

ORDINANCE R10-001

ORDINANCE 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

WHEREAS, the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, pursuant to the statute in such case made and provided, has from time to time acquired by purchase, condemnation, or otherwise, lands necessary and desirable for use in the upgrading of the quality of waters in the Metropolitan communities; and

WHEREAS, it is necessary to obtain permanent and temporary easements or fee simple title as 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, and appurtenances thereto;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago:

Section 1. That there be and is hereby laid out, located, created, and established a 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, and legally described as follows, to wit:

(For Legal Description, See Exhibit "A" which is attached hereto and made a part thereof.)

Section 2. That it is necessary, convenient, desirable and in the public interest to acquire fee simple title or such lesser interests as may be deemed appropriate in and to the real estate hereinafter described as a site 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, which site is the following described real estate situated in the State of Illinois, to wit:

(For Legal Description, see Exhibit "A" which is attached hereto and made a part hereof.)

Section 3. That 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, together with all appurtenances thereto, within the right-of-way described in Sections 1 and 2 of this Ordinance, is hereby provided for and there shall be constructed, maintained, and operated within the limits of said right-of-way described in Sections 1 and 2 of this Ordinance, said Heritage Park Flood Control Facility, together with all necessary appurtenances thereto, the same to be an adjunct of and addition to the drainage system of The Metropolitan Water Reclamation District of Greater Chicago.

Section 4. That it is necessary, convenient and desirable for the purposes of The Metropolitan Water Reclamation District of Greater Chicago to acquire fee simple title or such lesser interests as may be deemed appropriate in and to the real estate necessary to facilitate the construction, operation, and maintenance of a portion of the said 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, as described in Sections 1 and 2 of this Ordinance.

Section 5. That the Executive Director of The Metropolitan Water Reclamation District of Greater Chicago be and he is hereby authorized and directed to negotiate with the respective owners and parties in interest of the real estate described in Sections 1 and 2 of this Ordinance for the purposes of acquiring fee simple title or such lesser interests as may be deemed appropriate in and to the real estate described in Sections 1 and 2 of this Ordinance; and to endeavor to agree with said owners and parties in interest upon the price to be paid to them for said fee simple title or such lesser interests; and to engage the services of such appraisers as may be necessary, under the provisions of Section 11.4, Act 2605, Chapter 70, Illinois Compiled Statutes, for the purposes of such acquisition.

In the event that said Executive Director of The Metropolitan Water Reclamation District of Greater Chicago is unable to agree with the owners and parties in interest of any or all of said pieces or parcels of property described in Sections 1 and 2 of this Ordinance, or if said owners or parties in interest are incapable of consenting or their names or residences are unknown or they are non-residents of Illinois, Executive Director of The Metropolitan Water Reclamation District of Greater Chicago shall report such fact to the General Counsel for The Metropolitan Water Reclamation District of Greater Chicago, and thereupon said General Counsel shall commence and prosecute condemnation proceedings in such courts as he may deem proper to acquire such fee simple title or lesser interests as he may deem proper by virtue of the Eminent Domain Laws of the State of Illinois as directed by the Executive Director and to pay all costs and expense, including appraisal fees, incurred in connection therewith.

Section 6. This Ordinance shall be in full force and effect from and after its passage.

DATED: this 3rd day of June 2010

Approved as to Engineering:

APPROVED:

KENNETH KITS
Director of Engineering

HON. TERRENCE J. O'BRIEN, President
Board of Commissioners of the
Metropolitan Water Reclamation District
of Greater Chicago

Approved as to Form and Legality:

CARLTON LOWE
Head Assistant Attorney

FREDERICK M. FELDMAN
General Counsel

EXHIBIT A

ORDINANCE NO. R10-001

RIGHT-OF-WAY

FOR A PORTION OF THE

HERITAGE PARK FLOOD CONTROL FACILITY

Contract No. 09-365-5F

Pawel Sawicki:

03-11-200-015-0000 (From Commitment 008381837):

