



## Legislation Text

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**File #:** 2020-0385, **Version:** 0

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### **Title**

Tinley Creek Stabilization

### **History**

In November of 2004, the Illinois State Legislature granted the Metropolitan Water Reclamation District (MWRD) of Greater Chicago the authority for general supervision of stormwater management in Cook County. The legislative act granting the authority required the preparation and adoption of a countywide stormwater management plan. In February of 2007, the MWRD's Board of Commissioners adopted the Cook County Stormwater Management Plan (CCSMP) by ordinance. The CCSMP was a high level organizational plan and the first step in the development of the MWRD's countywide stormwater management program. Based on the CCSMP, the MWRD then studied each of the six watersheds in Cook County and developed Detailed Watershed Plans (DWP), which address regional stormwater problems in Cook County. The primary objectives of the DWPs were to document stormwater problem areas, evaluate existing watershed conditions using industry accepted hydrologic and hydraulic models, produce flow, stage, frequency, and duration information about flood events along regional waterways, and estimate damages associated with regional stormwater problems. The Cal-Sag DWP identified four potential projects within the Tinley Creek portion of the watershed. In 2010, feasibility/preliminary studies were prepared for each of the projects to determine the impact and benefits of the projects. Two of those projects are located in Orland Park and were selected for implementation based on the results of the preliminary analysis. Details for each project are provided below:

#### **Project TICR-7 (Tinley Creek)**

Description: Stabilize approximately 2,200 liner feet (LF) of Tinley Creek using a combination of retaining walls and bioengineering techniques. Estimated Construction Cost (2014 Dollars): \$1,437,510

#### **Project TICR-8 (Tinley Creek)**

Description: Stabilize approximately 1,803 LF of Tinley Creek using a combination of retaining walls and bioengineering techniques. Estimated Construction Cost (2014): \$2,303,411

In 2012, the Village met with the MWRD and their consultants to discuss the project scope including easements, utilities, timeframe, etc. At that time, construction was expected to take place in 2014 depending on the US Army Corps of Engineers permits and easement acquisition. The MWRD's position regarding easement acquisition is that they will not purchase the easements or compensate the property owners with any additional benefit other than those provided by the project itself. The

Village offered assistance related to obtaining the easements from property owners, addressing any easement infringement issues, and any other outstanding items related to easements. As of 2013, the design of the proposed improvements was virtually complete (approximately 98%), but the project has not moved forward due to a lack of cooperation from property owners in obtaining easements.

The Village met with MWRD on multiple occasions over the last several years to discuss the possibility of the Village taking over the project. The Village has expressed an interest in doing so; however, several concerns have been identified by the Village and are summarized below:

1. After the Village takes over the project, the maintenance costs of this project will be Village's responsibility. How and who will pay for the maintenance costs?
2. The design was prepared in 2014 based on topographical information collected much earlier. Substantial changes in the existing conditions of Tinley Creek have occurred since then. Additionally, several areas that were not included in the original design limits have deteriorated and should be included in the project. Many of the previously designed areas will require redesign and substantially more improvement than anticipated in 2014.
3. The funding allocation prepared by MWRD in 2014 to construct the project would be substantially less than that required in 2020, or future years, and additional funds would be needed for areas that were not originally included or those that have deteriorated since the original design.
4. There were 31 easements initially identified for the project by MWRD and to date, only 9 property owners have agreed and signed the documents. Based on the current design, the outstanding 22 easements would need to be secured, as well as any new easements identified through the addition of other portions of the creek. Additional easements and/or agreements may need to be secured for utilities.
5. The United States Army Corps of Engineers permits previously issued for the projects that will need to be re-established, re-issued, or re-applied for.

#### Update from May 28, 2020 Meeting with MWRD

The Village's engineering team and its consultant participated in a call with MWRD team on May 28, 2020. The following is a summary of this call:

- MWRD is willing to let the Village takeover the project and reimburse us for the design and construction costs.
- MWRD agreed that the Village's consultant should re-evaluate the project and update the

previous technical memorandum and cost estimates.

- MWRD is willing to expand the project limits and pay for it if the expansion meets their design criteria.
- It is possible there may be a need to expand the project limits but the expansion may not meet MWRD's design criteria. In that case, the Village will make a decision if we pay for the expanded project limits. The intended advantage of this expansion would be to reduce future maintenance costs that would be Village's responsibility.

The staff is recommending that the Committee authorize the staff to negotiate with MWRD the details and costs of this creek stabilization project.

### **Financial Impact**

There are no immediate financial impacts related to this request.

### **Recommended Action/Motion**

I move to authorize staff to enter into negotiations with MWRD and finalize the details and costs of this project and present the details to the Board of Trustees for consideration;

and,

I move to authorize staff to work with the property owners to finalize the temporary and/or permanent easements without any financial compensation to the property owners and present the details to the Board of Trustees for consideration;

and,

I move to authorize the staff to evaluate a Special Services Agreement (SSA) to cover the maintenance costs of the creek stabilization and present the findings to the Board of Trustees for consideration.