



Office of the City Clerk



O2012-8567

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date:	12/12/2012
Sponsor(s):	Emanuel, Rahm (Mayor)
Type:	Ordinance
Title:	Release of water main easement for Oakwood Shores Phase 2d
Committee(s) Assignment:	Committee on Housing and Real Estate

HSG.



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 an ordinance authorizing a release of an easement for Oakwood Shores Phase 2d.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Rahm Emanuel".

Mayor



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**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 38th 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: 630-632 East 37th Place, Chicago, IL 60440
PINS: 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 38th Place, Chicago, IL 60440
PINS: 17-34-422-020-0000, 17-34-422-021-0000

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

-Signature Page Follows-

Signature Page to Release of Water Main Easement

Signed and dated this ____ day of December, 2012.

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

By: _____
Thomas H. Powers P.E.
Commissioner

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 THEREOF RECORDED DECEMBER 11, 2007 AS DOCUMENT NUMBER 0734522111, IN COOK COUNTY, ILLINOIS.

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