

ORDINANCE R13-001

ORDINANCE ESTABLISHING RIGHT-OF-WAY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE TINLEY CREEK FLOOD CONTROL/STREAMBANK STABILIZATION PROJECT (TICR-5) BETWEEN LAKE LORIN AND 88TH AVENUE IN ORLAND HILLS AND ORLAND PARK IN PARTS OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, 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 Tinley Creek Flood Control/Streambank Stabilization Project (TICR-5) in Orland Hills and Orland Park, in parts of Section 22, Township 36 North, Range 12, 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 the Tinley Creek Flood Control/Streambank Stabilization Project (TICR-5) in Orland Hills and Orland Park, in parts of Section 22, Township 36 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 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 the Tinley Creek Flood Control/Streambank Stabilization Project (TICR-5) in Orland Hills and Orland Park, in parts of Section 22, Township 36 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 Tinley Creek Flood Control/Streambank Stabilization Project (TICR-5) in Orland Hills and Orland Park, in parts of Section 22, Township 36 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 Tinley Creek Flood Control/Streambank Stabilization Project (TICR-5) in Orland Hills and Orland Park, Illinois, 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 said Tinley Creek Flood Control/Streambank Stabilization Project (TICR-5) in Orland Hills and Orland Park, in parts of Section 22, Township 36 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 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, 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 March 2013

Approved as to Engineering:

Catherine A. O'Connor
Director of Engineering

APPROVED:

HON. KATHLEEN T. MEANY
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