



# Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street  
Chicago, IL 60611

## Legislation Text

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File #: 20-0124, Version: 1

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### TRANSMITTAL LETTER FOR BOARD MEETING OF FEBRUARY 6, 2020

#### COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authority to pay final just compensation in the amount of \$29,000.00 to acquire temporary and permanent easements on the real estate commonly known as 3800 West Lake Street in Melrose Park, Illinois, to settle the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Chicago Title Land Trust Company, et al.*, Case No. 19L050278 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 temporary and permanent easements on the property owned by Chicago Title Land Trust Company as successor trustee under a certain trust agreement dated October 9, 1992 known as Trust Agreement No. 117478. Upon information and belief, the beneficial owners of said trust are JKS Ventures Corp. and D&P Construction, Inc. The property is located at 3800 West Lake Street in Melrose Park, Illinois, and is improved with a one-story industrial building, garages, and other improvements related to its use as a permitted waste transfer facility. However, the temporary and permanent easements are primarily located in or adjacent to the Addison Creek to enable the construction and maintenance of the channel improvements.

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. Chicago Title Land Trust Company, et al.*, Case No. 19L050278 in the Circuit Court of Cook County, Illinois. Since filing the lawsuit on May 28, 2019, the District and the owner have agreed to settle the matter in the amount of

\$29,000.00. 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 temporary and permanent easements based on the fair market value appraisals obtained by the District and the property owner. 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.

The owner will not be required to relocate any of its material or equipment, 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 payment of final just compensation in the amount of \$29,000.00 be authorized to acquire temporary and permanent easements on the real estate commonly known as 3800 West Lake Street in Melrose Park, Illinois, to settle the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Chicago Title Land Trust Company, et al.*, Case No. 19L050278 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 February 6, 2020

Attachment