



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

File #: 19-0706 **Version:** 1
Type: Agenda Item **Status:** Adopted
File created: 7/18/2019 **In control:** Real Estate Development Committee
On agenda: 8/8/2019 **Final action:** 8/8/2019
Title: Authority to pay final just compensation in the amount of \$185,000.00 to acquire fee simple title to real estate commonly known as 1538 North 43rd Avenue in Stone Park, Illinois in order to finalize the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Ruben Salinas, et al.*, Case No. 19L050008 in the Circuit Court of Cook County, Illinois, Account 501-50000-656010, Stormwater Management Fund

Sponsors:

Indexes:

Code sections:

Attachments: 1. RE - MWRD v Ruben Salinas 1538 N. 43rd Ave. Stone Park - Aerial.pdf

Date	Ver.	Action By	Action	Result
8/8/2019	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF AUGUST 8, 2019

COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authority to pay final just compensation in the amount of \$185,000.00 to acquire fee simple title to real estate commonly known as 1538 North 43rd Avenue in Stone Park, Illinois in order to finalize the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Ruben Salinas, et al.*, Case No. 19L050008 in the Circuit Court of Cook County, Illinois, Account 501-50000-656010, Stormwater Management Fund

Dear Sir:

On August 6, 2015, the Board of Commissioners ("Board") adopted Ordinance No. R15-006 establishing the right-of-way for the construction, operation and maintenance of the Addison Creek Channel Improvement Project located in the municipalities of Northlake, Stone Park, Melrose Park, Bellwood, Westchester, and Broadview (Contract 11-187-3F) ("Project"). Ordinance R15-006 was subsequently amended by Ordinances R15-007, R18-003, and R19-002 to include additional right-of-way needed for the Project.

Said Ordinances authorized and directed the Executive Director to negotiate with the respective owners to acquire fee simple title or such lesser interests, as appropriate, in and to the real estate described in the Ordinances.

On September 6, 2018, the Board authorized the District to enter into intergovernmental agreements with the City of Northlake, Village of Stone Park, Village of Melrose Park, Village of Bellwood, Village of Westchester, and Village of Broadview for the Project. The proposed channel improvements are broken down into nine reaches along approximately 15,300 linear feet of Addison Creek beginning at Hirsch Street in the City of Northlake and continuing to Cermak Road in the Village of Broadview. The Addison Creek channel

improvements, along with the proposed Addison Creek Reservoir, will provide flood reduction benefits to approximately 2,200 properties.

The Project requires the acquisition of several residential properties located in the right-of-way. One such parcel is owned by Mr. Ruben Salinas. The parcel is located at 1538 North 43rd Avenue in Stone Park, Illinois. The parcel comprises 3,660 square feet and is improved with an approximately 2,256 square-foot two-unit residence.

After the owner did not respond to the District's offer to acquire the parcel, the District filed an eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. Ruben Salinas, et al., Case No. 19L050008 in the Circuit Court of Cook County, Illinois. Since filing the lawsuit on January 4, 2019, the District has served all parties in interest as required by the court, including the owner. In addition to this condemnation action, a foreclosure action is pending relative to the property. The mortgage company has filed an appearance and has confirmed that it will not object to the District's appraised value \$185,000.00. Accordingly, the District intends to file a Motion for Summary Judgment asking the court to enter an order establishing final just compensation in the amount of \$185,000.00. Upon deposit of the final just compensation with the Cook County Treasurer, the interested parties may petition the court to withdraw any funds they may be entitled to and the District will be vested with title to the property.

It is the opinion of the General Counsel and Special Counsel, Neal & Leroy, LLC, that this amount is within the range of value for the subject property based on the fair market value appraisal obtained by the District. The residence is not currently occupied, so no relocation costs are anticipated at this time.

Accordingly, it is requested that the Executive Director recommend to the Board of Commissioners that it adopt the following orders:

1. That the General Counsel be authorized to present a Motion for Summary Judgment to finalize the eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. Ruben Salinas, et al., Case No. 19L050008 in the Circuit Court of Cook County;
2. That upon granting of said Motion, the District be authorized to make payment of final just compensation in the amount of \$185,000.00 to acquire fee simple title to real estate commonly known as 1538 North 43rd Avenue in Stone Park, Illinois;
3. That the General Counsel be authorized and directed to execute and deliver all other documents and take such other actions as may be necessary to effectuate said Motion and to attain possession of said property.

Requested, Susan T. Morakalis, General Counsel and Catherine A. O'Connor, Director of Engineering;
STM:CAO:EMA:BJD:CN:nm

Recommended, Brian A. Perkovich, Executive Director

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for August 8, 2019

Attachment