



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 19-0951, Version: 1

TRANSMITTAL LETTER FOR BOARD MEETING OF OCTOBER 3, 2019

COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authority to pay final just compensation in the amount of \$27,000.00 to acquire fee simple title to real estate commonly known as 3809-3811 West Lake Street in Stone Park, Illinois in order to finalize the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Chicago Title Land Trust Co., et al.*, Case No. 19L050053 in the Circuit Court of Cook County, Illinois, Account 501-50000-656010, Stormwater Management Fund

Dear Sir:

On August 6, 2015, the Board of Commissioners ("Board") adopted Ordinance No. R15-006 establishing the right-of-way for the construction, operation and maintenance of the Addison Creek Channel Improvement Project located in the municipalities of Northlake, Stone Park, Melrose Park, Bellwood, Westchester, and Broadview (Contract 11-187-3F) ("Project"). Ordinance R15-006 was subsequently amended by Ordinances R15-007, R18-003, and R19-002 to include additional right-of-way needed for the Project.

Said Ordinances authorized and directed the Executive Director to negotiate with the respective owners to acquire fee simple title or such lesser interests, as appropriate, in and to the real estate described in the Ordinances.

On September 6, 2018, the Board authorized the District to enter into intergovernmental agreements with the City of Northlake, Village of Stone Park, Village of Melrose Park, Village of Bellwood, Village of Westchester, and Village of Broadview for the Project. The proposed channel improvements are broken down into nine reaches along approximately 15,300 linear feet of Addison Creek beginning at Hirsch Street in the City of Northlake and continuing to Cermak Road in the Village of Broadview. The Addison Creek channel improvements, along with the proposed Addison Creek Reservoir, will provide flood reduction benefits to approximately 2,200 properties.

The Project requires the acquisition of a vacant parcel commonly known as 3809-3811 West Lake Street in Stone Park, Illinois. The parcel, which comprises 3,627 square feet, is asphalt-paved and used for parking. The parcel is owned by Chicago Title Land Trust Co., as Trustee under Trust Agreement No. 8002361120 dated January 28, 2013.

After the owner did not respond to the District's offer to acquire the parcel, the District filed an eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Chicago Title Land Trust Co., et al.*, Case No. 19L050053 in the Circuit Court of Cook County, Illinois. Since filing the lawsuit on February 1, 2019, the District has served all parties in interest as required by the court, including the owner. However, the owner has not appeared and has been defaulted by the court. Accordingly, the District intends to file a Motion for Summary Judgment asking the court to enter an order establishing final just compensation in the amount of \$27,000.00. Upon deposit of the final just compensation with the Cook County Treasurer, the interested parties may petition the court to withdraw any funds to which they may be entitled and the District

will be vested with title to the property.

It is the opinion of the General Counsel and Special Counsel, Neal & Leroy, LLC, that this amount is within the range of value for the subject property based on the fair market value appraisal obtained by the District. The property is vacant, so no relocation costs are anticipated.

Accordingly, it is requested that the Executive Director recommend to the Board of Commissioners that it adopt the following orders:

1. That the General Counsel be authorized to present a Motion for Summary Judgment to finalize the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Chicago Title Land Trust Co., et al.*, Case No. 19L050053 in the Circuit Court of Cook County;
2. That upon granting of said Motion, the District be authorized to make payment of final just compensation in the amount of \$27,000.00 to acquire fee simple title to real estate commonly known as 3809-3811 West Lake Street in Stone Park, Illinois;
2. That the General Counsel be authorized and directed to execute and deliver all other documents and take such other actions as may be necessary to effectuate said Motion and to obtain possession of said property.

Requested, Susan T. Morakalis, General Counsel and Catherine A. O'Connor, Director of Engineering;
STM:CAO:EMA:BJD:CN: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 October 3, 2019

Attachment