



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 16-0970, Version: 1

TRANSMITTAL LETTER FOR BOARD MEETING OF SEPTEMBER 15, 2016

COMMITTEE ON JUDICIARY

Mr. David St. Pierre, Executive Director

Authority to settle in the amount of \$9,850,000.00 the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District v. International Bank of Chicago as Trustee under the Provisions of a Trust Agreement dated the 30th day of December, 2014 and known as Trust No. 2014-4, et. al.*, Case No. 16 L 050200 in the Circuit Court of Cook County to acquire fee simple title comprising of 21.22± acres for the Addison Creek Reservoir, Contract 11-186-3F located at 2795 W. Washington Boulevard in Bellwood, Illinois. Account No. 401-50000-656010

Dear Sir:

In connection with the execution of District Contract No. 11-186-3F "Addison Creek Reservoir", it is necessary to acquire fee simple title to the real estate owned by International Bank of Chicago, as Trustee under the provisions of the Trust Agreement dated the 30th day of December, 2014, and known as Trust No. 2014-4 ("International Bank"), located at 2795 W. Washington Boulevard in Bellwood, Illinois. The property is currently encumbered with mortgages, mechanics liens, tax liens and easements held by other entities.

Initial negotiations to acquire the subject property at a reasonable price were unsuccessful. The property was appraised by the District's appraiser, Patricia McGarr, MAI, of Cohn Reznick at \$8,957,000.00 as of February 24, 2016. The Defendant's appraiser, Kathleen Dart, MAI, of KMD Valuation Group, LLC, appraised the property at \$12,950,000.00 as of October, 2015. From the outset and after the filing of the Complaint for Eminent Domain on March 21, 2016, the District's attempts to condemn were met with objections and refusals to settle by the Defendants. However, after several dispositive motions and responses were filed by the parties, but before being decided by the court, the parties met for settlement discussions again which resulted in an agreement of \$9,850,000.00. This amount is recommended since it is within the range of appraised values, and will obviate the cost and expenses for additional attorneys and expert witness fees at trial and will eliminate the uncertainty of a jury's determination of final just compensation.

It is requested that the Executive Director recommend to the Board of Commissioners that it authorize and approve the settlement of \$9,850,000.00 as final just compensation for the acquisition of the subject property totaling 21.22± acres located at 2795 W. Washington Boulevard in Bellwood, Illinois, in the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. The International Bank of Chicago as Trustee under the Provisions of a Trust Agreement dated the 30th day of December, 2014 and known as Trust No. 2014-4, et. al.*, Case No. 16 L 050200 in the Circuit Court of Cook County, Illinois, in conjunction with District Contract No. 11-186-3F, subject to the condition that the District receives title to the property free and clear of all mortgages, liens, encumbrances and other interests adversely affecting title to the property.

It is further requested that the Chairman of the Committee on Finance and the Clerk be authorized to execute a check in the amount of \$9,850,000.00 payable to the Treasurer of Cook County as and for final just compensation as aforesaid of all interested parties to the subject parcel.

It is also requested that the General Counsel be authorized to execute and deliver all such additional documents necessary to effect said settlement with respect to the final just compensation for the aforesaid taking.

Requested, Ronald M. Hill, General Counsel, and Catherine A. O'Connor, Director of Engineering,

RMH:CAO:STM:MLD:TN:vp

Recommended, David St. Pierre, Executive Director

Respectfully Submitted, Mariyana T. Spyropoulos, Chairman Committee on Judiciary

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for September 15, 2016

Attachment