

For Immediate Release  
Contact: Roderick Drew  
Phone: (773) 457-0472  
E-mail: [roderick.drew@cityofchicago.org](mailto:roderick.drew@cityofchicago.org)  
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### **7th Circuit Rules OMP Can Acquire St. Johannes Cemetery**

Today the United States 7th Circuit Court of Appeals has ruled that the O'Hare Modernization Program (OMP) can move forward with the acquisition of St. Johannes Cemetery.

In its ruling, the Court holds the amendment to the Illinois Religious Freedom Restoration Act (Illinois RFRA) does not violate First Amendment because it does not discriminate against religious institutions or show hostility toward religion. The Court also ruled that the amendment did not deny equal protection because it did not target a suspect class or fundamental right. As an alternative, the Court determined that, if the strict scrutiny test the Church urged was applicable, the OMP is the least restrictive means of achieving the compelling interest in modernizing O'Hare. Additionally, the Court held that acquiring St. Johannes is not a "land use regulation" covered by the Religious Land Use and Institutionalized Persons Act (RLUIPA).

"We are pleased with today's decision rendered by the 7th Circuit Court of Appeals upholding our ability to acquire St. Johannes Cemetery," said Rosemarie S. Andolino, OMP Executive Director. "Now that the court will allow us to take title to St. Johannes, the City is committed to engaging in an open dialog with church officials so that the acquisition and relocation process can begin, and this project of national significance can move forward."

In March 2006, the OMP issued an offer of \$630,000 to acquire St. Johannes Cemetery. That offer still stands. In planning to modernize O'Hare, the City made every attempt to minimize the impact to airport neighbors. However, St. Johannes must be acquired because it lies within the footprint of future Runway 10C/28C. Construction for Runway 10C is ongoing on the east end of the runway.

"We understand that this is a very sensitive and difficult time for those involved. We will continue to proceed with the utmost care and compassion when dealing with the families of those interred at St. Johannes," added Andolino.

Construction activities for the OMP are underway on the North and South Airfields. To date, contractors have moved more than 8.1 million cubic yards of dirt and paved over 102,000 square yards of concrete for runway and taxiway projects. The OMP has awarded nearly \$750 million in construction contracts thus far. In the next year, the OMP will advertise up to another \$615 million in construction bid packages. New Runway 9L/27R, the extension of Runway 10L/28R and the new North Air Traffic Control Tower will be commissioned in November 2008.

Land acquisition activities are almost complete. In fact, the OMP has also acquired or settled 513 of the 611 parcels needed in the Village of Bensenville. More than 400 parcels are already vacant.

### **About the O'Hare Modernization Program**

The O'Hare Modernization Program, approved by the federal government in September 2005, will reconfigure O'Hare's outdated intersecting runway configuration into a modern parallel configuration, substantially reducing delays and increasing capacity. The OMP will create up to 195,000 new jobs and add an additional \$18 billion in annual economic activity to the region, on top of the 450,000 jobs and \$38 billion O'Hare generates today, without the use of any state or local taxpayer dollars.

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