



# Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street  
Chicago, IL 60611

## Legislation Text

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**File #:** 10-1480, **Version:** 1

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### **TRANSMITTAL LETTER FOR BOARD MEETING OF DECEMBER 2, 2010**

#### COMMITTEE ON REAL ESTATE

Mr. Richard Lanyon, Executive Director

Ratification of the Executive Director's November 23, 2010, execution of an easement amendment granting an additional 185'x8' area to an existing 1250'x 25' non-exclusive 25-year easement and an additional 175'x10' area to an existing 1250'x10', 180-day temporary construction easement granted to the City of Des Plaines to construct, operate, maintain and remove a storm water sewer from Wille Road along Marshall Drive, as extended, and north to Oakton Street on District land located at 751 Oakton Street in Des Plaines, Illinois

Dear Sir:

On May 20, 2010, the Board of Commissioners granted the City of Des Plaines ("the City") a 1250'x25' non-exclusive 25-year easement and a 1250'x10', 180-day temporary construction easement on District property located at 751 Oakton Street in Des Plaines to construct, operate, maintain, and remove a storm water sewer from Wille Road along Marshall Drive, as extended, and north to Oakton Street as part of the City's Storm Water Management Master Plan. The easements were granted for a nominal fee. Construction was near completion when OSHA advised the City that it would be required to realign the proposed storm sewer line an additional 5 feet south of the current easement area to avoid existing ComEd overhead power lines and wires along Oakton Street for safety during construction.

To complete the project, the City requested two additional areas of District land located at the southwest corner of Oakton Street and Marshall Drive, as extended. The first is a temporary construction easement comprising a 175-foot by 10-foot area south of Oakton Street and west of Marshall Drive, as extended. The second area comprises an adjacent 8-foot by 185-foot area which will be added to the 25-year easement as part of the easement premises.

The City reports that the project could not proceed without the additional land and therefore construction was halted until District approval for the additional land could be obtained. The technical departments had no concerns or objections to approving the use of the additional land, however, the technical review response was received after the close of the November 18, 2010 Board Agenda. The Executive Director polled the Board of Commissioners and found that it was amenable to granting same. Accordingly, to accommodate the City's need to complete the project before inclement weather ended the construction season the Executive Director executed the amendment to the easement agreement on November 23, 2010.

The City of Des Plaines has provided general liability insurance in the amount of \$4 million as required by the District. The bond requirement was waived as is generally the District's practice for municipalities for storm sewer easements. It is recommended that the District's standard \$2,000.00 document preparation fee be waived in this instance as it is District practice to not assess the fee to municipalities granted utility easements.

Accordingly, it is requested that the Board of Commissioners ratify and approve the Executive Director's execution on November 23, 2010, of an easement amendment granting an additional 185'x8' area to the existing 1250'x25' non-exclusive 25-year easement and an additional 175'x10' area to the existing 1250'x10',

180-day temporary construction easement granted to the City of Des Plaines to construct, operate, maintain and remove a storm water sewer from Wille Road along Marshall Drive, as extended, and north to Oakton Street on District land located at 751 Oakton Street in Des Plaines, Illinois.

Requested, Alan J. Cook, Acting General Counsel, AJC:CL:STM:BEB:rg

Recommended, Richard Lanyon, Executive Director

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

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for December 2, 2010

Attachment