

**MEMORANDUM  
GENERAL ADMINISTRATION DEPARTMENT**

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**TO:** City Council  
**SUBJECT:** Jumer's Crossing Legal Fees

**Number:** 013-15  
**Date:** 06-18-15

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As outlined in the attached report from the City Attorney, Mr. Morrison explains legal fees due for Big Island River Conservancy District. The total due, as outlined in the report, is \$173,459.21. Per the order, interest accrues beginning June 1<sup>st</sup> at 6% resulting in per diem interest of \$28.51.

Payment amount: \$174,200.47  
Account Number: 101-155101-53101-0000223

**Recommendation:** Council approve the payment of legal fees of \$173,459.21 and accruing interest totaling \$174,200.47.

**Submitted by:**

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**Approved:** Thomas Thomas, City Manager

City Attorney Report:

Regarding: Opinion and Order in Jumer's Crossing Litigation 13 TX 109:

On June 1, 2015 the Honorable Judge Lori Lefstein filed her opinion and order in the Jumer's Crossing Matter. The Opinion and order represent a final appealable Judgment and unless appealed by any named part in the lawsuit by July 1, 2015, the order will become final. Until that time any party to the litigation may appeal the decision.

**Attorney Fees under the Eminent Domain Act (EDA).** The Court found that the City of Rock Island was required to pay the attorney fees for the Big Island River Conservancy District (BIRCD) under the requirements of the Eminent Domain Act as it was the BIRCD's easements which the City sought to condemn. The BIRCD was a defendant named directly in the suit and so there position is different than those other parties which sought to intervene or sought permission to become a party to the lawsuit. The Attorney Fees for BIRCD were allowed under the Eminent Domain Act in the following amounts: **\$130,832.10** attorney fees and **\$1,946.55** in costs.

The Court did not grant the intervenor's requests for Attorney Fees under the Eminent Domain Act. The Ruling stated "The petitions for fees filed by Milan, the residential intervenors and the Blackhawk intervenors are denied insofar as they seek fee awards pursuant to the EDA.

**Attorney Fees under Supreme Court Rule 137:** The Court found that the City's arguments to be unreasonable and as such were a violation of Rule 137 and entitled the intervenor's to their court costs and attorney fees as follows:

Blackhawk Township: \$ 11,374  
Residential Intervenors \$ 28,583 and their costs of \$723.56  
BIRCD \$130,832.10 and their costs of 1,946.55

The total of the Attorney Fees and award of costs are as follows: Attorney Fees: \$170,789.10

Costs	\$ 2,670.11
Total	\$173,459.21

Interest on Judgment: Pursuant to 735 ILCS 5/2-1303

Judgments recovered in any court shall draw interest at a rate of 9% per annum from the date of the judgment until satisfied or 6% per annum when the judgment debtor is a unit of local government. It is my opinion that the Judge's award of attorney fees is subject to the 6% interest provision of 735 ILCS 5/2-1303. The Judgment will accrue 6% interest per year on the balance owed until paid in full.

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