



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 16-1355, **Version:** 1

TRANSMITTAL LETTER FOR BOARD MEETING OF DECEMBER 15, 2016

COMMITTEE ON REAL ESTATE

Mr. David St. Pierre, Executive Director

Authority to pay final just compensation in the amount of \$260,000.00 to acquire by "quick-take" the fee simple title to real estate commonly known as 8638 S. Natchez Avenue in Burbank, IL from Antonio and Ana Hernandez, in the eminent domain lawsuit Case No. 16L050528 in the Circuit Court of Cook County, and to pay relocation costs in an amount not to exceed \$15,000.00, Account 401-50000-656010, Capital Improvements Bond Fund

Dear Sir:

In connection with the execution of the vertical and horizontal expansion of the Melvina Ditch Reservoir ("Reservoir") located north of 87th Street and west of Natchez Avenue in Burbank, IL (Contract 14-263-3F) ("Project"), the District must acquire fee simple title to the real estate commonly known as 8638 S. Natchez Avenue in Burbank, IL ("Property") owned by Antonio and Ana Hernandez.

As the parties were unable to reach an agreement as to the purchase price of the Property, the District filed an eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Antonio Hernandez and Ana C. Hernandez, et al.*, Case No. 16L050528, in the Circuit Court of Cook County on August 9, 2016. In addition to the complaint for condemnation, the District subsequently filed a "quick-take" motion to allow for the immediate vesting of title of the subject Property with the District, as authorized by the Board of Commissioners' ("Board") September 1, 2016 Resolution.

Since the filing of the quick-take motion, the District and the homeowners have reached a negotiated settlement for final just compensation to acquire the Property in the amount of \$260,000.00. It is the opinion of the General Counsel and Special Counsel, Neal & Leroy, that this amount for final just compensation is within the range of value for the subject Property based on the fair market value appraisal obtained by the District. The Property comprises 0.27 acres and is improved with an approximately 1,030 square foot, single family residence. The District's appraiser estimates the fair market value of the Property, as of the date of filing the lawsuit on August 9, 2016, to be \$235,000.00. The negotiated settlement will also save the District substantial litigation costs that would otherwise be required to proceed to trial.

The District's relocation consultant Urban Relocation Services, Inc. has determined that the owner is eligible for relocation costs of approximately \$15,000.00. 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 reasonable moving expenses and closing costs. The amount is subject to adjustment based upon the actual costs incurred.

It is requested that the Executive Director recommend to the Board of Commissioners that it authorize and

approve the payment of \$260,000.00 as final just compensation for the taking and immediate vesting of title in the District of the real estate commonly known as in 8638 S. Natchez Avenue, Burbank, IL in the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Antonio Hernandez and Ana C. Hernandez, et al.*, Case No. 16L050528, in the Circuit Court of Cook County, Illinois.

It is further requested that the Chairman of the Committee on Finance and the Clerk be authorized and directed to execute a check in the amount of \$260,000.00, payable to the Treasurer of Cook County, for the final just compensation described herein.

It is further requested that the Executive Director be authorized to make intermittent payments to the owners, in an amount not to exceed \$15,000.00 for eligible costs in connection with relocation, as provided for in the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

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

Recommended, David St. Pierre, Executive Director

Respectfully Submitted, Mariyana T. Spyropoulos, 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 December 15, 2016

Attachment