



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

File #: 20-0961 **Version:** 1
Type: Agenda Item **Status:** Adopted
File created: 10/28/2020 **In control:** Real Estate Development Committee
On agenda: 11/5/2020 **Final action:** 11/5/2020
Title: Authority to pay preliminary just compensation in the amount of \$341,287.00 to acquire a permanent easement and a temporary construction easement on the property identified as 3000 St. Charles Road in Bellwood, Illinois, in the pending eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. 3000 St. Charles Road, LLC, et al.*, Case No. 20L050013 in the Circuit Court of Cook County, Illinois, Account 501-50000-667340, Stormwater Management Fund (As Revised)

Sponsors:

Indexes:

Code sections:

Attachments: 1. RE - MWRD v 3000 St Charles Rod Parcel 141 -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 preliminary just compensation in the amount of \$341,287.00 to acquire a permanent easement and a temporary construction easement on the property identified as 3000 St. Charles Road in Bellwood, Illinois, in the pending eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. 3000 St. Charles Road, LLC, et al.*, Case No. 20L050013 in the Circuit Court of Cook County, Illinois, Account 501-50000-667340, Stormwater Management Fund (As Revised)

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 a permanent and temporary construction easement on the property commonly known as 3000 St. Charles Road in Bellwood, Illinois. The property is improved with a one-story industrial building that is used in conjunction with a seat manufacturing business. The permanent easement area is approximately 45,227 square feet and the temporary construction easement area is approximately 9,220 square feet. The easements are needed to construct the channel improvements and to provide construction access and areas for staging. The easements are located adjacent to the Addison Creek and will not impact the building.

After the parties could not agree on the amount of compensation for the easements, the District filed an eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. 3000 St. Charles Road, LLC, et al., Case No. 20L050013 in the Circuit Court of Cook County, Illinois. After filing the lawsuit on January 6, 2020, the District filed a Motion for Immediate Vesting of Title and a quick-take evidentiary hearing was held before Judge Curry on October 14, 2020.

On October 15, 2020 the Court entered an order settling the preliminary just compensation for impressment of the easements at \$341,287.00 (\$277,000.00 for the permanent easement and \$64,287.00 for the temporary easement, inclusive of damages to the remainder.) Upon approval by the Board, the District must deposit the preliminary just compensation with the Cook County Treasurer. The final monetary compensation to be paid for the taking will be resolved by a jury trial at a later date, at which time the District will seek Board approval if any additional payments are needed.

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

1. That payment of preliminary just compensation in the amount of \$341,287.00 be authorized to acquire the permanent and temporary easements in the eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. 3000 St. Charles Road, LLC, et al., Case No. 20L050013 in the Circuit Court of Cook County, Illinois, Account 501-50000-667340, Stormwater Management Fund.
2. That the General Counsel be authorized to take such other actions as may be necessary to effectuate said order and to attain said property interests 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

Attachments