



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 22-0053, Version: 1

TRANSMITTAL LETTER FOR BOARD MEETING OF JANUARY 20, 2022

COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authority to settle the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. 3000 St. Charles Road, LLC, et al.*, Case No. 20L050013 in the Circuit Court of Cook County, Illinois, for final just compensation in the amount of \$326,250.00

Dear Sir:

On November 5, 2020, the Board of Commissioners ("Board") authorized preliminary just compensation in the amount of \$341,287.00 to acquire permanent and temporary easements for the Addison Creek Channel Improvement Project at 3000 St. Charles Road in Bellwood, Illinois, in the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. 3000 St. Charles Road, LLC, et al.*, Case No. 20L050013 in the Circuit Court of Cook County, Illinois. This preliminary just compensation amount was set by the court after a quick-take hearing. The preliminary just compensation award was deposited with the Cook County Treasurer and the court issued an order vesting the District with the necessary easements to construct the Project.

After the court entered the preliminary just compensation order, the District and the owner continued to negotiate regarding the final just compensation amount to settle the pending lawsuit. The parties have reached an agreement to settle this matter for final just compensation of \$326,250.00. This final amount is \$15,037.00 less than the preliminary just compensation set by the court, so the District will receive a refund from the owner in that amount. The final compensation amount is lower due to a further analysis of the comparable sales considered by both parties' appraisers. This settlement avoids the risk and uncertainty of a jury trial, where the final compensation award could be significantly higher or lower than the preliminary just compensation award.

It is the opinion of the General Counsel and Special Counsel, Neal & Leroy, LLC, that the amount of \$326,250.00 is within the range of value for the property based on an appraisal obtained by the District (prepared by Pat McGarr, MAI) and the appraisal obtained by the property owner (prepared by Gary DeClark, MAI). In addition, final settlement of this matter will save the District substantial fees and costs that would otherwise be required to proceed to a 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 the District settle the eminent domain lawsuit entitled *The Metropolitan Water Reclamation District of Greater Chicago v. 3000 St. Charles Road, LLC, et al.*, Case No. 20L050013 in the Circuit Court of Cook County, Illinois, for final just compensation in the amount of \$326,250.00.
2. That the General Counsel be authorized and directed to execute and deliver the Final Judgment Order with

the court and take such other actions as may be necessary to effectuate said order 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: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 January 20, 2022

Attachment