



# Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street  
Chicago, IL 60611

## Legislation Text

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**File #:** 10-0515, **Version:** 1

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### **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 6, 2010**

#### COMMITTEE ON ENGINEERING

Mr. Richard Lanyon, Executive Director

Request for Orders Adopting Hearing Officer's findings of fact, conclusions of law and recommendation to the Board of Commissioners for dismissal of the Show Cause Complaint for the Violation of the District's Sewer Permit Ordinance in the matter of Metropolitan Water Reclamation District of Greater Chicago v. Skokie Curragh, LLC., and 8266 Lincoln LLC., (collectively "Skokie Curragh"), and the Village of Skokie ("Skokie"), Violation Complaint No. 08-028-VC, Permit No. 08-099.

Dear Sir:

On September 18, 2008, a Notice of Violation was issued to Skokie and Skokie Curragh alleging a violation of the Sewer Permit Ordinance for constructing and placing a sewer in service without a District permit; placing a sewer in service without prior testing or approval by the District; and constructing a sewer without prior advanced notice to the District and ordering a Show Cause Hearing to adjudicate the charges.

On December 14, 2008, Skokie Curragh filed a Verified Complaint for a Writ of Mandamus, Case No. 08 CH 45533 in the Circuit Court of Cook County against the District, Joseph Rakoczy, Supervising Civil Engineer and the Village of Skokie to force the District to issue the subject Permit and accept, without inspection by the District, sewers that had been constructed and placed in operation without having obtained a Permit for the work. In anticipation of the dismissal of the Show Cause Complaint based on the settlement discussed below, the lawsuit has been dismissed with leave to reinstate in the event the Show Cause Complaint is not dismissed.

On February 25, 2010, an Agreed Order of Settlement of the Show Cause hearing was signed by all parties and approved by Hearing Officer Kim R. Kardas, avoiding the necessity of a formal Show Cause hearing. Based on the terms of the Settlement Agreement, the Hearing Officer found that compliance with the Sewer Permit Ordinance had been achieved upon the project owner's completion of certain items to the satisfaction of the District. The required inspection was conducted by the District on March 4, 2010, and the sewer work was found to be acceptable.

The Law Department seeks approval and adoption of the Hearing Officer's findings of fact, conclusions of law and recommendation that the Show Cause Hearing be dismissed.

Requested, Frederick M. Feldman, General Counsel and Kenneth A. Kits, Acting Director of Engineering,  
KAK:FMF:HSW:JMB:crb

Respectfully Submitted, Frank M. Avila, Chairman Committee on Engineering

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for May 6, 2010

Attachment