

BEFORE THE BOARD OF COMMISSIONERS
OF THE METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO

METROPOLITAN WATER RECLAMATION)	
DISTRICT OF GREATER CHICAGO,)	
Petitioner,)	VIOLATION COMPLAINT
v.)	NO. 20060012
STEVE FOLEY CADILLAC, INC., et al.,)	
Respondents.)	

AGREED ORDER OF SETTLEMENT

This case is before the assigned Hearing Officer to approve the terms of this Agreed Order of Settlement between Petitioner Metropolitan Water Reclamation District of Greater Chicago ("District") and Respondent Steve Foley Cadillac, Inc. ("Respondent").

The parties wish to resolve this case without a trial, and have read and voluntarily agreed to the terms of this Agreed Order. The assigned Hearing Officer makes the following findings of fact and law, and orders Respondent to comply with each of the agreements stated in this Agreed Order:

1. The District's Board of Commissioners, through the assigned Hearing Officer, has *in personam* jurisdiction over the parties and *in rem* jurisdiction over the property commonly known as 100 Skokie Boulevard, Northbrook, Illinois ("subject property").
2. Respondent is the owner of the subject property, and also owns several other parcels of land located south of the subject property, including 204 Skokie Boulevard, 240 Skokie Boulevard, and 333 Skokie Boulevard. It also leases a narrow strip of land located immediately west of the subject property. Attached hereto as Exhibit A is a copy of a map that Respondent provided to the District in conjunction with Permit Application No. 06-451 that depicts the subject property and these surrounding properties.
3. The District alleges in its *Show Cause Complaint* that Respondent has constructed and maintained a sewer at the subject property and effected its connection to the District's sewerage collection and treatment system without: a) obtaining a permit from the District; b) having the sewer inspected, tested, and approved by the District; and c) providing adequate stormwater detention, in violation of the District's Sewer Permit Ordinance and the Manual of Procedures for the Administration of the Sewer Permit Ordinance.
4. Respondent admits to these violations and agrees to plead liable to all counts contained in the District's *Show Cause Complaint*. Respondent also agrees to reimburse the District in

the amount of \$3,993.25 for the costs that the District incurred in prosecuting this matter. Payment of this amount shall be made by certified check or money order payable to the "Metropolitan Water Reclamation District of Greater Chicago" and delivered to Senior Assistant Attorney Christopher Murray at 100 East Erie Street, 3rd Floor, Chicago, Illinois, 60611, on the date of entry of this Agreed Order.

5. Respondent further agrees to install stormwater detention facilities that will service the subject property, 204 Skokie Boulevard, 240 Skokie Boulevard, 333 Skokie Boulevard, and the narrow strip of land located immediately west of the subject property, pursuant to Permit Application No. 06-451. In making this installation, Respondent agrees that:
 - a. the aforementioned permit application shall be completed and corrected to the District's satisfaction to allow issuance of the permit;
 - b. the work shall be performed by a licensed contractor in a manner consistent with the plans and specifications approved by the District;
 - c. the work shall meet or exceed the District's stormwater detention requirements and design criteria;
 - d. all phases of the installation shall be completed in their entirety no later than May 30, 2008;
 - e. the determination of whether the stormwater detention facilities installed under this paragraph conform to the District's stormwater detention requirements and design criteria shall be made solely by the District; and
 - f. it will provide the District's personnel with access to the subject property for any inspection that the District determines is necessary to verify that: i) the work is being performed, and ultimately completed, in a manner that conforms to the District's stormwater detention requirements and design criteria; and ii) upon completion of the work, the detention facilities are being maintained and operated in accordance with the District's permit.
6. Should an unforeseeable independent act, force or occurrence or the like prevent or delay the completion of the work in the time scheduled in paragraph 5 of this Agreed Order, Respondent shall, with seven days written notice to the District, petition the assigned Hearing Officer for an extension of time. The parties agree that the standard upon which an extension of time will be granted is for good cause shown. The petition for an extension must be filed within ten working days of the act causing the delay. Failure to apply for an extension within the ten working days shall constitute a waiver of this right to extend the time schedule and shall subject Respondent to the penalties set forth in paragraph 7 of this Agreed Order.

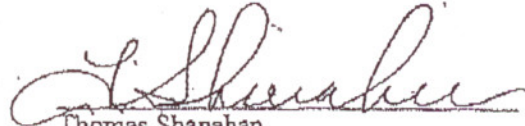
7. If Respondent fails to complete the work set forth in paragraph 5 of this Agreed Order, the penalty shall be:
- a. A fine to the District in the amount of \$1,000 for each day the work is not completed, commencing on June 1, 2008; and
 - b. Upon motion by the District, the entry of an order authorizing the District to disconnect any sewer located on the subject property from the District's sewerage system until such time as the work is completed. Respondent shall reimburse the District of any expenses incurred by the District in disconnecting, and later reconnecting, any such sewer from or to the District's sewerage system.
8. This case will be dismissed (including the District's claims against respondents Village of Northbrook, Daniel Creaney Co, and API Plumbing, Inc.) upon approval of these terms and conditions by the District's Board of Commissioners. In the event the Board of Commissioners rejects any of the terms of this Agreed Order, this case will be remanded to the assigned Hearing Officer for further proceedings.
9. Each party waives its right to an appeal in this matter. The Board of Commissioners, through the assigned Hearing Officer, retains jurisdiction of this case to enforce the terms of this Agreed Order.

DATED: January 18, 2008


Agreed to by:



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Ronald M. Hill/Christopher M. Murray
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District of Greater Chicago
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Steve Foley, Jr., President
Steve Foley Cadillac, Inc.

ENTERED:

Date

1/18/08

Nick Valadez
Nick Valadez, Hearing Officer