



# City of Chicago



O2018-936

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	2/28/2018
<b>Sponsor(s):</b>	Waguespack (32)
<b>Type:</b>	Ordinance
<b>Title:</b>	Vacation of public way(s) in area bounded by N Damen Ave, relocated N Elston Ave, W Fullerton Ave and N Elston Ct
<b>Committee(s) Assignment:</b>	Committee on Transportation and Public Way

## COMMERCIAL ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6 (a) of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the properties at 2400-2410 N. Wolcott Avenue, 2401-2411 N. Wolcott Avenue (collectively, "Parcel 1") and the addresses previously known (prior to the Elston Avenue street reconfiguration) as 2401-2413 N. Elston Avenue ("Parcel 2") are owned by Vienna Beef LTD, an Illinois corporation ("Developer"); and

WHEREAS, the Developer proposes to use the portion of the streets to be vacated herein for parking and landscaping associated with the adjacent Developer redevelopment of the site; and

WHEREAS, the City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of those portions of public streets, described in the following ordinance; now therefore,

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

### SECTION 1.

VACATION PARCEL 1 (N. Wolcott Avenue):

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 15 IN BLOCK 8 OF FULLERTON'S ADDITION TO CHICAGO RECORDED ON MAY 7, 1879 AS DOCUMENT NUMBER 221101, BEING A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 30 AND THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTHERLY ON AN ASSUMED BEARING OF NORTH 0 DEGREES 24 MINUTES 44 SECONDS WEST ALONG THE WEST LINE OF N. WOLCOTT AVENUE, 1.70 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 24 MINUTES 44 SECONDS WEST ALONG SAID WEST LINE, 139.30 FEET TO THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF THE VACATED EAST-WEST 16 FOOT PUBLIC ALLEY, SAID ALLEY VACATION RECORDED ON APRIL 11, 2014 AS DOCUMENT NUMBER 1410139056; THENCE NORTH 89 DEGREES 59 MINUTES 35 SECONDS EAST ALONG SAID EASTERLY EXTENSION, 66.00 FEET TO THE EAST LINE OF N. WOLCOTT AVENUE; THENCE SOUTH 0 DEGREES 24 MINUTES 44 SECONDS EAST ALONG SAID EAST LINE, 139.31 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 43 SECONDS WEST, 66.00 FEET TO THE POINT OF BEGINNING SAID PARCEL CONTAINING 0.211 ACRES (9,194 SQUARE

FEET), **MORE OR LESS** as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit A, which plat for greater clarity, is hereby made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation(s).

**VACATION PARCEL 2 (N. Elston Avenue):**

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 32 IN BLOCK 8 OF FULLERTON'S ADDITION TO CHICAGO RECORDED ON MAY 7, 1879 AS DOCUMENT NUMBER 221101, BEING A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 30 AND THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE ON AN ASSUMED BEARING OF SOUTH 46 DEGREES 11 MINUTES 32 SECONDS EAST ALONG THE SOUTHWEST LINE OF SAID LOT 32, A DISTANCE OF 11.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHWEST LINE AND ITS SOUTHEAST EXTENSION SOUTH 46 DEGREES 11 MINUTES 32 SECONDS EAST, 120.06 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 42 SECONDS WEST, 65.82 FEET; THENCE NORTH 45 DEGREES 16 MINUTES 58 SECONDS WEST, 28.43 FEET; THENCE NORTH 0 DEGREES 34 MINUTES 14 SECONDS WEST, 63.11 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 0.077 ACRE (3,366 SQ. FT.), **MORE OR LESS** as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit A, which plat for greater clarity, is hereby made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacations.

