



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 20-0945, Version: 1

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 \$30,270.00 to acquire permanent and temporary easements on the real estate commonly known as 3801 West Lake Street in Stone Park, Illinois, to settle the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. RN 3801, LLC, et al.*, Case No. 19L050685 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 the property commonly known as 3801 West Lake Street, Stone Park, Illinois. The primary improvement on the property is a night club containing 15,000± square feet. The permanent easement areas total approximately 479 square feet and the temporary easement areas total approximately 3,124 square feet. The easements are needed to construct the channel improvements and to provide construction access and staging. The easements are located near 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. RN 3801, LLC, et al.*, Case No. 19L050685 in the Circuit Court of Cook County, Illinois. Since filing the lawsuit on November 6, 2019, the District and the owner have agreed to an amount of final just compensation of \$30,270.00. 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 easements based on a 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 \$30,270.00 be authorized to acquire permanent and temporary easements on the real estate commonly known as 3801 West Lake Street in Stone Park, Illinois, to settle the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. RN 3801, LLC, et al.*, Case No. 19L050685 in the Circuit Court of Cook County, Illinois.
2. That the General Counsel be authorized and directed to execute and deliver the Agreed Final Judgment Order with the court, and take such other actions as may be necessary to effectuate said settlement 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

Attachment