

**Memorandum  
Public Works Department**



**To:** City Manager  
**Subject:** 11<sup>th</sup> Street & Blackhawk Road Intersection Improvements  
Right of Way Acquisition  
**Date:** May 6, 2015  
**Number:** 2015-060

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The Engineering Division has been working with Missman, Inc to prepare the plans for reconstructing the intersection of 11<sup>th</sup> Street and Blackhawk Road. The new intersection will allow direct access into the new Blackhawk Commons Development. The angled western approach onto 9<sup>th</sup> Street will be eliminated and replaced by a 90° entrance into Blackhawk Commons.

In order to construct the roadway it is necessary to acquire additional right of way. 11<sup>th</sup> Street is a marked US Route and under the jurisdiction of the Illinois Department of Transportation, therefore, the necessary right of way could not be acquired until IDOT approved the project. We have been working to obtain the necessary approvals while negotiations were ongoing with the affected property owners.

IDOT has approved the project and issued a temporary construction permit. Therefore, we are proceeding with right of way acquisition. All affected property owners have agreed to sell the right of way to the City. Attached is an ordinance prepared by the City Attorney regarding property acquisition for all 6 of the Right of way parcels. The total purchase amount of all six parcels is \$46,502.

**Recommendation**

The Public Works Department recommends that the City Council authorize the purchase of the following permanent and temporary ROW parcels based upon the below terms and refer to the City Attorney to prepare an ordinance:

- Phillip J. and Carrie S. Roe \$4,501.00
- Scott and Silvia Luppen \$1,001.00
- Gayle A. McElroy \$500.00
- James Alex McGehee \$7,500.00
- Kevin G. and Teresa A. Perschang \$6,000.00
- 7-Eleven, Inc. \$27,000.00

Vendor: Phillip J. and Carrie S. Roe  
Payment Amount: \$4,501.00  
Account Chargeable:

|              |       |                                                       |
|--------------|-------|-------------------------------------------------------|
| Fund:        | 301   | Capital Improvements                                  |
| Department:  | 616   | Municipal Services                                    |
| Cost Center: | 311   | Street Construction                                   |
| Object Code: | 56101 | Land – Right of Way Cost                              |
| Project:     | 2769  | 11 <sup>th</sup> Street & Blackhawk Road Intersection |

Vendor: Scott and Silvia Luppen

Payment Amount: \$1,001.00

Account Chargeable:

|              |       |                                                       |
|--------------|-------|-------------------------------------------------------|
| Fund:        | 301   | Capital Improvements                                  |
| Department:  | 616   | Municipal Services                                    |
| Cost Center: | 311   | Street Construction                                   |
| Object Code: | 56101 | Land – Right of Way Cost                              |
| Project:     | 2769  | 11 <sup>th</sup> Street & Blackhawk Road Intersection |

Vendor: Gayle A. McElroy

Payment Amount: \$500.00

Account Chargeable:

|              |       |                                                       |
|--------------|-------|-------------------------------------------------------|
| Fund:        | 301   | Capital Improvements                                  |
| Department:  | 616   | Municipal Services                                    |
| Cost Center: | 311   | Street Construction                                   |
| Object Code: | 56101 | Land – Right of Way Cost                              |
| Project:     | 2769  | 11 <sup>th</sup> Street & Blackhawk Road Intersection |

Vendor: James Alex McGehee

Payment Amount: \$7,500.00

Account Chargeable:

|              |       |                                                       |
|--------------|-------|-------------------------------------------------------|
| Fund:        | 301   | Capital Improvements                                  |
| Department:  | 616   | Municipal Services                                    |
| Cost Center: | 311   | Street Construction                                   |
| Object Code: | 56101 | Land – Right of Way Cost                              |
| Project:     | 2769  | 11 <sup>th</sup> Street & Blackhawk Road Intersection |

Vendor: Kevin G. and Teresa A. Perschang

Payment Amount: \$6,000.00

Account Chargeable:

|              |       |                                                       |
|--------------|-------|-------------------------------------------------------|
| Fund:        | 301   | Capital Improvements                                  |
| Department:  | 616   | Municipal Services                                    |
| Cost Center: | 311   | Street Construction                                   |
| Object Code: | 56101 | Land – Right of Way Cost                              |
| Project:     | 2769  | 11 <sup>th</sup> Street & Blackhawk Road Intersection |

Vendor: 7-Eleven, Inc.