**RESERVATIONS UPON PARCEL 1**

SECTION 2. The City of Chicago hereby reserves upon Parcel 1 as herein described for the benefit of Commonwealth Edison, AT&T/SBC, Comcast and their successors or assigns, a non-exclusive utility easement to operate, maintain, construct, replace and renew overhead wires, poles, and associated equipment and underground conduit, cables, and associated equipment for the transmission and distribution of electrical energy, telephonic and associated services under, over and along the street herein vacated, with the right of ingress and egress. The grade of the vacated public way shall not be altered in a manner so as to interfere with the operation and maintenance of Commonwealth Edison, AT&T/SBC, and/or Comcast facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without express written release of easement by the involved utilities. Any future Developer-prompted relocation of facilities lying within the area being vacated will be accomplished by the involved utility, and be done at the expense of the beneficiary of the vacation, its successors or assigns.

## RESERVATIONS UPON PARCEL 2

SECTION 3. The City of Chicago hereby reserves upon the area of Parcel 2 as herein described for the benefit of The Peoples Gas Light and Coke Co. an easement to operate, maintain, repair, renew and replace existing underground facilities and to construct new facilities in all of the area to be vacated, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas Light and Coke Co. or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal, or replacement of said facilities, or the construction of additional facilities. Any future vacation-beneficiary prompted relocation of Peoples Gas facilities lying within the area being vacated will be accomplished by Peoples Gas, and done at the expense of beneficiary of the vacation, its successors or assigns.

SECTION 4. The City of Chicago further reserves upon the area of Parcel 2 as herein described for the benefit of Commonwealth Edison, its successors or assigns, a non-exclusive utility easement to operate, maintain, construct, replace and renew overhead wires, poles, and associated equipment and underground conduit, cables, and associated equipment for the transmission and distribution of electrical energy, telephonic and associated services under, over and along the street herein vacated, with the right of ingress and egress. The grade of the vacated public way shall not be altered in a manner so as to interfere with the operation and maintenance of Commonwealth Edison facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without express written release of easement by the involved utility. Any future Developer-prompted relocation of facilities lying within the area herein described as Parcel 2 will be accomplished by the utility, and be done at the expense of the beneficiary of the vacation, its successors or assigns.

SECTION 5. The City of Chicago hereby reserves an easement over the area herein vacated for existing Water Department sewer and associated sewer structures, and for the installation of any additional sewers, as now located, or which in the future may be located in the street herein described as Parcel 2, and for the maintenance, renewal and reconstruction of such facilities. It is also provided that, the City shall have 24 hour access to the area to be vacated; that no buildings, permanent structures, or trees (within 10 feet of the sewer structure) shall be erected upon said easement herein reserved, or other use made of said area, which in the sole discretion of the respective municipal officials having control of the aforesaid facilities, would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities. It is further provided that any vacation beneficiary-prompted adjustments to the area herein vacated be submitted to the Chicago Department of Water for review and express approval prior to construction. Any repair, renewal or replacement of private improvements, or private property damaged within the vacation area as a result of the City exercising its easement rights shall be the responsibility of the Developer. Any Developer-prompted relocation of involved facilities lying within the area herein described as Parcel 2 will be accomplished by the utility at the expense of the beneficiary of the vacation, its successors or assigns

SECTION 6 The City of Chicago reserves an easement for the Metropolitan Water Reclamation District, its successors or assigns a perpetual easement for facilities now located, or which in the future may be located in the street as herein described as Parcel 2, and for the maintenance, renewal and reconstruction of such facilities. It is also provided that, the Metropolitan Water Reclamation District shall have 24 hour access to the area to be vacated, that no buildings or other permanent structures shall be erected, or grade changed, on said easement herein reserved, or other use made of said area, which in the sole discretion and judgment of the respective officials having control of the aforesaid service facilities, would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional service facilities. It is further provided that the repair, renewal or replacement of any private materials, or private property damaged in the area to be vacated, as a result of the Metropolitan Water Reclamation District exercising its easement rights shall be sole responsibility of the beneficiary of the vacation, its successors or assigns.

