



# Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street  
Chicago, IL 60611

## Legislation Text

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**File #:** 10-1336, **Version:** 1

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### **TRANSMITTAL FOR BOARD MEETING OF NOVEMBER 4, 2010**

#### COMMITTEE ON REAL ESTATE

Mr. Richard Lanyon, Executive Director

Authority to purchase the real estate commonly known as 100 South Wolf Road, Wheeling, Illinois and authority for payment to Pawel Sawicki, the owner of said real estate, for the construction of the Heritage Park Flood Control Facility in an amount not to exceed \$620,000.00, Account 501-50000-656010, Stormwater Management Fund

Dear Sir:

On November 6, 2008, the Board of Commissioners ("Board") authorized the District to enter into an intergovernmental agreement with the Village of Wheeling and the Wheeling Park District for the construction of a flood control facility and site improvements at Heritage Park. The proposed project, known as the Heritage Park Flood Control Facility, will provide compensatory storage required by the Illinois Department of Natural Resources for Levee 37, a United States Army Corps of Engineers project located on the Des Plaines River. The preliminary cost estimate for the Heritage Park Flood Control Facility is \$30 million; this figure includes construction of the stormwater storage facilities, site improvements and land right acquisitions. The stormwater facility components include reservoir excavation and installation of necessary appurtenances for operation of the facility, such as spillways, piping and a pump station. Heritage Park improvements include installation of passive and active recreational facilities.

On October 15, 2009, the Board authorized the District to pay the Wheeling Park District \$3,600,000.00 for land rights required by the District for the construction of the Heritage Park Flood Control Facility. Necessary additional right-of-way for the project includes three residential parcels which must be acquired in fee simple title.

Accordingly, on June 3, 2010, the Board adopted Ordinance No. R10-001 establishing the right-of-way for the construction, operation, and maintenance of a portion of the Heritage Park Flood Control Facility in parts of Sections 2 and 11, Township 42 north, Range 11, east of the Third Principal Meridian in Cook County, Illinois. Said Ordinance authorized and directed the Executive Director to negotiate with the respective owners and parties in interest of the real estate within the established right-of-way for the purpose of acquiring fee simple title to the three separate parcels located along Wolf Road. In the event acquisition could not be negotiated, the General Counsel was authorized to initiate condemnation proceedings.

One such parcel is owned by Mr. Pawel Sawicki, comprises one (1) acre and is located at 100 South Wolf Road in Wheeling, Illinois. Based on an MAI appraisal commissioned by the District, an offer to purchase the property for \$562,000.00 was made by Special Counsel, Michael Leroy. Mr. Sawicki responded with a counter-offer of \$620,000.00. The counter-offer is approximately 10% higher than the District's initial offer. It is the opinion of the General Counsel and Special Counsel that this demand is within in the range of value of the subject property. Additionally, acceptance of this offer will eliminate a replacement housing payment of about \$23,000.00 for which the District would otherwise be responsible based upon the amount of the District's initial offer and it will eliminate the District incurring attorney's fees to represent the District in a condemnation action

against Mr. Sawicki if the counter-offer is rejected.

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

1. That the subject real estate be purchased by the District for the amount of \$620,000.00 plus closing costs;
2. That the Chairman of the Committee on Finance and the Clerk be authorized and directed to execute the Real Estate Sales Contract effecting the aforesaid purchase, after it is approved by the General Counsel as to form and legality;
3. 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 purchase and to attain possession of said property.

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

Recommended, Richard Lanyon, Executive Director

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

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

Attachment