



# Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street  
Chicago, IL 60611

## Legislation Text

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**File #:** 10-1071, **Version:** 1

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### **TRANSMITTAL LETTER FOR BOARD MEETING OF SEPTEMBER 16, 2010**

#### COMMITTEE ON REAL ESTATE

Mr. Richard Lanyon, Executive Director

Authority to amend a 1-year Easement Agreement dated July 16, 2010, between the District and Commonwealth Edison Company to construct, operate, repair, maintain and remove an electrical substation and overhead power lines upon and over District land located within Main Channel Parcel 18.03 and along the east bank of the Chicago Sanitary & Ship Canal south of the 135<sup>th</sup> Street Bridge in Romeoville, Illinois, to reduce the size of the easement area from 4.2 acres to 1.79 acres and the initial annual fee from \$26,110.00 to \$11,129.00. Consideration shall be a nominal fee of \$10.00

Dear Sir:

On August 12, 2010, the Board of Commissioners ratified the Executive Director's July 16, 2010 execution of a 1-year easement granted to Commonwealth Edison Company ("ComEd") on 4.2 acres of District land located within Main Channel Parcel ("Parcel") 18.03 and along the east bank of the Chicago Sanitary & Ship Canal ("CSSC") south of the 135<sup>th</sup> Street Bridge in Romeoville, Illinois, to construct, operate, repair, maintain and remove an electrical substation and to install overhead power lines. Consideration was an initial annual fee of \$26,110.00. The easement was requested by ComEd in order to provide electrical service to the U. S. Army Corps of Engineers to operate the electronic fish barriers located within the CSSC and north of 135<sup>th</sup> Street.

Subsequent to issuance and approval of the easement, ComEd requested a reduction in the size of the easement area from 4.2 acres to approximately 1.79 acres and requested that the easement fee be reduced accordingly. Upon review, staff concluded that a reduction in the size of the easement area will not preclude further use and development of the remaining or surrounding areas of Parcel 18.03, and has no objection to the requested change.

The reduced easement area results in a corresponding reduction in the easement fee. The fair market value of the 1.79 acres is \$111,280.81 and 10% therefore results in an amended initial annual easement fee of \$11,129.00. Staff is not recommending the usual document preparation fee since the easement is ultimately for the benefit of the Army Corps of Engineers' Asian Carp dispersal and barrier program. ComEd has executed the easement agreement issued on July 16, 2010, and has proceeded with construction of the substation without any guarantee the amendment will be granted.

It is requested that the Board of Commissioners authorize an amendment of the Easement Agreement dated July 16, 2010, between the District and ComEd to construct, operate, repair, maintain and remove an electrical substation and overhead power lines upon and over District land located within Main Channel Parcel 18.03 and along the east bank of the Chicago Sanitary & Ship Canal south of the 135<sup>th</sup> Street Bridge in Romeoville, Illinois, to reduce the size of the easement area from 4.2 acres to 1.79 acres and the initial annual fee from \$26,110.00 to \$11,129.00. Consideration shall be a nominal fee of \$10.00.

It is further requested that the Executive Director recommend to the Board of Commissioners that it authorize the Chairman of the Committee on Finance and the Clerk to execute said amendment of the easement

agreement after it is approved by the General Counsel as to form and legality.

Requested, Frederick M. Feldman, General Counsel, FMF:CL:JCC:rg

Recommended, Richard Lanyon, Executive Director

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

Disposition of this agenda item will documented be in the official Regular Board Meeting Minutes of the Board of Commissioners for September 16, 2010

Attachment