



# Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street  
Chicago, IL 60611

## Legislation Text

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File #: 20-0862, Version: 1

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### TRANSMITTAL LETTER FOR BOARD MEETING OF OCTOBER 15, 2020

#### COMMITTEE ON STORMWATER MANAGEMENT

Mr. Brian A. Perkovich, Executive Director

Authority to approve, execute, and make payment to Arc Café USA 001, LLC and FQSR LLC for a permanent easement located at 9950 Roosevelt Road in Westchester, Illinois in connection with the Addison Creek Channel Improvements Project (Contract 11-187-3F). Consideration shall be a one-time fee of \$30,303.90, Account 501-50000-667340, 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, R19-002, and R20-001 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 a permanent easement on the property commonly known as 9950 Roosevelt Road in Westchester, Illinois. The property is owned by Arc Café USA 001, LLC and is improved with a one-story commercial fast-food restaurant. The property is leased to FQSR LLC, which operates a KFC. The permanent easement is approximately 2,742 square feet and is located immediately adjacent to the Addison Creek. The entire easement area is located within a designated flood hazard area and a regulatory floodway. The building on the property will not be impacted by the easement.

The District, the owner, and the tenant have reached an agreement regarding the compensation to be paid for the permanent easement in the amount of a one-time fee of \$30,303.90. 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 easement based on the fair market value appraisal obtained by the District. Settlement of this matter will also save the District substantial costs that would otherwise be required to proceed to contested litigation, including legal fees, expert witness fees, and court costs. Of this total amount, \$20,303.90 will be paid to the owner and \$10,000.00 to the tenant based on the agreement between the parties.

It is requested that the Executive Director recommend to the Board that it accept and approve the permanent easement grant from the property owner in connection with the captioned project and authorize payment to the owner and tenant in the total amount of \$30,303.90 as compensation for the easement.

It is further requested that the Executive Director recommend to the Board that the Chairman of the Committee on Finance and Clerk be authorized and directed to execute any documents necessary in connection with the subject easements after they are approved by the Director of Engineering as to technical matters and by the General Counsel as to form and legality.

Funds are available in Account 501-50000-667340.

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

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 15, 2020

Attachment