

ORDINANCE R16-001

ORDINANCE ESTABLISHING THE RIGHT-OF-WAY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE LYONS LEVEE FLOOD CONTROL PROJECT IN THE VILLAGE OF FOREST VIEW (CONTRACT 13-199-5F) IN PARTS OF SECTIONS 1 & 12, TOWNSHIP 38 NORTH, RANGE 12, 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 the waters in the Chicago 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 the Lyons Levee Flood Control Project in the Village of Forest View (Contract 13-199-5F) in parts of Sections 1 & 12, Township 38 North, Range 12, East of the Third Principal Meridian in Cook County, Illinois.

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 the Lyons Levee Flood Control Project in the Village of Forest View (Contract 13-199-5F) in parts of Sections 1 & 12, Township 38 North, Range 12, 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 hereof.)

Section 2. That it is necessary, convenient, desirable and in the public interest to acquire fee simple title or such lesser interests, consents, and approvals, as may be deemed appropriate in and to the real estate hereinafter described as a site for the construction, operation and maintenance of the Lyons Levee Flood Control Project in the Village of Forest View (Contract 13-199-5F) in parts of Sections 1 & 12, Township 38 North, Range 12, 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 the Lyons Levee Flood Control Project in the Village of Forest View (Contract 13-199-5F) in parts of Sections 1 & 12, Township 38 North, Range 12, 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 Lyons Levee Flood Control Project, Contract 13-199-5F, 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, consents, and approvals, as may be deemed appropriate in and to the real estate necessary to facilitate the construction, operation, and maintenance of the Lyons Levee Flood Control Project in the Village of Forest View (Contract 13-199-5F) in parts of Sections 1 & 12, Township 38 North, Range 12, 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 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, consents, and approvals, 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, the 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 21st day of January, 2016.

Approved as to Engineering:

Catherine A. O'Connor
Director of Engineering

APPROVED:

HON. MARIYANA T. SPYROPOULOS
President
Board of Commissioners of the
Metropolitan Water Reclamation District of
Greater Chicago

Approved as to form and legality:

Susan Morakalis
Head Assistant Attorney

Ronald M. Hill
General Counsel

**RIGHT-OF-WAY
FOR
Lyons Levee
(13-199-5F)**

(18-01-400-001-0000)

RIVER LOT A IN SANITARY DISTRICT TRUSTEE'S SUBDIVISION OF THE RIGHT OF WAY FROM WEST LINE OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TO THE WEST LINE OF SECTIONS 6, 7, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THE ROAD RIGHT OF WAY), AS SHOWN IN BOOK 100 PAGES 2, 8, 10, 19, 20-27 AS RECORDED MARCH 31, 1908 IN COOK COUNTY, ILLINOIS.

(18-01-400-003-0000)

PART OF LOT 107 IN SECTION 1 IN SANITARY DISTRICT TRUSTEE'S SUBDIVISION OF THE RIGHT OF WAY FROM WEST LINE OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TO THE WEST LINE OF SECTIONS 6, 7, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SHOWN IN BOOK 100 PAGES 2, 8, 10, 19, 20-27 RECORDED MARCH 31, 1908, IN COOK COUNTY, ILLINOIS.

(18-01-400-004-0000)

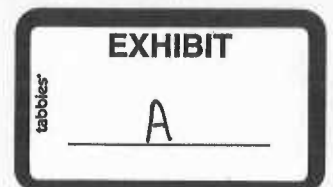
LOTS 1-13 OF THE CIRCUIT COURT PARTITION OF SECTION 31, 32, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TOGETHER WITH PART OF SECTION 1,12, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SHOWN IN BOOK 95 PAGE 10 RECORDED DECEMBER 13, 1906 (EXCEPTING THEREFROM THE ROAD AS WIDENED, STRIP A AS DESCRIBED IN DOCUMENT 13840026, STRIP A AS DESCRIBED IN DOCUMENT 13840025, AND STRIP B AS DESCRIBED IN DOCUMENT 13840026), IN COOK COUNTY, ILLINOIS.

