



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 15-0984, **Version:** 1

TRANSMITTAL LETTER FOR BOARD MEETING OF SEPTEMBER 3, 2015

COMMITTEE ON PROCUREMENT

Mr. David St. Pierre, Executive Director

Issue a purchase order and enter into an agreement with the law firm of Righeimer Martin & Cinquino, P.C. to represent the District in acquiring certain land rights in connection with the construction, operation and maintenance associated with the proposed Addison Creek Reservoir in Bellwood, Illinois for an amount not to exceed \$150,000.00, Account 401-50000-601170, Requisition 1403598

Dear Sir:

Authorization is requested to issue a purchase order and enter into an agreement with the law firm of Righeimer Martin & Cinquino, P.C. to represent the District in acquiring certain land rights in connection with the construction, operation and maintenance associated with the proposed Addison Creek Reservoir in Bellwood, Illinois for an amount not to exceed \$150,000.00. On May 21, 2015, the District adopted Ordinance R15-005 amending Ordinance R14-001 establishing the right-of-way for the construction, operation and maintenance of the Addison Creek Reservoir and Channel Improvement Project (Contract 11-186-3F). The reservoir site initially selected was located in Melrose Park. However, it was determined that an alternate site located at 2795 W. Washington Boulevard in Bellwood, Illinois ("Bellwood Site") be utilized for the construction of the reservoir as such site is more cost effective for this project. The benefits to be derived from the Bellwood Site are similar to the benefits that would have been generated at the Melrose Park site.

Staff has attempted to commence negotiations with the owners of the Bellwood Site but to date, they have failed to respond to staff's communications to negotiate a settlement for the site. Therefore, it will be necessary to file a condemnation action to acquire the Bellwood Site and possibly other land associated with the Addison Creek Project. Because eminent domain requires special legal services related to such transactions, it is recommended that an eminent domain attorney be retained by the District so that staff can benefit from the counsel of the attorney to assure that the negotiations and litigation are handled in accordance with the statutory requirements of the Illinois Eminent Domain Act.

The Law Department solicited three (3) law firms possessing the expertise to provide the requested services, which will involve working collaboratively with the District to prepare, file and prosecute the condemnation action. The firms were interviewed by members of the Law Department. While the three (3) firms all submitted qualified proposals, the law firm of Righeimer Martin & Cinquino, P.C. is uniquely qualified to handle the project and offers a competitive hourly fee structure. Mr. Leo Cinquino of the law firm of Righeimer Martin & Cinquino, P.C. has extensive experience in counseling and litigating on issues arising under the Illinois Eminent Domain Act.

Mr. Cinquino has been an eminent domain attorney since 1973 and has continuously worked in this area to the present. In the last 20 years, Mr. Cinquino has exclusively practiced in the eminent domain field. He has represented agencies of the State of Illinois such as the Department of Transportation, Department of Conservation and the Tollway Authority. He also has represented several local municipalities including Aurora, LaGrange, Deerfield, Palatine and Barrington, as well as several park districts. Currently, he represents the

City of Morris in large airport acquisitions. Mr. Cinquino has agreed to work at his reduced government hourly rate of \$300.00.

As the law firm of Righeimer Martin & Cinquino, P.C. possesses a high degree of professional experience and skill, such action may be taken without competitive bidding in accordance with Section 11.4 of the MWRD Purchasing Act.

Therefore, it is requested that the Board of Commissioners authorize the retention of the law firm of Righeimer Martin & Cinquino, P.C. to represent the District in acquiring certain land rights in connection with the construction, operation and maintenance associated with the proposed Addison Creek Reservoir in Bellwood, Illinois for an amount not to exceed \$150,000.00.

Funds are available in Account 401-50000-601170.

Requested, Ronald M. Hill, General Counsel and Catherine A. O'Connor, Director of Engineering,
CAO:RMH:STM:MLD:TN:vp

Requested, Catherine A. O'Connor, Director of Engineering, CAO

Recommended, Darlene A. LoCascio, Director of Procurement and 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 September 3, 2015