



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 19-0810, Version: 1

TRANSMITTAL LETTER FOR BOARD MEETING OF SEPTEMBER 5, 2019

COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authority to pay \$10,000.00 as preliminary just compensation for the taking and immediate vesting of title in the District of the real estate commonly known as 14600 Kenneth Avenue, Midlothian, Illinois, in the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Chicago Title Land Trust Company, et al.*, Case No. 19L0503041 in the Circuit Court of Cook County, Illinois, Account 501-50000-656010, Stormwater Fund

Dear Sir:

In connection with the execution of the Natalie Creek Flood Control Project in the Village of Midlothian and the City of Oak Forest (Contract 14-252-5F) ("Project"), the District must acquire fee simple title to the real estate commonly known as 14600 Kenneth Avenue, Midlothian, Illinois ("Property"), owned by Chicago Title Land Trust Company as successor to Cosmopolitan Bank & Trust Company as Trustee under Trust Agreement No. 31122. The District plans to construct an improved stormwater detention basin on the Property which, together with the other Project improvements, is designed to protect over 237 properties from overbank flooding.

As the property owner has not responded to the District's offer to purchase the property, the District filed an eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Chicago Title Land Trust Company, et al.*, Case No. 19L0503041, in the Circuit Court of Cook County on June 18, 2019. In addition to the complaint for condemnation, the District subsequently filed a "quick-take" motion to allow for the immediate vesting of title to the Property with the District, as authorized by Resolution of the Board of Commissioners ("Board") dated June 21, 2018.

On August 26, 2019, the Court entered an order setting the preliminary just compensation for fee simple title to the Property at \$10,000.00 based on the District's appraisal. Pursuant to the order, upon approval by the Board, the District must deposit the preliminary just compensation with the Cook County Treasurer. The final monetary compensation to be paid for the taking will be resolved by the Court at a later date, at which time the District will seek Board approval if any additional payments are needed.

It is the opinion of the General Counsel that this amount for preliminary just compensation is within the range of value for the subject Property based on a fair market value appraisal obtained by the District. The Property is a vacant lot comprising 0.23 acres of land. Based on comparable sales in the area, the District's appraiser estimates the fair market value of the Property to be \$10,000.00.

It is requested that the Executive Director recommend to the Board of Commissioners that it authorize and approve the payment of \$10,000.00 as preliminary just compensation for the taking and immediate vesting of title in the District of the real estate commonly known as 14600 Kenneth Avenue, Midlothian, Illinois, in the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Chicago Title Land Trust Company, et al.*, Case No. 19L0503041 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 \$10,000.00, payable to the Treasurer of Cook County, for the preliminary just compensation described herein.

Requested, Susan T. Morakalis, General Counsel; Catherine A. O'Connor, Director of Engineering;

STM:CAO:EMA:BJD:JMP:nm

Recommended, Brian A. Perkovich, Executive Director

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for September 5, 2019

Attachment