THAT PART OF LOT "A" IN WILLE'S CONSOLIDATION OF LAND IN SECTIONS 1, 2, 11 AND 12, IN TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTER LINES OF DUNDEE AND WOLF ROADS, SAID POINT BEING 2148.40 FEET, SOUTH 88 DEGREES, 20 MINUTES WEST OF A STONE IN THE CENTER OF DUNDEE AND MILWAUKEE ROADS; THENCE SOUTH 1 DEGREE 38 MINUTES, 30 SECONDS EAST ALONG THE CENTER OF WOLF ROAD A DISTANCE OF 588.58 FEET TO A POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 20 MINUTES WEST A DISTANCE OF 476.75 FEET TO THE CENTER OF WHEELING DRAINAGE DITCH; THENCE SOUTHERLY ALONG THE CENTER OF SAID DITCH A DISTANCE OF 97.61 FEET; THENCE NORTH 88 DEGREES 20 MINUTES EAST 450.45 FEET TO THE CENTER OF WOLF ROAD THENCE NORTH 1 DEGREE 38 MINUTES WEST ALONG THE CENTER OF SAID ROAD 94.0 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.

Antoni Gurba and Maria Gurba, His Wife, and Piotr Gurba, In Joint Tenancy:

03-11-200-030-0000 (From Commitment 008381838):

THAT PART OF LOT A IN WILLE'S CONSOLIDATION OF LAND IN SECTIONS 1, 2, 11 AND 12 IN TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER LINES OF DUNDEE AND WOLF ROADS, SAID POINT BEING 2148.40 FEET, SOUTH 88 DEGRESS 20 MINUTES WEST OF A STONE IN THE CENTER OF DUNDEE AND MILWAUKEE ROADS; THENCE SOUTH 1 DEGREE 38 MINUTES 30 SECONDS EAST ALONG THE CENTER OF WOLF ROAD A DISTANCE OF 855 FEET TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY ALONG THE CENTER ROAD, BEING THE ARC OF A CIRCLE CONVEX TO THE WEST HAVING A RADIUS OF 1910.09 FEET, A DISTANCE OF 233.10 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTHEASTERLY

ALONG THE CENTER OF THE ROAD BEING THE ARC OF A CIRCLE CONVEX TO THE WEST HAVING A RADIUS OF 1910.08 FEET, A DISTANCE OF 101.75 FEET; THENCE SOUTH 80 DEGREES 21 MINUTES 25 SECONDS WEST 421.33 FEET TO THE CENTER OF WHEELING DRAINAGE DITCH; THENCE NORTHERLY ALONG THE CENTER OF SAID DITCH 158.75 FEET; THENCE NORTH 88 DEGREES 20 MINUTES EAST TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

Abraham Y. Eo and Mi Hee Eo, Not As Joint Tenants or Tenants in Common but as Tenants by the Entirety:

03-11-200-116-0000 (From Commitment 008381865):

THE NORTH 230 FEET (MEASURED AT RIGHT ANGLES TO THE NORTH LINE THEREOF), OF A TRACT DESCRIBED AS THAT PART OF LOT "A", IN WILLE'S CONSOLIDATION OF LAND IN SECTIONS 1, 2, 11 AND 12, IN TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF DUNDEE AND WOLF ROADS, SAID POINT BEING 2148.40 FEET SOUTH, 88 DEGREES 20 MINUTES WEST OF A STONE IN THE CENTER OF DUNDEE AND MILWAUKEE ROADS; THENCE SOUTH 1 DEGREE, 38 MINUTES, 30 SECONDS EAST ALONG THE CENTER OF WOLF ROAD, A DISTANCE OF 682.50 FEET TO A POINT OF BEGINNING; THENCE CONTINUING ALONG THE CENTER OF ROAD, SOUTH 1 DEGREE, 38 MINUTES, 30 SECONDS EAST, A DISTANCE OF 172.50 FEET TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY ALONG THE CENTER OF ROAD, BEING THE ARC OF A CIRCLE, CONVEX TO THE WEST, HAVING A RADIUS OF 1910.08 FEET, A DISTANCE OF 233.10 FEET; THENCE SOUTH 88 DEGREES, 20 MINUTES WEST, A DISTANCE OF 405.75 FEET TO THE CENTER OF WHEELING DRAINAGE DITCH; THENCE NORTHERLY ALONG THE CENTER OF SAID DITCH, A DISTANCE OF 409.25 FEET; THENCE NORTH 88 DEGREES, 20 MINUTES EAST, A DISTANCE OF 450.445 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

