



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 20-0868, Version: 1

TRANSMITTAL LETTER FOR BOARD MEETING OF OCTOBER 15, 2020

COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authority to pay final just compensation in the amount of \$45,000.00 for permanent and temporary easements on the real estate commonly known as 6613 W. 95th Street, Chicago Ridge, Illinois, to settle the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. 1016A LLC, et al.*, Case No. 20L050119, in the Circuit Court of Cook County, Illinois, Account 501-50000-667340, Stormwater Management Fund

Dear Sir:

On August 7, 2014, the Board of Commissioners ("Board") adopted Ordinance R14-003 establishing the right-of-way for the construction, operation and maintenance of the Melvina Ditch Streambank Stabilization Project between 95th Street and 99th Street in Oak Lawn and Chicago Ridge, Cook County, Illinois (Contract 13-248-5F) ("Project"). Said Ordinance 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 Ordinance. The Board has amended Ordinance R14-003 through Ordinances R16-003 and R19-001 to include additional properties needed for the Project right-of-way that were not included in the original ordinance.

The Project will stabilize both banks of Melvina Ditch between 95th and 99th Streets in the Villages of Oak Lawn and Chicago Ridge. Twin box culverts will be installed at the north end of the Project, and a precast modular block retaining wall system and riprap will be constructed along the remaining 2,500 linear feet of the ditch. The banks in that segment have deteriorated due to erosion and slope failure, potentially compromising eight adjacent commercial and residential structures and critical infrastructure.

The Project requires permanent and temporary easements on the property commonly known as 6613 W. 95th Street in Chicago Ridge, Illinois. The property is owned by 1016A LLC, comprises approximately 0.14 acres and is improved with a muffler shop and parking lot. The District requires a permanent easement of approximately 0.015 acres and a temporary construction easement of approximately 0.025 acres for the Project.

After receiving no response to its offer to purchase the property, the District filed an eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. 1016A LLC, et al.*, Case No. 20L050119, in the Circuit Court of Cook County, Illinois. Since filing the lawsuit on February 19, 2020, the District and the owner have agreed to settle the matter in the amount of \$45,000.00 through entry of an Agreed Final Judgment Order.

It is the opinion of the General Counsel that this amount is within the range of value for the property interests needed and that the District would not obtain a more favorable result if this matter proceeded to trial. In addition, time has become of the essence in acquiring the property interests needed on this parcel. Settlement of this matter will save the District substantial costs and Project delays that would otherwise be

incurred to proceed to a quick-take hearing and trial, including attorney's fees and expert witness fees.

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

1. That the Board authorize payment of final just compensation in the amount of \$45,000.00 for the temporary and permanent easements on the real estate commonly known as 6613 W. 95th Street, Chicago Ridge, Illinois, to settle the eminent domain lawsuit entitled Metropolitan Water Reclamation District of Greater Chicago v. 1016A LLC, et al., Case No. 20L050119 in the Circuit Court of Cook County, 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 settlement and to obtain said property interests for the Project.

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

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