

City sued over kids' drowning near dam

Kankakee River barrier in Wilmington linked to 21 deaths since 1982

Abigail Arroyo and brother Eder Arroyo drowned at the Island Park dam on May 30. (family photo)

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By Alicia Fabbre Chicago Tribune

The city of Wilmington is being taken to court for a river dam it owns that some have called “a drowning machine.”

Since 1982, 21 people have drowned and an additional 20 have been rescued at the dam on the Kankakee River, according to a lawsuit filed Thursday in Will County.

The suit, filed by the mother of two Joliet children who drowned on Memorial Day near the dam, seeks more than \$1 million in damages from the city for the deaths of Eder Arroyo, 12, and Abigail Arroyo, 13.

“So many people have died. When is it going to end?” asked Katherine Cardenas, a Chicago attorney representing the children's mother. “When will the city put the public safety before recreational park areas? When will it end? That's all the family wants is for no other person to have to bury their children because of this dam.”

Over the last 35 years, the man-made dam has claimed the lives of children, the elderly and even would-be rescuers trying to save others from the dangerous undertow.

In 2006, a 4-year-old boy was saved after falling in the water near the dam, but three people who rescued him — including the boy's mother — drowned. In 2000, two

adults canoeing near the dam capsized and drowned.

On May 30, Eder and Abigail were at a Wilmington park near the dam with family. Police said Eder went in the river to try to touch the dam's waterfall and started struggling to get out. His sister went in trying to save him and she, too, became trapped.

Rescuers later were able to remove Abigail from the river, but she died that night at a hospital. Eder's body was found downriver two days later.

The lawsuit cites a 2007 report from the state of Illinois recommending fixes for the dam. Cardenas noted that one of the suggested fixes included placing large boulders at the bottom of the dam to break up the “underwater vortex” beneath the surface of the Kankakee River.

Cardenas argued the state has wanted to take over the dam, but Wilmington officials have refused, noting that the dam and the park surrounding it, known as Island Park, are defining features of the city.

“This park is advertised as a place for families,” she said. “The city of Wilmington actively invites family and children, yet there's this extreme danger there that they're unwilling to fix.”

Cardenas said the children's mother, Beatriz Adame, did not want to comment on the lawsuit at this time.

The city of Wilmington issued the following statement Friday:

“All of us in the Wilmington community offer our continued condolences to the family and friends of the Arroyo children who died in the tragic accident in the Kankakee River. The men and women of the city of Wilmington work every day to ensure the safety and good quality of life for our residents and all who visit. We are unable to comment further on the pending litigation at this time.”

In 2012, Illinois started removing some low-head dams like the one in Wilmington, citing safety concerns, but the state budget crisis halted the process. In 2013, there

were discussions about transferring ownership of the dam to the state, but some local officials resisted.

City Administrator Tony Graff previously has said local officials want to improve safety at Island Park, but they fear they will lose the park despite assurances from state officials that the river will continue to flow just as it does now.

“Our island is the jewel of Wilmington,” Graff said in an August article in the Tribune. “A lot of people from the area come down to enjoy nature here. We're proud of it.”

This past spring, the city hired an engineering firm to study the flow of the water to see if cutting notches in the top of the dam would reduce or eliminate the force of its undertow.

“We're all in agreement, we need to do something,” Graff has said. “We're trying to maintain the character of the river without removing the whole dam.”

Chicago Tribune's Robert McCoppin contributed. Alicia Fabbre is a freelance reporter.

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