



City of Chicago



SO2015-6454

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	9/24/2015
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	Sale of City-owned property at 365 W Huron St to Morningside Huron LLC
Committee(s) Assignment:	Committee on Housing and Real Estate

**SUBSTITUTE
ORDINANCE**

WHEREAS, the City of Chicago (the "City") is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, and as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City is the owner of the real property commonly known as 365 W. Huron Street, Chicago, Illinois, which is improved with a surface parking lot, and legally described on Exhibit A attached hereto (subject to final title commitment and survey, the "365 W. Huron Property"); and

WHEREAS, public notice advertising the City's intent to sell the 365 W. Huron Property appeared in the Chicago Sun-Times, a newspaper of general circulation, on June 13, 22 and 29, 2015, at a listing price of Two Million Three Hundred Forty Thousand and No/100 Dollars (\$2,340,000), which is equal to the 365 W. Huron Property's appraised fair market value; and

WHEREAS, the City received multiple responsive bids for the 365 W. Huron Property; and

WHEREAS, the highest responsive bid for the 365 W. Huron Property was submitted by Morningside Huron, LLC, an Illinois limited liability company, with a principal business address at 223 W. Erie Street, Chicago, Illinois 60654 (the "Grantee"), in the amount of Three Million Seven Hundred Thirty-Nine Thousand Dollars (\$3,739,000) (the "365 W. Huron Price"), such amount being greater than the aforementioned appraised fair market value of the 365 W. Huron Property; and

WHEREAS, the City, acting by and through its Department of Planning and Development (the "Department"), desires to sell the 365 W. Huron Property to the Grantee for the 365 W. Huron Price; and

WHEREAS, pursuant to Resolution No. 15-080-21 adopted on September 17, 2015, by the Plan Commission of the City (the "Commission"), the Commission recommended that the City, acting by and through the Department, enter into a negotiated sale with the Grantee for the purchase of the 365 W. Huron Property; and

WHEREAS, the 365 W. Huron Property was marketed by the City's real estate broker, CBRE, Inc., pursuant to the terms of its master consulting agreement with the City, with the transaction subject to a three and three-quarters percent (3.75%) brokerage commission fee, which fee will be paid to CBRE, Inc., by the City; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressly incorporated in and made a part of this ordinance as though fully set forth herein.

SECTION 2. The City Council of the City hereby approves the sale of the 365 W. Huron Property to the Grantee for an amount not less than the 365 W. Huron Price. This approval is expressly conditioned upon the Department's entering into a purchase agreement with Grantee (the "Purchase Agreement"). The Commissioner of the Department ("Commissioner") or a designee of the Commissioner is each hereby authorized, with the approval of the City's Corporation Counsel as to form and legality, to negotiate, execute and deliver the Purchase Agreement, which Purchase Agreement shall include such customary terms as the Commissioner deems reasonable (including City indemnification of the Grantee relating to third-party claims for real estate or brokerage commissions or finder's fees) and such other supporting documents as may be necessary or appropriate to carry out and comply with the provisions of the Purchase Agreement, with such changes, deletions and insertions as shall be approved by the persons executing the Purchase Agreement.

SECTION 3. The Commissioner of the City's Department of Fleet and Facility Management or a designee of such commissioner is each hereby authorized, with the approval of the City's Corporation Counsel as to form and legality, to negotiate, execute and deliver a right of entry for the benefit of the Grantee, with respect to survey work, environmental testing and geotechnical work to be performed at the 365 W. Huron Property.

SECTION 4. The Mayor or his proxy is authorized to execute, and the City Clerk or Deputy City Clerk is authorized to attest, a quitclaim deed conveying the Property to Grantee.

SECTION 5. The transfer of title to the 365 W. Huron Property to the Grantee must close on or before the date that is one hundred twenty (120) days following the publication of this ordinance (the "Outside Closing Date"), unless the Department, in its sole discretion extends such Outside Closing Date. If the closing does not occur by the Outside Closing Date, this ordinance shall be null and void and the Grantee shall forfeit the Three Hundred Seventy-Three Thousand Nine Hundred and 00/100 Dollars (\$373,900.00) good faith purchase deposit tendered concurrently with the Grantee's bid for the 365 W. Huron Property.

SECTION 6. 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 7. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 8. This ordinance shall take effect immediately upon its passage and approval.

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Purchaser:	Morningside Huron, LLC
Purchaser's Address:	223 W. Erie Street, Chicago Illinois 60654
Purchase Amount:	\$3,739,000
Appraised Value:	\$2,340,000

Legal Description (Subject to Final Title Commitment and Survey):

Lots 2 through 4, inclusive, in Block 9 in Higgins, Law and Company's addition to Chicago in the Northwest $\frac{1}{4}$ of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Address:	365 W. Huron Street Chicago, Illinois 60654
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Property Index Numbers:	17-09-125-001 through -003
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JOSEPH A. MOORE

ALDERMAN, 49TH WARD
7356 NORTH GREENVIEW AVENUE
CHICAGO, ILLINOIS 60626
TELEPHONE 773-338-5796
ward49@cityofchicago.org
www.ward49.com

**CITY COUNCIL
CITY OF CHICAGO**

COUNCIL CHAMBER

CITY HALL, ROOM 200
121 NORTH LA SALLE STREET
CHICAGO, ILLINOIS 60602
TELEPHONE 312-744-3067

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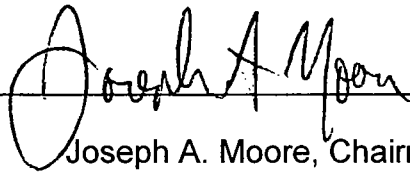
November 18, 2015

To the President and Members of the City Council:

Your Committee on Housing and Real Estate, for which a meeting was held on November 9, 2015, having had under consideration the substitute ordinance replacing the ordinance introduced by Mayor Rahm Emanuel on September 24, 2015, this being the sale of property located at 365 W. Huron St., begs leave to recommend that Your Honorable Body Approve said ordinance transmitted herewith.

This recommendation was concurred in by a voice vote of all committee members present with no dissenting votes.

Respectfully submitted,



Joseph A. Moore, Chairman
Committee on Housing and Real Estate