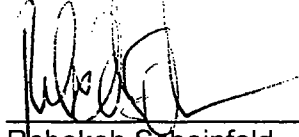
SECTION 7. The Parcel 1 vacation herein provided for is made under the compensation terms described in the Real Estate Agreement, Section 3B, between the City of Chicago, Department of Transportation and Vienna Beef, LTD, as authorized by an ordinance approved by City Council on May 8, 2012 and published at Pages 52861-52881 in the Journal of Proceedings of the City Council of such date; which in the judgment of this body will be equal to such benefits as accrued to the City in association with the Realignment Project consisting of the reconfiguration of N. Elston Avenue and other adjacent public way.

SECTION 8. The Parcel 2 vacation herein provided for is made under the compensation terms described in the Real Estate Agreement, Section 3C, between the City of Chicago, Department of Transportation and Vienna Beef, LTD, as authorized by an ordinance approved by City Council on May 8, 2012 and published at Pages 52861-52881 in the Journal of Proceedings of the City Council of such date. As such, the Parcel 2 vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owner of the property abutting said part of public street hereby vacated the sum Three hundred and fifty-one thousand dollars (\$ 351,000.00 ), which sum in the judgment of this body will be equal to such benefits.

SECTION 9. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developer shall file or cause to be filed for recordation with the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with the associated full sized plats as approved by the Acting Superintendent of Maps and Plats.

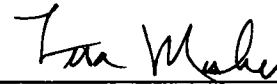
SECTION 10. This ordinance shall take effect and be in force from and after its passage. The vacations shall take effect and be in force from and after recording of the approved plat(S).

Vacations Approved:

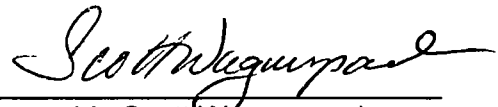


Rebekah Scheinfeld  
Commissioner of Transportation

Approved as to Form and Legality



Lisa Misher  
Chief Assistant Corporation Counsel



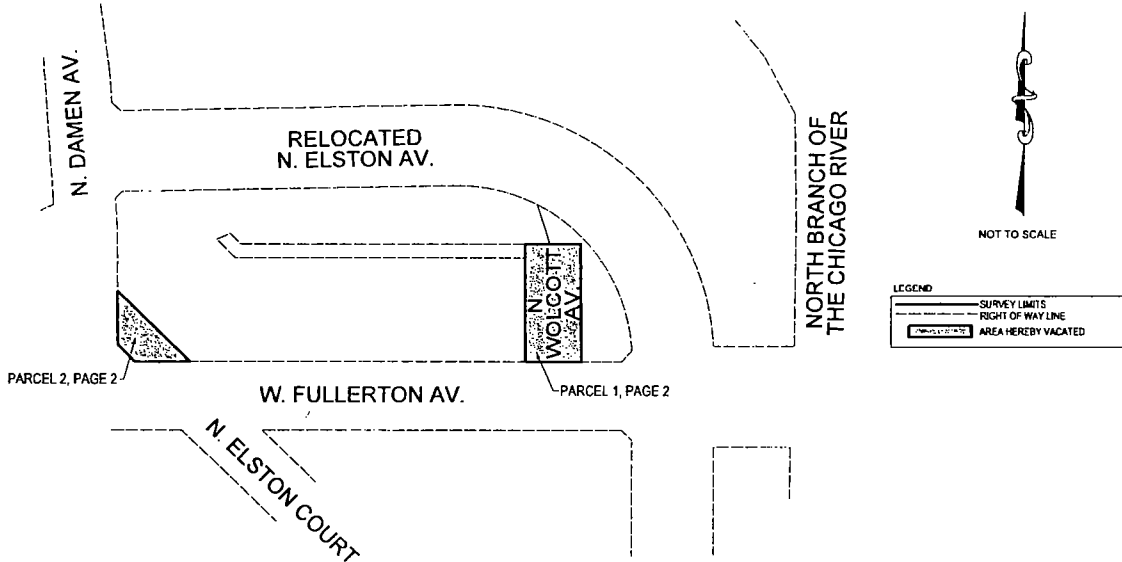
Honorable Scott Waguespack  
Alderman, 32nd Ward

