



175 W. Jackson Blvd.
Suite 1650
Chicago, IL 60604
312-913-3200
www.rtachicago.org

To: Board of Directors
From: Leanne P. Redden, Executive Director
Date: September 8, 2021
Re: Ordinance authorizing the settlement of eminent domain litigation and purchase of real property on behalf of Pace Suburban Bus

The attached ordinance authorizes the RTA to (1) settle the eminent domain litigation docketed as RTA v. Dean Johnson, *et al.*, Kane County Case Number 19 ED 000004 and (2) acquire and transfer to Pace Suburban Bus (Pace) the related parcel of real property at a cost not to exceed \$975,000.

BACKGROUND

In September and December 2018, the Board authorized the aforementioned litigation and the acquisition of the Subject Property located at 1825-1829 North LaFox Street in South Elgin, Illinois. Ordinances 2018-52 and 2018-70 further authorized an intergovernmental agreement (IGA) between RTA and Pace whereby Pace agrees to reimburse the RTA for all costs and expenditures associated with the litigation and property acquisition. The purchase price was unknown at that time and therefore unspecified.

In September 2021 the Board met with counsel in closed session to consider the matter and is fully apprised of all relevant facts. The proposed ordinance authorizes the Executive Director to proceed consistent with that discussion.

FINANCIAL IMPACT

All costs associated with the acquisition will be reimbursed by Pace pursuant to the IGA.

Prepared by: Legal and Compliance

LPR/nml
Attachments



ORDINANCE NO.

WHEREAS, on September 13, 2018 and December 13, 2018 the Board of Directors adopted Ordinances 2018-52 and 2018-70, which together authorized (i) the acquisition of the Subject Property located at 1825-1829 North LaFox Street in South Elgin, Illinois by eminent domain, (ii) the transfer of title to Suburban Bus Division of the Regional Transportation Authority (Pace), and (iii) the related intergovernmental agreement (IGA) between RTA and Pace;

WHEREAS, pursuant to the Board's authorization, the RTA filed the matter docketed as RTA v. Dean Johnson, *et al.*, Case Number 19 ED 000004 in the Circuit Court of Kane County;

WHEREAS, on June 16, 2021, Pace's Board of Directors adopted Ordinance SBD #21-43, authorizing acquisition of the Subject Property via settlement of the pending litigation; and

WHEREAS, the RTA Board met with counsel in closed session to consider the litigation and is fully apprised of all relevant facts.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION AUTHORITY that:

1. The facts, findings and determinations set forth in Ordinances 2018-52 and 2018-70 are hereby restated as though fully stated herein.
2. The Executive Director is authorized to fully settle, resolve and authorize dismissal of the pending matter of RTA v. Dean Johnson, *et al.*
3. Pursuant to agreed upon terms of the settlement, the Executive Director is authorized to acquire the Subject Property at a cost not to exceed \$975,000 and transfer title to Pace.
4. The purchase price and all costs related to the litigation and acquisition initially borne RTA shall be reimbursed by Pace.
5. The Executive Director is authorized to take such further and additional action as she deems necessary and appropriate to implement, administer and enforce this Ordinance and to acquire the Subject Property and transfer title to Pace in accordance with the Ordinance and the IGA.

ADOPTED SEPTEMBER 15, 2021

6. All actions heretofore taken in furtherance of the acquisition of the Subject Property and to facilitate intergovernmental cooperation between the RTA and Pace on the acquisition of the Subject Property and its conveyance to and use by Pace are ratified and approved.