



# Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street  
Chicago, IL 60611

## Legislation Text

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**File #:** 10-0259, **Version:** 1

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### **TRANSMITTAL LETTER FOR BOARD MEETING OF MARCH 4, 2010**

#### COMMITTEE ON JUDICIARY

Mr. Richard Lanyon, Executive Director

Authority to Settle Claim by CSX Transportation, Inc. in the amount of \$15,520.52

Dear Sir:

As a consequence of a severe rainstorm on or about February 26, 2009, a TARP structure adjacent to the Metropolitan Water Reclamation District of Greater Chicago's ("District") Mainstream Pumping Station Dewatering Valve Chamber experienced a surge of water resulting in flooding of the immediate vicinity including alleged damage to CSX Transportation, Inc.'s ("CSX") right-of-way. On March 5, 2009, the Board of Commissioners ratified the Executive Director's declaration of an operational emergency and authorized the retention of a contractor to assist in the dewatering, inspection, repair and recommissioning of the District's facilities. CSX independently undertook restoration of its right-of-way, trackage and signaling and has submitted a claim to the District.

CSX submitted a project statement, including supporting documentation, in the total amount of \$15,520.52. CSX will accept this amount in full settlement and compromise of any and all claims relating to the February 2009, rain event and will contemporaneously execute a standard release of liability form.

Therefore, General Counsel recommends that the Executive Director request that the Board of Commissioners authorize the settlement of the claim asserted by CSX Transportation, Inc. in the amount of \$15,520.52 and for authority to execute such documents as may be necessary to effectuate this settlement.

Requested, Frederick M. Feldman, General Counsel, FMF:LJH:LAG:JJZ:VMM:crb

Respectfully Submitted, Terrence J. O'Brien, Chairman Committee on Judiciary

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for March 4, 2010