# EXHIBIT "A"

## PLAT OF VACATION

### AFFECTED PIN(S):

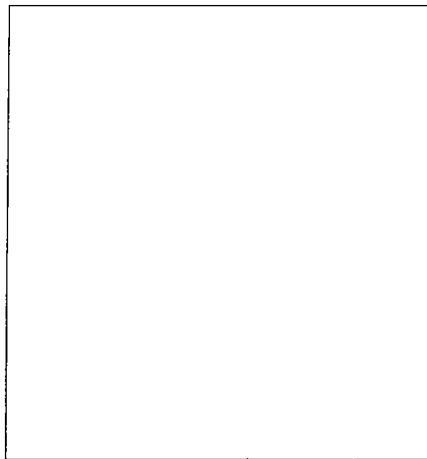
14-30-401-017  
14-30-401-018  
14-30-401-021  
14-30-401-004  
14-30-401-023  
14-30-401-024



NOT TO SCALE

### LEGEND

---	SURVEY LIMITS
---	RIGHT OF WAY LINE
■	AREA HEREBY VACATED



CDOT



CITY-DEPARTMENT OF FINANCE



COOK COUNTY

STATE OF ILLINOIS )  
JSS  
COUNTY OF COOK )

THIS IS TO CERTIFY THAT I, DOUGLAS G. MASSEY, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY DECLARE THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED IS A TRUE AND COMPLETE REPRESENTATION OF SAID SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY

*Douglas G. Massey*  
DATE JANUARY 03, 2018

DOUGLAS G. MASSEY, PLS  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3685  
EXPIRATION DATE NOVEMBER 30TH, 2018

SURVEY PREPARED FOR AND MAIL TO  
MATHEWSON RIGHT OF WAY COMPANY  
MARK D. MATHEWSON  
30 NORTH LASALLE ST, SUITE 2400, CHICAGO, IL 60602



Alfred Benesch & Company  
35 West Wacker Drive, Suite 3300  
Chicago, Illinois 60601  
312-565-0450  
Design Firm License # 184 000882

CHICAGO DEPARTMENT OF TRANSPORTATION  
PLAT OF VACATION VICINITY MAP

REVISED	- 01/30/2018
REVISED	- 02/01/2018
REVISED	-
REVISED	-
REVISED	-
REVISED	-

CDOT#: 14-32-17-3821

# EXHIBIT "A"

## PLAT OF VACATION

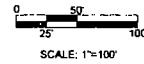
### LEGAL DESCRIPTIONS:

