



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

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Title: Authority to approve, execute, and make payment to the owners of 1508 North 39th Avenue in Stone Park, Illinois for a permanent easement in connection with the Addison Creek Channel Improvements Project (Contract 11-187-3F). Consideration shall be a one-time fee of \$13,679.01, Account 501-50000-667340, Stormwater Management Fund

Sponsors:

Indexes:

Code sections:

Attachments: 1. RE - Payment to 1508 North 39th Avenue - Bhatti - Parcel 92 - Aerial.pdf

Date	Ver.	Action By	Action	Result
12/3/2020	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF DECEMBER 3, 2020

COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authority to approve, execute, and make payment to the owners of 1508 North 39th Avenue in Stone Park, Illinois for a permanent easement in connection with the Addison Creek Channel Improvements Project (Contract 11-187-3F). Consideration shall be a one-time fee of \$13,679.01, 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 a permanent easement on the property commonly known as 1508 North 39th Avenue in

Stone Park, Illinois. The property is a rectangular-shaped vacant parcel that is bisected by the Addison Creek. The permanent easement area is approximately 6,437 square feet and is needed to construct the channel improvements at this location.

On January 27, 2020, the District filed a condemnation complaint to acquire the permanent easement because the owner, Mohammad Bhatti, did not respond to the District's offer. However, the District was subsequently able to contact the three legal heirs of Mr. Bhatti, who is deceased. The legal heirs have accepted the District's offer to acquire the permanent easement for a one-time fee of \$13,679.01. 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 easement can be obtained outside of court through the execution of the necessary easement documentation. Settlement of this matter will save the District substantial costs that would otherwise be required to proceed to a quick-take hearing and trial, including attorneys' fees and expert witness fees.

It is requested that the Executive Director recommend to the Board that it accept and approve the permanent easement grant from the property owners in connection with the captioned project and authorize payment to the owners in the total amount of \$13,679.01 as compensation for the easements, paid to the legal heirs in three equal payments of \$4,559.67.

It is further requested that the Executive Director recommend to the Board that the Chairman of the Committee on Finance and Clerk be authorized and directed to execute any documents necessary in connection with the subject easements after they are approved by the Director of Engineering as to technical matters and by the General Counsel as to form and legality.

Funds are available in Account 501-50000-667340.

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

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 December 3, 2020

Attachment