(18-12-101-016-0000)

THE NORTHERLY 67 FEET LYING SOUTHERLY OF AT&SF RAILROAD'S 66 FOOT RIGHT OF WAY OF LOT B IN SANITARY DISTRICT TRUSTEE'S SUBDIVISION OF THE RIGHT OF WAY FROM WEST LINE OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TO THE WEST LINE OF SECTIONS 6,7, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN AS SHOWN IN BOOK 100 PAGES 2, 8, 10, 19, 20-27 AS RECORDED MARCH 31, 1908 IN COOK COUNTY, ILLINOIS.

(18-12-101-051-0000)

THAT PART OF RIVER LOT B, NORTHERLY OF THE C&IW RAILROAD 100 FOOT RIGHT OF WAY, IN SANITARY DISTRICT TRUSTEE'S SUBDIVISION OF THE RIGHT OF WAY FROM WEST LINE OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TO THE WEST LINE OF SECTIONS 6,7, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THE SOUTHERLY 50 FEET OF THAT PART NORTH OF



C&IW RAILROAD 100 FOOT RIGHT OF WAY), AS SHOWN IN BOOK 100 PAGES 2, 8, 10, 19, 20-27 AS RECORDED MARCH 31, 1908 IN COOK COUNTY, ILLINOIS.

(18-12-200-001-0000)

PART OF LOT 107 LYING NORTH OF C&IW RAILROAD'S 100 FOOT RIGHT OF WAY (EXCLUDING ROAD AND SOUTHERLY 50 FOOT PART NORTH OF C&IW RAILROAD'S 100 FOOT RIGHT OF WAY IN SANITARY DISTRICT TRUSTEE'S SUBDIVISION OF THE RIGHT OF WAY FROM WEST LINE OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TO THE WEST LINE OF SECTIONS 6,7, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SHOWN IN BOOK 100 PAGES 2, 8, 10, 19, 20-27 RECORDED MARCH 31, 1908, IN COOK COUNTY, ILLINOIS.

(18-12-200-010-0000)

PART OF LOTS 105 AND 107 LYING NORTHERLY OF A LINE COMMENCING AT THE NORTHEAST CORNER OF SECTION 12, THENCE SOUTHWESTERLY ON A CURVE CONVEX NORTHWESTERLY, HAVING A RADIUS OF 2300 FEET, TO A POINT OF TANGENCY WITH A LINE 67 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINE OF THE AT&SF RAILROAD'S 66 FOOT RIGHT OF WAY, THENCE SOUTHWESTERLY, PARALLEL TO SAID RIGHT OF WAY LINE, TO THE WEST LINE OF LOT 107 IN SANITARY DISTRICT TRUSTEE'S SUBDIVISION OF THE RIGHT OF WAY FROM WEST LINE OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TO THE WEST LINE OF SECTIONS 6,7, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SHOWN IN BOOK 100 PAGES 2, 8, 10, 19, 20-27 RECORDED MARCH 31, 1908, IN COOK COUNTY, ILLINOIS.

(18-12-200-011-0000)

LOTS 105 AND 107 (EXCLUDING THEREFROM HARLEM AVENUE AND THE PART NORTHERLY OF A LINE COMMENCING AT THE NORTHEAST CORNER OF SECTION 12, THENCE SOUTHWESTERLY ON A CURVE CONVEX NORTHWESTERLY, HAVING A RADIUS OF 2300 FEET, TO A POINT OF TANGENCY WITH A LINE 67 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINE OF THE AT&SF RAILROAD'S 66 FOOT RIGHT OF WAY, THENCE SOUTHWESTERLY, PARALLEL TO SAID RIGHT OF WAY LINE, TO THE WEST LINE OF LOT 107) IN SANITARY DISTRICT TRUSTEE'S SUBDIVISION OF THE RIGHT OF WAY FROM WEST LINE OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TO THE WEST LINE OF SECTIONS 6,7, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SHOWN IN BOOK 100 PAGES 2, 8, 10, 19, 20-27 RECORDED MARCH 31, 1908, IN COOK COUNTY, ILLINOIS.

