



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
www.chicityclerk.com

## Legislation Details (With Text)

**File #:** O2012-8567  
**Type:** Ordinance  
**File created:** 12/12/2012  
**Status:** Passed  
**In control:** City Council  
**Final action:** 1/17/2013  
**Title:** Release of water main easement for Oakwood Shores Phase 2d  
**Sponsors:** Emanuel, Rahm  
**Indexes:** Easement  
**Attachments:** 1. O2012-8567.pdf

Date	Ver.	Action By	Action	Result
1/17/2013	1	City Council	Passed	Pass
1/8/2013	1	Committee on Housing and Real Estate	Recommended to Pass	Pass
12/12/2012	1	City Council	Referred	

### OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL MAYOR

December 12, 2012

TO THE HONORABLE, THE CITY COUNCIL OF THE CITY OF  
CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Water Management, I transmit herewith ordinance authorizing a release of an easement for Oakwood Shores Phase 2d.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

/

, **WR ■ ■**

## **ORDINANCE FOR RELEASE OF WATER MAIN EASEMENT**

WHEREAS, on December 4, 1939 the Chicago Housing Authority, an Illinois municipal corporation (the "CHA") granted an easement ("Easement") to the City of Chicago ("City") to lay, construct or reconstruct, maintain and operating in perpetuity such water mains as exist or may become necessary over and through certain City vacated public rights of way and also under certain parcels of property now currently owned by the CHA ("Property") as legally described on the attached Exhibit A. The Easement was recorded January 3, 1940 as document number 12417428 in the Recorder's Office of Cook County, Illinois; and

WHEREAS, CHA has entered into negotiations with a developer to develop housing on various parcels of real property including those parcels comprising the Property and is requesting a release of the Easement that falls within the boundary of each parcels comprising the Property; and

WHEREAS, the City, upon due investigation and consideration, has determined there are no existing City water main or sewer facilities within the Property and no need for construction of additional municipally-owned water main and/or sewer facilities on the Easement within the Property; and

WHEREAS, the City, upon due investigation and consideration, has determined the public interest now warrants a release of the City's rights and restrictions in the granted Easement; now, therefore,

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. The recitals above are incorporated herein.

SECTION 2. The release of the Easement over the Property is hereby approved.

SECTION 3. The Commissioner of the Department of Water Management is hereby authorized to execute, subject to the approval of the Corporation Counsel, a Release of Easement in substantially the form attached as Exhibit B, and such other supporting documents as may be necessary or appropriate to carry out and comply with the provisions of the Release of Easement, with such changes, deletions and insertions as shall be approved by the persons executing the Release of Easement.

SECTION 4. Except as expressly set forth herein, the Easement over Property is hereby released. The balance of the December 4, 1939 grant of Easement that runs through other parcels of property remains in full force and effect.

SECTION 5. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 6. This ordinance shall take effect upon its passage and approval.

**EXHIBIT A LEGAL DESCRIPTION OF PROPERTY**

LOTS 80 and 81 IN OAKWOOD SHORES PHASE 2, BEING A RESUBDIVISION OF VARIOUS LOTS AND PARTS OF LOTS IN VARIOUS SUBDIVISIONS AND RESUBDIVISIONS TOGETHER WITH VACATED ROADS AND VACATED ALLEYS IN PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 11, 2007 AS DOCUMENT NUMBER 0734522111, IN COOK COUNTY, ILLINOIS.

**Property address:** 615-627 East 38<sup>th</sup> Place, Chicago, IL 60440  
**PINS:** 17-34-422-020-0000, 17-34-422-021-0000

LOTS 108 AND 109 IN OAKWOOD SHORES PHASE 2, BEING A RESUBDIVISION OF VARIOUS LOTS AND PARTS OF LOTS IN VARIOUS SUBDIVISIONS AND RESUBDIVISIONS TOGETHER WITH VACATED ROADS AND VACATED ALLEYS IN PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 11, 2007 AS DOCUMENT NUMBER 0734522111, IN COOK COUNTY, ILLINOIS.

**Property address: PINS:**  
630-632 East 37<sup>th</sup> Place, Chicago, IL 60440 17-34-432-010-0000, 17-34-432-011 -0000

**EXHIBIT B**

**RELEASE OF WATER MAIN EASEMENT (Attached)**

**Return to:**

Karen Bielarz  
Senior Counsel  
City of Chicago  
121 North LaSalle Street  
Room 600  
Chicago, Illinois 60602

## RELEASE OF WATER MAIN EASEMENT

The City of Chicago, by and through its Department of Water Management, hereby disclaims, releases and quit claims all right, title and interest it may have in and to the easement and right to lay, construct or reconstruct, maintain and operating in perpetuity such water mains as exist or may become necessary over and through the property legally described on the attached Exhibit A, which easement was granted under and by virtue of a Grant by the Chicago Housing Authority to the City of Chicago dated December 4, 1939 and recorded January 3, 1940 as document number 12417428 in the Recorder's Office of Cook County, Illinois.

**Property address:** 615-627 East 38<sup>th</sup> Place, Chicago, IL 60440  
**PINS:** 17-34-422-020-0000, 17-34-422-021-0000

**Property address:** 630-632 East 37<sup>th</sup> Place, Chicago, IL 60440  
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-Signature Page Follows-

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### Signature Page to Release of Water Main Easement

Signed and dated this       day of December, 2012.

CITY OF CHICAGO,  
by and through it Department of Water Management

By:  
Thomas H. Powers P.E. Commissioner

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STATE OF ILLINOIS  
COUNTY OF

I, the undersigned, a notary public, in and for said county, in the state aforesaid, do hereby certify that Thomas H. Powers P.E., Commissioner of the City of Chicago, Department of Water Management, Chicago, Illinois, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Commissioner appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this      day of      , 2012

Notary Public  
**EXHIBIT A**

LOTS 80 and 81 IN OAKWOOD SHORES PHASE 2, BEING A RESUBDIVISION OF VARIOUS LOTS AND PARTS OF LOTS IN VARIOUS SUBDIVISIONS AND RESUBDIVISIONS TOGETHER WITH VACATED ROADS AND VACATED ALLEYS IN PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT

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