



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

File #: 21-0480 **Version:** 1

Type: Agenda Item **Status:** Adopted

File created: 5/24/2021 **In control:** Real Estate Development Committee

On agenda: 6/3/2021 **Final action:** 6/3/2021

Title: Authority to pay final just compensation in the amount of \$305.36 to acquire a permanent easement on a vacant parcel located at 3101 St. Charles Road in Bellwood, Illinois through summary judgment in the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Irene Burtin, et al.*, Case No. 21L050029 in the Circuit Court of Cook County, Illinois, Account 501-50000-667330, Stormwater Management Fund

Sponsors:

Indexes:

Code sections:

Attachments: 1. RE - MWRD v Brutin et al, 3101 St Charles Rd Parcel 291 - Aerial.pdf

Date	Ver.	Action By	Action	Result
6/3/2021	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF JUNE 3, 2021

COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authority to pay final just compensation in the amount of \$305.36 to acquire a permanent easement on a vacant parcel located at 3101 St. Charles Road in Bellwood, Illinois through summary judgment in the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Irene Burtin, et al.*, Case No. 21L050029 in the Circuit Court of Cook County, Illinois, Account 501-50000-667330, 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 impressment of a permanent easement on a small vacant parcel located adjacent to Addison Creek. The parcel is approximately 127 square feet and is unimproved. The title history for this parcel indicates that it is not owned by either of the neighboring owners.

To ensure that the District obtains clear title to complete the channel improvements, on January 12, 2021 the District filed an eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. Irene Burtin, et al., Case No. 21L050029 in the Circuit Court of Cook County, Illinois. All parties with a potential interest in the property have been served and no appearances have been filed. The defendants, Irene and Mosie Burtin, executed a disclaimer of interest and were dismissed from the case. As a result, the District filed a motion for summary judgment asking the Court to make a finding for the final just compensation due consistent with the District's valuation, which is the only valuation evidence presented in this matter. The court granted the District's motion and entered a Final Judgment Order on May 12, 2021. It is the opinion of the General Counsel and Special Counsel, Neal & Leroy, LLC, that the amount of \$305.36 is within the range of value for the impressment of a permanent easement upon the subject parcel based on comparable land values. This parcel is vacant, so no relocation costs are anticipated. In accordance with the Final Judgment Order, the District will deposit \$305.36 with the Cook County Treasurer. Any party with an interest in the property can petition the Court to withdraw these funds.

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

1. That the Board authorize payment of final just compensation in the amount of \$305.36 to acquire a permanent easement on a vacant parcel located at 3101 St. Charles Road in Bellwood, Illinois through summary judgment in the eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. Irene Burtin, et al., Case No. 21L050029 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 summary judgment and to attain possession of the permanent easement upon said property.

Requested, Susan T. Morakalis, General Counsel and Catherine A. O'Connor, Director of Engineering;
STM:CAO:MTC: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 June 3, 2021

Attachment