#### PARCEL 1

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#### PARCEL 2

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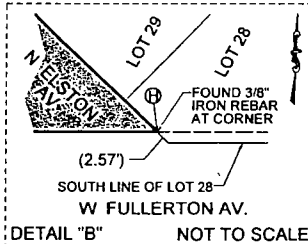
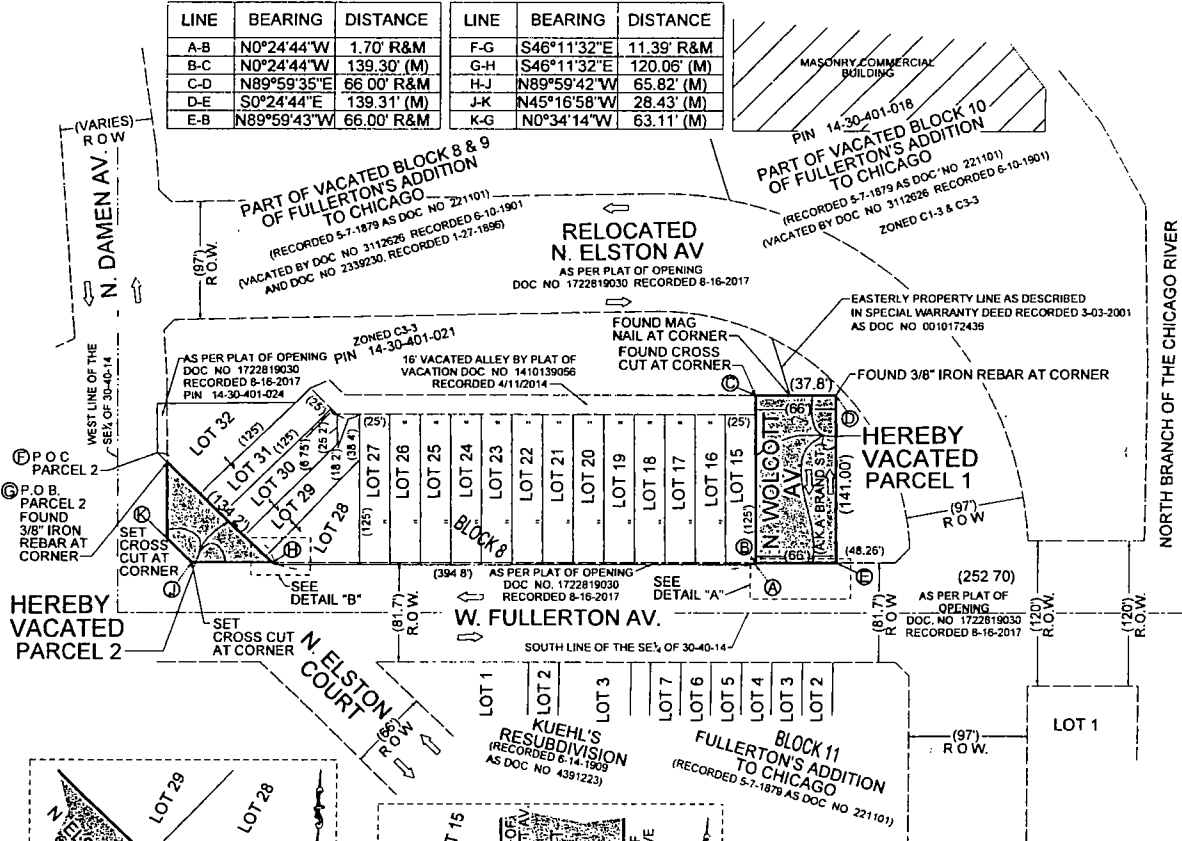
LEGEND	
—	BOUNDARY LINE
—	LOT LINE
—	RIGHT OF WAY LINE
(XX XX)	RECORD DIMENSION
(M)	MEASURED DIMENSION
R&M	RECORD & MEASURED DIMENSION
R.O.W.	RIGHT OF WAY
N S E W	NORTH SOUTH EAST WEST
→	TRAFFIC DIRECTION
Area with diagonal lines	AREA OF VACATION

PARCEL 1 LINE TABLE

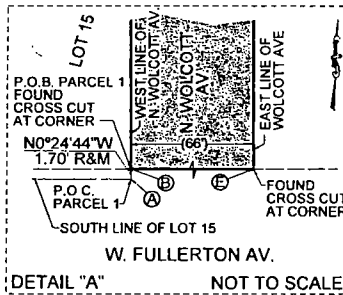
LINE	BEARING	DISTANCE
A-B	N0°24'44"W	1.70' R&M
B-C	N0°24'44"W	139.30' (M)
C-D	N89°59'35"E	66.00' R&M
D-E	S0°24'44"E	139.31' (M)
E-B	N89°59'43"W	66.00' R&M

PARCEL 2 LINE TABLE

LINE	BEARING	DISTANCE
F-G	S46°11'32"E	11.39' R&M
G-H	S46°11'32"E	120.06' (M)
H-J	N89°59'42"W	65.82' (M)
J-K	N45°16'58"W	28.43' (M)
K-G	N0°34'14"W	63.11' (M)