(18-12-200-014-0000)

STRIP B, PARCEL #4 AS DESCRIBED IN DOCUMENT 13840026, FALLING WITHIN THE 100 FOOT RIGHT OF WAY OF THE NORTH EAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

(18-12-200-015-0000)

STRIP C, PARCEL #4 AS DESCRIBED IN DOCUMENT 13840026, FALLING WITHIN THE 100 FOOT RIGHT OF WAY OF THE NORTH EAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

(18-12-200-016-0000)

STRIP D, PARCEL #4 AS DESCRIBED IN DOCUMENT 13840026, FALLING WITHIN THE 100 FOOT RIGHT OF WAY OF THE NORTH EAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

(18-12-200-019-0000)

THAT PART OF LOT 107 KNOWN AS STRIP A, PARCEL #4, AS DESCRIBED IN DOCUMENT 13840026, IN SANITARY DISTRICT TRUSTEE'S SUBDIVISION OF THE RIGHT OF WAY FROM WEST LINE OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TO THE WEST LINE OF SECTIONS 6,7, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SHOWN IN BOOK 100 PAGES 2, 8, 10, 19, 20-27 AS RECORDED MARCH 31, 1908, IN COOK COUNTY, ILLINOIS.

(18-12-200-020-0000)

THAT PART OF LOT 107 KNOWN AS STRIP B, PARCEL #4, AS DESCRIBED IN DOCUMENT 13840026, IN SANITARY DISTRICT TRUSTEE'S SUBDIVISION OF THE RIGHT OF WAY FROM WEST LINE OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TO THE WEST LINE OF SECTIONS 6,7, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SHOWN IN BOOK 100 PAGES 2, 8, 10, 19, 20-27 AS RECORDED MARCH 31, 1908, IN COOK COUNTY, ILLINOIS.

(18-12-200-025-0000)

STRIP C, PARCEL #4 AS DESCRIBED IN DOCUMENT 13840025, FALLING WITHIN THE 100 FOOT RIGHT OF WAY OF THE NORTH EAST QUARTER OF SECTION 12, TOWNSHIP 38, NORTH RANGE 12, IN COOK COUNTY, ILLINOIS.

(18-12-200-032-0000)

LOT 103 (EXCEPTING THEREFROM THE PART TAKEN FOR HARLEM AVENUE AS WIDENED AND THAT PART OF SAID LOT 103 LYING SOUTH OF A LINE BEGINNING AT A POINT IN THE EAST LINE OF SAID LOT WHICH IS 1308.57 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 105 THENCE NORTHWESTERLY ALONG A LINE MAKING AN ANGLE OF 83 DEGREES 13 MINUTES WITH THE EAST LINE OF SAID LOT 103, MEASURES FROM NORTH TO WEST, A DISTANCE OF 1676.65 FEET, MORE OR LESS, TO THE SOUTHWESTERLY LINE OF SAID LOT 103 IN SANITARY DISTRICT TRUSTEE'S SUBDIVISION OF THE RIGHT OF WAY FROM WEST LINE OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TO THE WEST LINE OF SECTIONS 6,7, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SHOWN IN BOOK 100 PAGES 2, 8, 10, 19, 20-27 AS RECORDED MARCH 31, 1908, IN COOK COUNTY, ILLINOIS.

(18-12-500-007-0000)

STRIP B, PARCEL #4 AS DESCRIBED IN DOCUMENT 13840025, FALLING WITHIN THE 100 FOOT RIGHT OF WAY OF THE NORTH EAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

(18-12-500-010-0000)

THAT PART OF LOT 107 KNOWN AS STRIP A, PARCEL #4, AS DESCRIBED IN DOCUMENT 13840025, IN SANITARY DISTRICT TRUSTEE'S SUBDIVISION OF THE RIGHT OF WAY FROM WEST LINE OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TO THE WEST LINE OF SECTIONS 6,7, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SHOWN IN BOOK 100 PAGES 2, 8, 10, 19, 20-27 AS RECORDED MARCH 31, 1908, IN COOK COUNTY, ILLINOIS.

(18-12-501-002-0000)

AT&SF RIGHT OF WAY IN THE NORTH HALF OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THE NORTH PART OF RIGHT OF WAY AFORESAID AS DESCRIBED IN DOCUMENT 15712156 RECORDED SEPTEMBER 4, 1953), IN COOK COUNTY, ILLINOIS.