Payment Amount: \$27,000.00

Account Chargeable:

|              |       |                                                       |
|--------------|-------|-------------------------------------------------------|
| Fund:        | 301   | Capital Improvements                                  |
| Department:  | 616   | Municipal Services                                    |
| Cost Center: | 311   | Street Construction                                   |
| Object Code: | 56101 | Land – Right of Way Cost                              |
| Project:     | 2769  | 11 <sup>th</sup> Street & Blackhawk Road Intersection |

**Submitted by:** Randall D. Tweet, Public Works Director  
Michael J. Kane, PE, City Engineer

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**Approved by:** Thomas Thomas, City Manager



ROCK ISLAND  
ILLINOIS

Legal Department

Mr. and Mrs. Phillip J. Roe  
20346 East 200<sup>th</sup> Street  
Coal Valley, IL 61240

PROPOSAL/ACCEPTANCE  
LETTER

**Re: Project Name: 11<sup>th</sup> Street Improvement**  
**RI Project No.: 2728**  
**County: Rock Island**  
**Parcel No.: 9**  
**Property Address: 4422 - 11<sup>th</sup> Street, Rock Island, IL, 61201**

Dear Mr. and Mrs. Roe:

Pursuant to your negotiations with Chad Johnson, Authorized City of Rock Island Representative, we are advised that you have agreed to accept The City of Rock Island's offer to acquire 276 square feet of your property at 4422 - 11<sup>th</sup> Street, Rock Island, Illinois, as a Right of Way for the 11<sup>th</sup> Street Improvement Project, which also includes a Temporary Construction Easement for the Right of Way, for the total sum of \$4,501.00. It is also our understanding that copies of the Right of Way map, legal description and Temporary Construction Easement have all been previously provided to you.

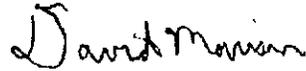
If the above meets with your approval, we will require the following documents be executed once City Council approval has been obtained:

1. Warranty Deed
2. Temporary Construction Easement
3. W-9 Request for Taxpayer Identification Number and Certification (required for payment)

If this letter contains all the terms and conditions as previously negotiated for the total sum of Four Thousand Five Hundred and One and No/100ths Dollars (\$4,501.00) to be paid by The City of Rock Island, Illinois, will you please sign and date the Acceptance at the bottom of this letter and return it to our office at your earliest opportunity.



Sincerely,



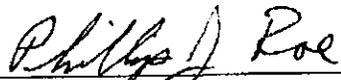
David G. Morrison  
City Attorney

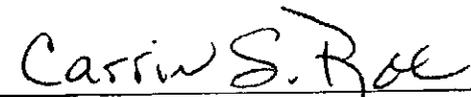
DGM:dal  
Enclosures

ACCEPTANCE

We hereby accept the sum of Four Thousand Five Hundred <sup>ONE</sup> and No/100ths Dollars (\$4,500.00) from The City of Rock Island, Illinois, for the purchase of 276 square feet of property located at 4422 - 11<sup>th</sup> Street, Rock Island, Illinois, 61201, for the purpose of a public right-of-way.

Dated: 5/5/18

  
\_\_\_\_\_  
PHILLIP J. ROE

  
\_\_\_\_\_  
CARRIE S. ROE



ROCK ISLAND  
ILLINOIS

Legal Department

Mr. and Mrs. Scott Luppen  
P.O. Box 42  
Andalusia, IL 61232

PROPOSAL/ACCEPTANCE  
LETTER

**Re: Project Name: 11<sup>th</sup> Street Improvement**  
**RI Project No.: 2728**  
**County: Rock Island**  
**Parcel No.: 6**  
**Property Address: 4527 - 11<sup>th</sup> Street, Rock Island, IL, 61201**

Dear Mr. and Mrs. Luppen:

Pursuant to your negotiations with Chad Johnson, Authorized City of Rock Island Representative, we are advised that you have agreed to accept The City of Rock Island's offer to acquire 13 square feet of your property at 4527 - 11<sup>th</sup> Street, Rock Island, Illinois, as a Right of Way for the 11<sup>th</sup> Street Improvement Project, which also includes a Temporary Construction Easement for the Right of Way, for the total sum of \$1,001.00. It is also our understanding that copies of the Right of Way map, legal description and Temporary Construction Easement have all been previously provided to you.

