



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

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Title: Authority to pay final just compensation in the amount of \$75,333.00 to acquire permanent and temporary easements on the real estate commonly known as a 9999 West Roosevelt Road and 10001 Derby Lane in Westchester, Illinois, to settle the eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. Midwest Bank and Trust Company, et al., Case No. 20L050330 in the Circuit Court of Cook County, Illinois, Account 501-50000-667340, Stormwater Management Fund

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Attachments: 1. RE - MWRD v Trust Co, Addison Creek - Aerial.pdf

Date	Ver.	Action By	Action	Result
11/5/2020	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF NOVEMBER 5, 2020

COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authority to pay final just compensation in the amount of \$75,333.00 to acquire permanent and temporary easements on the real estate commonly known as a 9999 West Roosevelt Road and 10001 Derby Lane in Westchester, Illinois, to settle the eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. Midwest Bank and Trust Company, et al., Case No. 20L050330 in the Circuit Court of Cook County, Illinois, Account 501-50000-667340, 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, R19-002, and R20-001 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 permanent and temporary easements on two adjacent properties located in Westchester, Illinois that are owned by the same entity, Westchester Rising, LLC. The properties are located at 9999 West Roosevelt Road and 10001 Derby Lane. The primary improvements on the properties are office buildings. However, the easement areas needed for the project are located near the Addison Creek and will not impact the buildings. The permanent easement areas comprise approximately 23,243 square feet and the temporary easement areas comprise approximately 13,793 square feet.

On July 28, 2020, after the owner did not respond to the District's offer, the District filed an eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. Midwest Bank and Trust, et al., Case No. 20L050330 in the Circuit Court of Cook County, Illinois. After filing the complaint, the District was informed that the subject properties were sold by the previous owner to a new owner, Westchester Rising, LLC.

The District and the new owner have agreed to settle the matter for final just compensation in the amount of \$75,333.00, which is the same amount as the District's original offer. This total amount includes \$22,019.00 for the permanent easements and \$53,314.00 for the temporary easements. 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 easements based on the fair market value appraisal obtained by the District. Settlement of this matter will also save the District substantial costs that would otherwise be required to proceed to a quick-take hearing and trial, including attorney's fees and expert witness fees.

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

1. That payment of final just compensation in the amount of \$75,333.00 be authorized to acquire permanent and temporary easements on the real estate commonly known as a 9999 West Roosevelt Road and 10001 Derby Lane in Westchester, Illinois, to settle the eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. Midwest Bank and Trust Company, et al., Case No. 20L050330 in the Circuit Court of Cook County, Illinois.
2. 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 settlement and to attain said easements for the Project.

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 November 5, 2020

Attachment