



City of Chicago



O2015-2018

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	3/18/2015
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	Acquisition of property at 7733-7759 W Clarence Ave for construction, maintenance and repair of public ways
Committee(s) Assignment:	Committee on Housing and Real Estate



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

March 18, 2015

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

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith an ordinance regarding acquisition authority for property located in the 7700 block of West Clarence.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor



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ORDINANCE

WHEREAS, the City of Chicago ("City") is a duly constituted and existing municipality within the meaning of Section 1, Article VII, of the 1970 Constitution of the State of Illinois ("Constitution"), and is a home rule unit of government under Section 6(a), Article VII, of the Constitution; and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, pursuant to Chapter 2-102-030 of the Municipal Code of the City, the Commissioner ("Commissioner") of the Department of Transportation of the City ("CDOT"), has the power and duty to control the acquisition of rights-of-way for and the improvement, construction, maintenance, and repair of the public ways, and to supervise and control such projects; and

WHEREAS, the Commissioner has determined that it is useful, desirable and necessary that the City undertake negotiations to acquire for public ownership and control certain portions of privately owned, unimproved parcels of real property described on **Exhibit A** to this ordinance (the "Parcels") for the public purpose of the acquisition of (1) rights-of-way for and the improvement, construction, maintenance, and repair of the public ways; (2) vehicular access by the public and emergency responders; and (3) any other public purpose (collectively, the "Public Purposes"); and

WHEREAS, the City has determined that the acquisition of the Parcels, free and clear of leases, agreements, easement and encumbrances for the Public Purposes is useful, advantageous or desirable for municipal purposes and public welfare, and that such acquisition may include the acquisition of land and improvements; now, therefore,

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

SECTION 1. The foregoing recitals are hereby incorporated herein by reference as if fully set forth in this Ordinance and are adopted as the findings of the City Council.

SECTION 2. It is hereby determined and declared that it is useful, desirable and necessary that the City acquire the Parcels, or any portion thereof, for the Public Purpose, which shall be under public ownership and control.

SECTION 3. The Corporation Counsel is hereby authorized to undertake negotiations on behalf of the City, with the owners of the Parcels, for the purchase of the Parcels, or portions thereof, subject to approval of the purchase price by the City Council.

SECTION 4. If the Corporation Counsel is able to agree with the owners of the Parcels upon the price to be paid for such Parcels, or a portion thereof, by the City, the Corporation Counsel shall seek approval of the purchase price by the City Council pursuant to a separate ordinance.

SECTION 5. The Commissioner, or a designee of the Commissioner, is authorized to (1) execute such documentation as may be necessary to implement the provisions of this Ordinance, and (2) determine whether the acquisition of the Parcels, or a portion thereof, or less

than fee simple title, to the City are necessary to implement the Public Purpose, all subject to the approval of the Corporation Counsel.

SECTION 6. If any provision of this ordinance is 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 upon its passage and approval.

EXHIBIT A

DESCRIPTION OF PROPERTY

At the discretion of the Commissioner and subject to Corporation Counsel review, those portions of Property Index Numbers 12-01-105-089-0000 and 12-01-105-090-0000, commonly known as 7733-59 West Clarence Avenue, Chicago, Illinois.