

RESOLUTION NO. 23949
AMENDING RESOLUTION NO. 21848

Background

Resolutions 19584, 21606 and 21846 authorized acquisition of needed parcels and expenditures up to \$60,000,000.00 for any and all land acquisition fees, costs and expenditures necessary for Systemwide Projects, Project No. RR-18-4408 ("Project No. RR-18-4408"). Resolution 21848, as proceeded by Resolution 21698 identified specific parcels that were required for Tollway purposes. Resolution 21848 must be further amended to identify and add additional parcels to provide the Tollway's Land Acquisition unit the authority to acquire all parcels necessary for the Project No. RR-18-4408, including fee title, permanent easements, temporary easements and access control. Pursuant to *ISTHA v. DiBenedetto*, 275 Ill. App 3d 400, 405 (1st Dist. 1995), the Tollway is required to reasonably describe real property it may need to acquire by eminent domain. This Resolution, amending Resolution 21848, identifies additional parcels and satisfies this requirement.

Resolution

Acquisition is authorized for any and all needed real property and interests in real estate and includes, but is not limited to, the Identified Parcels listed on Exhibit A ("Identified Parcels"), which is attached hereto and incorporated herein by this reference. These acquisitions are necessary and convenient to secure all needed real property and interests in real estate for Project No. RR-18-4408. The Tollway's Engineering Department, by and through its Land Acquisition Manager, together with authorized employees and agents, is authorized to acquire all necessary real estate interests associated with Project No. RR-18-4408 and, per Resolutions 19584, 21606 and 21846, to spend sums up to an amount not to exceed \$60,000,000.00 to pay for any and all land acquisition fees and costs including, but not limited to (i) consideration, settlements, purchase price, fees, costs, closing costs, deposits to close in escrow, relocation expenses, relocation benefits, relocation costs, title work, title insurers, agents, owners, attorneys, appraisers,

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Resolution – Continued

negotiators, surveyors and other experts retained for the purpose of acquiring all needed real estate and interests in real estate, (ii) payment of preliminary just compensation, final just compensation and damages, and (iii) any and all other acquisition costs, fees and expenses.

In the event all or part of the Identified Parcels cannot, with reasonable diligence, be purchased via negotiations, administrative documentation or settlement, the Land Acquisition Unit, upon the recommendation of the Land Acquisition Manager, the General Counsel and the Attorney General, is authorized and directed to acquire the same in the name of the Tollway by eminent domain.

The Executive Director, the Chief Operating Officer and/or Land Acquisition Manager, subject to then existing Land Acquisition policies and procedures and approval of the General Counsel and consistent with applicable state and federal law, are authorized to negotiate and enter into any real estate contract for the acquisition or conveyance of all needed real estate for Project No. RR-18-4408, such contracts to be executed in accordance with applicable Tollway policy. The Land Acquisition Unit is authorized to continue to acquire and purchase property by and through escrow closings with its approved title insurance vendors, subject to then existing Land Acquisition policies and procedures and approval of the General Counsel, such contracts to be executed in accordance with applicable Tollway policy. The Chief Financial Officer is authorized to issue warrants from time to time to pay for any and all land acquisition fees and costs including, but not limited to (i) consideration, settlements, purchase price, fees, costs, closing costs, deposits to close in escrow, relocation expenses, relocation benefits, relocation costs, title work, title insurers, agents, owners, attorneys, appraisers, negotiators, surveyors and other experts retained for the purpose of acquiring all needed real estate and interests in real estate, (ii) payment of preliminary just compensation,

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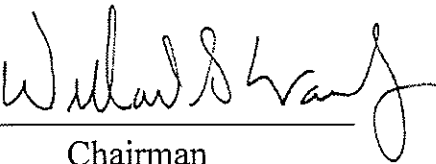
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final just compensation and damages, and (iii) any and all other acquisition costs, fees and expenses, necessary to acquire interests in all or part of all Identified Parcels needed for Project No. RR-18-4408, up to a sum not to exceed the aggregate sum of \$60,000,000.00.

Approved by: _____


Chairman

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Resolution – Continued- Exhibit A

PROJECT NO.: RR-18-4408- IDENTIFICATION OF PARCELS

System-Wide Project

EXHIBIT "A"
Project RR-18-4408
System-Wide

PREVIOUSLY IDENTIFIED PARCELS		
<u>Parcel</u>	<u>PIN NUMBER/OR DESCRIPTION</u>	<u>County</u>
NW-4A-18-001	16-26-200-008	McHenry
NW-4A-18-002	16-25-100-001, 16-26-100-014 16-26-200-004, 16-26-300-002 16-26-400-001, 16-26-400-003	McHenry
NW-4A-18-003	16-26-200-009	McHenry
NW-4A-18-004	16-23-400-005, 16-23-400-006	McHenry
NW-4A-18-005	16-23-300-001, 16-23-100-011	McHenry
NW-4A-18-006	16-26-100-009	McHenry
NW-4A-18-007	16-26-100-012, 16-26-100-022	McHenry
NW-4A-18-008	16-26-100-021, 16-26-100-023 16-26-100-024	McHenry
NW-6B-18-001	07-04-201-013, 07-04-201-014, 07-04-201-015 07-04-201-007, 07-04-201-008, 07-04-201-009 07-04-201-010, 07-04-201-011, 07-04-201-012	Cook

NEWLY IDENTIFIED PARCELS		
<u>Parcel</u>	<u>PIN NUMBER/OR DESCRIPTION</u>	<u>County</u>
TW-13A-19-001	07-09-202-001, 07-09-409-003, 07-09-409-005	Lake
TW-13A-19-002	07-09-200-034	Lake