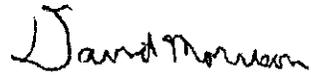
If the above meets with your approval, we will require the following documents be executed once City Council approval has been obtained:

1. Warranty Deed
2. Temporary Construction Easement
3. W-9 Request for Taxpayer Identification Number and Certification (required for payment)

If this letter contains all the terms and conditions as previously negotiated for the total sum of One Thousand and One and No/100ths Dollars (\$1,001.00) to be paid by The City of Rock Island, Illinois, will you please sign and date the Acceptance at the bottom of this letter and return it to our office at your earliest opportunity.



Sincerely,



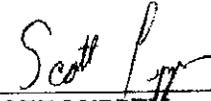
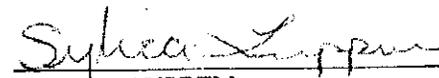
David G. Morrison  
City Attorney

DGM:dal  
Enclosures

ACCEPTANCE

We hereby accept the sum of One Thousand and One and No/100ths Dollars (\$1,001.00) from The City of Rock Island, Illinois, for the purchase of 13 square feet of property located at 4527 - 11<sup>th</sup> Street, Rock Island, Illinois, 61201, for the purpose of a public right-of-way.

Dated: 8-5-2015

  
\_\_\_\_\_  
SCOTT LUPPEN  
\_\_\_\_\_  
SYLVIA LUPPEN



ROCK ISLAND  
ILLINOIS

Legal Department

Ms. Gayle A. McElroy  
820 – 47<sup>th</sup> Avenue  
Rock Island, IL 61201

**PROPOSAL/ACCEPTANCE  
LETTER**

**Re: Project Name: 11<sup>th</sup> Street Improvement**  
**RI Project No.: 2728**  
**County: Rock Island**  
**Parcel No.: 11**  
**Property Address: 820 – 47<sup>th</sup> Avenue, Rock Island, IL, 61201**

Dear Ms. McElroy:

Pursuant to your negotiations with Chad Johnson, Authorized City of Rock Island Representative, we are advised that you have agreed to give The City of Rock Island a Temporary Construction Easement over a portion of your property at 820 – 47<sup>th</sup> Avenue for the purpose of constructing a Right of Way for the 11<sup>th</sup> Street Improvement Project, for the total sum of \$500.00. It is also our understanding that a copy of the Temporary Construction Easement has previously been provided to you.

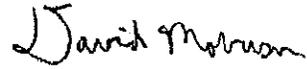
If the above meets with your approval, we will require the following documents be executed once City Council approval has been obtained:

1. Temporary Construction Easement
2. W-9 Request for Taxpayer Identification Number and Certification (required for payment)

If this letter contains all the terms and conditions as previously negotiated for the total sum of Five Hundred and No/100ths Dollars (\$500.00) to be paid by The City of Rock Island, Illinois, will you please sign and date the Acceptance at the bottom of this letter and return it to our office at your earliest opportunity.



Sincerely,



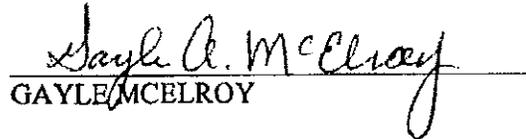
David G. Morrison  
City Attorney

DGM:dal  
Enclosures

ACCEPTANCE

I hereby accept the sum of Five Hundred and No/100ths Dollars (\$500.00) from The City of Rock Island, Illinois, for a Temporary Construction Easement for the purpose of constructing a Right of Way for the 11<sup>th</sup> Street Improvement Project over a portion of my property located at 820 - 47<sup>th</sup> Avenue, Rock Island, Illinois, 61201.

