



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

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TRANSMITTAL LETTER FOR BOARD MEETING OF NOVEMBER 19, 2020

COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authority to pay final just compensation in the amount of \$3,249.00 to acquire permanent and temporary easements on the real estate commonly known as 1517 North 40th Avenue in Stone Park, Illinois, through summary judgment in the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Mary Collins, et al.*, Case No. 20L050112 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 located at 1517 North 40th Avenue in Stone Park, Illinois. The property is a vacant parcel located adjacent to the Addison Creek. The permanent easement area is approximately 1,288 square feet and the temporary easement area is approximately 2,376 square feet.

On February 14, 2020, after the record owner did not respond to the District's offer, the District filed an eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Mary Collins, et al.*, Case No. 20L050112 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. Thereafter, the court entered an order of default for the owner's failure to appear. As a result, the District must file a motion for summary judgment asking the Court to make a finding for the final just compensation due for the District's impressment of the permanent and temporary easements. It is the opinion of the General Counsel and Special Counsel, Neal & Leroy, LLC, that the amount of \$3,249.00 is within the range of value for the easements based on a fair market value appraisal obtained by the District. The property has no structures or improvements, so no relocation costs are anticipated. Upon entry of a summary judgment order, the District will deposit \$3,249.00

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 \$3,249.00 to acquire permanent and temporary easements on the real estate commonly known as 1517 North 40th Avenue in Stone Park, Illinois, through summary judgment in the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. Mary Collins, et al.*, Case No. 20L050112 in the Circuit Court of Cook County, Illinois; and

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 said property.

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 19, 2020

Attachment