DETAIL "B" NOT TO SCALE



DETAIL "A" NOT TO SCALE

### SURVEYOR'S NOTES:

- 1) THE BASIS OF BEARING FOR PARCEL 1 IS ASSUMED N0°24'44"W ON THE WEST RIGHT OF WAY LINE OF NORTH WOLCOTT AVENUE
- 2) THE BASIS OF BEARING FOR PARCEL 2 IS ASSUMED S46°11'32"E ON THE SOUTHWEST LINE OF LOT 32 IN BLOCK 8
- 3) DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF
- 4) NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENTS UPON THE PLAT
- 5) ZONING INFORMATION BASED ON CITY OF CHICAGO PLANNING AND ZONING BUREAU ONLINE MAPPING
- 6) LOT 15 IN BLOCK 8 IS ASSIGNED PIN NUMBER 14-30-401-017 AND IS ZONED C-3.3
- 7) LOT 31 AND PART OF LOT 32 IN BLOCK 8 ARE ASSIGNED PIN NUMBER 14-30-401-023 AND ARE ZONED C-3.3
- 8) LOTS 28, 29 AND 30 IN BLOCK 8 ARE ASSIGNED PIN NUMBER 14-30-401-004 AND ARE ZONED C-3.3
- 9) N ELSTON AVENUE LOCATED SOUTH OF W FULLERTON AVENUE HAS BEEN RENAMED TO N ELSTON COURT AS APPROVED BY THE CITY COUNCIL OF CHICAGO ON 12/13/2017
- 10) FIELD WORK COMPLETED 6-30-17

SURVEY PREPARED FOR AND MAIL TO  
MATHEWSON RIGHT OF WAY COMPANY  
MARK D. MATHEWSON  
30 NORTH LASALLE ST, SUITE 2400, CHICAGO, IL 60602

**benesch**  
engineers • scientists • planners  
Alfred Benesch & Company  
35 West Wacker Drive, Suite 3300  
Chicago, Illinois 60601  
312-565-0450  
Design Firm License # 184 000882

CHICAGO DEPARTMENT OF TRANSPORTATION  
PLAT OF VACATION

STATE OF ILLINOIS )  
COUNTY OF COOK )

THIS IS TO CERTIFY THAT I, DOUGLAS G. MASSEY, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY DECLARE THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED IS A TRUE AND COMPLETE REPRESENTATION OF SAID SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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*Douglas G. Massey*  
DOUGLAS G. MASSEY, PLS  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO 3685  
EXPIRATION DATE: NOVEMBER 30TH, 2018

14-32-17-3821  
CDOT#:



REVIEWED	01/30/2018
REVIEWED	02/01/2018
REVIEWED	
REVIEWED	
REVIEWED	





## CITY COUNCIL

### CITY OF CHICAGO

#### COUNCIL CHAMBER

CITY HALL—SECOND FLOOR  
121 NORTH LA SALLE STREET  
CHICAGO, ILLINOIS 60602  
TELEPHONE 312-744-4096  
FAX: 312-744-8155

#### COMMITTEE MEMBERSHIPS

TRANSPORTATION & PUBLIC WAY  
(CHAIRMAN)

BUDGET AND GOVERNMENT OPERATIONS

COMMITTEES, RULES AND ETHICS

EDUCATION AND CHILD DEVELOPMENT

FINANCE

PUBLIC SAFETY

WORKFORCE DEVELOPMENT AND AUDIT

### ANTHONY A. BEALE

ALDERMAN, 9TH WARD  
34 EAST 112TH PLACE  
CHICAGO, ILLINOIS 60628  
TELEPHONE (773) 785-1100  
FAX: (773) 785-2790

E-MAIL: WARD09@CITYOFCHICAGO.ORG

March 28, 2018

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body pass the proposed ordinance transmitted herewith for a VACATIONS to VIENNA BEEF, LTD. - 02018-936 A proposed vacation in the area bounded by Northeast corner of West Fullerton and North Damen, and all of the remaining public North Wolcott Avenue north of West Fullerton Avenue. This ordinance was referred to Committee on February 28, 2018.

This recommendation was concurred unanimously by viva voce vote of the members of the Committee with no dissenting vote.

(Ward 32)

Respectfully submitted,

Anthony Beale,  
Chairman