Dated: 5-6-15



\_\_\_\_\_  
GAYLE MCELROY



ROCK ISLAND  
ILLINOIS

Legal Department

April 14, 2015

Mr. James Alex McGehee  
1505 First Avenue  
Silvis, IL 61282

**PROPOSAL/ACCEPTANCE  
LETTER**

**Re: *Project Name: 11<sup>th</sup> Street Improvement***  
***RI Project No.: 2728***  
***County: Rock Island***  
***Parcel No.: 8***  
***Property Address: 4426 – 11<sup>th</sup> Street***

Dear Mr. McGehee:

Pursuant to our ongoing negotiations on behalf of the City of Rock Island with you and your attorney, we are advised by Mr. Alvine that you are willing to accept The City of Rock Island's offer to acquire 694 square feet of your property at 4426 – 11<sup>th</sup> Street as a Right of Way for the 11<sup>th</sup> Street Improvement Project for the total sum of \$7,500.00.

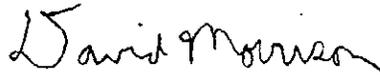
To assist you in this process and to provide additional information, we have included a copy of Missman, Inc.'s Right of Way Exhibit showing the affected areas of your properties.

If the above meets with your approval, we will require the following documents be executed once City Council approval has been obtained:

1. Deed of Dedication
2. Request for Taxpayer Identification Number and Certification (required for payment)

If this letter contains all the terms and conditions as previously negotiated for the total sum of Seven Thousand Five Hundred and No/100ths Dollars (\$7,500.00) to be paid by The City of Rock Island, Illinois, will you please sign and date the Acceptance at the bottom of this letter and return it to our office in the enclosed, self-addressed, stamped envelope. Please keep the additional copy of the letter for your records.

Sincerely,



David G. Morrison  
City Attorney

DGM:dal  
Enclosures

ACCEPTANCE

I hereby accept the sum of Seven Thousand Five Hundred and No/100ths Dollars (\$7,500.00) from The City of Rock Island, Illinois, for the purchase of 694 square feet of my property located at 4426 - 11<sup>th</sup> Street, Rock Island, Illinois, 61201, for the purpose of a right-of-way.

Dated: 4-16-15

  
James Alex McGehee, Owner



ROCK ISLAND  
ILLINOIS

Legal Department

May 1, 2015

Mr. Kevin G. Peschang  
Mrs. Teresa A. Peschang  
8125 – 85<sup>th</sup> Street Court W.  
Milan, IL 61264

**PROPOSAL/ACCEPTANCE  
LETTER**

**Re: Project Name: 11<sup>th</sup> Street Improvement**  
**RI Project No.: 2728**  
**County: Rock Island**  
**Parcel No.: 5**  
**Property Address: 4529 - 11<sup>th</sup> Street**

Dear Mr. and Mrs. Peschang:

Pursuant to our ongoing negotiations on behalf of the City of Rock Island with you and your attorney, we are advised by Mr. Skorepa that you are willing to accept The City of Rock Island's offer to acquire 150 square feet of your property at 4529 – 11<sup>th</sup> Street as a Right of Way for the 11<sup>th</sup> Street Improvement Project, which also includes a Temporary Construction Easement for the Right of Way, for the total sum of \$6,000.00. A copy of the Right of Way map, legal description and Temporary Construction Easement have previously been provided.

In addition to the \$6,000.00 cash:

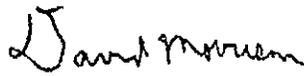
1. The City of Rock Island also agrees to re-convey a portion of the adjacent parcel, South Rock Island 3440, back to you, the plat and legal description of which has been previously provided to you. You will also be provided with a Limited Title Search showing the property free and clear of all encumbrances.
2. The City also agrees to provide a drainage basin on the north side of the property, together with a permanent railing on top of the present retaining wall. It is our understanding you have or will be in touch with Missman, Inc. regarding specs and drawings of these items.

If the above meets with your approval, we will require the following documents be executed once City Council approval has been obtained:

1. Warranty Deed (copy enclosed)
2. Temporary Construction Easement
3. W-9 Request for Taxpayer Identification Number and Certification for both of you (required for payment)

If this letter contains all the terms and conditions as previously negotiated for the total sum of Six Thousand and No/100ths Dollars (\$6,000.00), together with the construction of the items contained in paragraphs 1 and 2 above, will you please sign and date the Acceptance at the bottom of this letter and return it via email to [dlerschen@mmcwlaw.com](mailto:dlerschen@mmcwlaw.com) at your earliest opportunity.

