that staff can benefit from the counsel of the attorney to ensure that the initial negotiations are handled in accordance with the statutory requirements of the Illinois eminent domain statute.

Because eminent domain requires special legal services relating to such transactions, it is recommended that Neal & Leroy, LLC, Attorneys at Law, and Mr. Michael D. Leroy of that firm provide initial consultations to staff in proceeding with acquiring the three privately owned parcels through negotiations and legal services in an eminent domain action, if necessary.

Mr. Leroy specializes in real estate litigation, eminent domain, real estate acquisition and development, municipal law and intergovernmental affairs. Mr. Leroy has over 25-years of practice and has represented numerous public bodies in large complex acquisition projects and acting as lead trial counsel for the City of Chicago, the Illinois Medical District Commission and the District. Mr. Leroy has agreed to work at an hourly rate of \$295.00; his reduced fee for governmental clients. The firm may be retained pursuant to Section 11.4 of the Purchasing Act relating to the procurement of professional services without competitive bidding.

It is requested that the Executive Director recommend to the Board of Commissioners that the Chairman of the Committee on Finance, the Clerk, the Director of Procurement and Materials Management, and the Executive Director be authorized and directed to execute said purchase order and enter into an agreement with the law firm of Neal & Leroy, LLC after same is approved by the General Counsel as to form and legality. Said purchase order may be issued without competitive bidding (Section 11.4 of the Purchasing Act), in an amount not to exceed \$35,000.00. Funds are available in 501-50000-601170.

Requested, Frederick M. Feldman, General Counsel; FMF:CL:STM:rg  
Recommended, Darlene A. LoCascio, Director of Procurement & Materials Management  
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement  
Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for May 6, 2010