Sincerely,



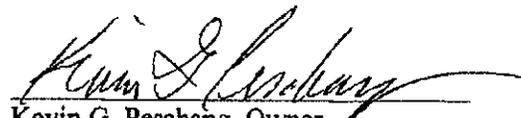
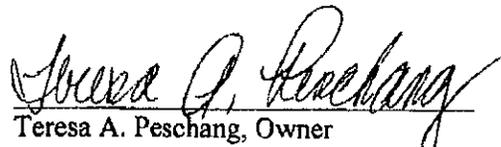
David G. Morrison  
City Attorney

DGM:dal  
Enclosures

#### ACCEPTANCE

I hereby accept the sum of Six Thousand and No/100ths Dollars (\$6,000.00) from The City of Rock Island, Illinois, for the purchase of 150 square feet of my property located at 4529 – 11<sup>th</sup> Street, Rock Island, Illinois, 61201, for the purpose of a right-of-way, together with the construction of the items contained in paragraphs 1 and 2 above.

Dated: 5-5-15

  
Kevin G. Peschang, Owner  
Teresa A. Peschang, Owner



ROCK ISLAND  
ILLINOIS

Legal Department

April 30, 2015

7-Eleven, Inc.  
c/o SEYFARTH SHAW LLP  
131 South Dearborn Street, Suite 2400  
Chicago, IL 60603

Attention: Jerome F. Buch

PROPOSAL/ACCEPTANCE  
LETTER

**Re: Project Name: 11<sup>th</sup> Street Improvement**  
**RI Project No.: 2728**  
**County: Rock Island**  
**Parcel No.: 7**  
**Property Address: 4520 - 11<sup>th</sup> Street, Rock Island, IL, 61201**  
**7-Eleven, Inc. - Store No. 34460**

Gentlemen:

Pursuant to negotiations between your attorney, Jerome Buch, and Chad Johnson, Authorized City of Rock Island Representative, we are advised that your company has agreed to accept The City of Rock Island's offer to acquire 2,133 square feet of your property at 4520 - 11<sup>th</sup> Street, Rock Island, Illinois, a/k/a Store No. 34460, as a Right of Way for the 11<sup>th</sup> Street Improvement Project, which also includes a Temporary Construction Easement for the Right of Way, for the total sum of \$27,000.00. It is also our understanding that copies of the Right of Way map, legal description, Temporary Construction Easement and the commitment for title insurance covering the Right of Way, have previously been provided to you.

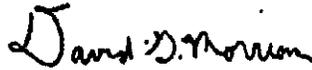
If the above meets with your approval, we will require the following documents be executed once City Council approval has been obtained:

1. Special Warranty Deed
2. Temporary Construction Easement
3. W-9 Request for Taxpayer Identification Number and Certification (required for payment)



If this letter contains all the terms and conditions as previously negotiated for the total sum of Twenty-Seven Thousand and No/100ths Dollars (\$27,000.00) to be paid by The City of Rock Island, Illinois, will you please sign and date the Acceptance at the bottom of this letter and return it via email to [dierschen@mmcwlaw.com](mailto:dierschen@mmcwlaw.com), at your earliest opportunity.

Sincerely,



David G. Morrison  
City Attorney

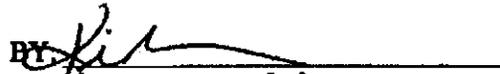
DGM:dal  
Enclosures

**ACCEPTANCE**

7-Eleven, Inc., hereby accepts the sum of Twenty Seven Thousand and No/100ths Dollars (\$27,000.00) from The City of Rock Island, Illinois, for the purchase of 2,133 square feet of property located at 4520 - 11<sup>th</sup> Street, Rock Island, Illinois, 61201, for the purpose of a public right-of-way.

Dated: 5/5/15

7-ELEVEN, INC., Owner

BY   
Reneisha M. Miller  
Assistant Secretary