



City of Chicago



SO2015-1460

Office of the City Clerk

Document Tracking Sheet

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| Meeting Date: | 3/18/2015 |
| Sponsor(s): | Chandler (24) |
| Type: | Ordinance |
| Title: | Dedication and vacation of public alley(s) in area bounded by S Christiana Ave, S Spaulding Ave, W 16th St and S Ogden Ave |
| Committee(s) Assignment: | Committee on Transportation and Public Way |

**SUBSTITUTE
NOT FOR PROFIT 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 City wishes to support the charitable, educational and philanthropic activities of established Not for Profit Corporations and encourage the continued viability and growth of such activities; and

WHEREAS, many Not For Profit Corporations own property that adjoins streets and alleys that are no longer required for public use and might more productively be used in furtherance of such activities; and

WHEREAS, the City would benefit from the vacation of these streets and alleys by reducing City expenditures on maintenance, repair and replacement; by reducing fly-dumping, vandalism and other criminal activity; and by providing support for such charitable, educational and philanthropic activities; and

WHEREAS, the City can promote strong communities by facilitating services to the public, and increase the City's job base through the vacation of public streets(s) and/or alley(s) for no compensation; and

WHEREAS, the properties at 3300-3328 S. Ogden Avenue, 1648-1658 S. Spaulding Avenue, 1644-1646 S. Spaulding Avenue, 1649-1659 S. Christiana Avenue, and 1663-1673 S. Christiana Avenue, are owned by Legacy Charter School, an Illinois Not For Profit Corporation ("Legacy Charter School"); and

WHEREAS, Legacy Charter School proposes to use the portion of the public alley to be vacated herein, along with various lots it intends to acquire from the City's Department of Planning and Development pursuant to a separate ordinance, all for the assemblage of properties into a single parcel, and for the relocation and expansion of the Legacy Charter School building and other Legacy Charter School facilities; 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 the parts of the public alley described in the following ordinance; now therefore,

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

SECTION 1.

DEDICATION:

THE SOUTH 16.00 FEET OF THE NORTH 19.00 FEET OF LOT 2 IN THE RESUBDIVISION OF LOT 19 IN SHERMAN AND WALTER'S RESUBDIVISION OF BLOCK 11 OF THE CIRCUIT COURT PARTITION OF THE EAST HALF OF THE NORTHEAST QUARTER, AND THAT PART OF THE EAST HALF OF THE SOUTHEAST QUARTER LYING NORTH OF OGDEN AVE., OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 16, 1920 AS DOCUMENT NUMBER 6738047, IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINING 1,567 SQ. FT. (0.036 ACRES), MORE OR LESS.

TOGETHER WITH THAT PART OF LOT 20 IN SHERMAN AND WALTER'S RESUBDIVISION OF BLOCK 11 OF THE CIRCUIT COURT PARTITION OF THE EAST HALF OF THE NORTHEAST QUARTER, AND THAT PART OF THE EAST HALF OF THE SOUTHEAST QUARTER LYING NORTH OF OGDEN AVE., OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 6, 1886 AS DOCUMENT NUMBER 770650, DESCRIBED AS FOLLOWS: BEGINNING AT A THE NORTHEAST CORNER OF SAID LOT 20, SAID POINT ALSO BEING ON THE WEST LINE OF S. SPAULDING AVENUE; THENCE SOUTH 01 DEGREE 35 MINUTES 51 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 20, ALSO BEING THE WEST LINE OF SAID S. SPAULDING AVENUE 2.48 FEET; THENCE SOUTH 88 DEGREES 32 MINUTES 27 SECONDS WEST 5.51 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 20, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF A 16 FOOT WIDE PUBLIC ALLEY; THENCE NORTH 64 DEGREES 19 MINUTES 03 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID LOT 20, ALSO BEING THE SOUTHERLY LINE OF SAID 16 FOOT PUBLIC ALLEY, 6.03 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINING 7 SQ. FT., MORE OR LESS as shaded and legally described by the words "HEREBY DEDICATED FOR PUBLIC ALLEY" on the plat hereto attached as Exhibit A, which drawing for greater clarity, is hereby made a part of this ordinance.

VACATION:

THAT PART OF A SOUTHWESTERLY-NORTHEASTERLY AND NORTH-SOUTH 16 FOOT WIDE PUBLIC ALLEY, IN SHERMAN AND WALTER'S RESUBDIVISION OF BLOCK 11 OF THE CIRCUIT COURT PARTITION OF THE EAST HALF OF THE NORTHEAST QUARTER, AND THAT PART OF THE EAST HALF OF THE SOUTHEAST QUARTER LYING NORTH OF OGDEN AVE., OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 6, 1886 AS DOCUMENT NUMBER 770650, IN COOK COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF LOT 31 IN SAID SHERMAN AND

WALTER'S RESUBDIVISION SAID CORNER ALSO BEING ON THE EAST RIGHT OF WAY LINE OF S. CHRISTIANA AVENUE; THENCE NORTH 64 DEGREES 19 MINUTES 03 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 31, AND LOT 32, ALSO BEING THE NORTHERLY LINE OF SAID 16 FOOT PUBLIC ALLEY, 136.56 FEET TO THE SOUTHEAST CORNER OF LOT 32; THENCE NORTH 01 DEGREES 39 MINUTES 27 SECONDS WEST ALONG THE EAST LINE OF LOTS 32, 33 AND THE SOUTH 5.39 FEET OF LOT 34, ALSO BEING THE WEST LINE OF SAID 16 FOOT PUBLIC ALLEY, 43.19 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 27 SECONDS EAST 16.00 FEET TO A POINT ON THE EAST LINE OF SAID 16 FOOT PUBLIC ALLEY, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 2, SAID POINT ALSO BEING ON THE SOUTH LINE OF THE SOUTH 16 FEET OF THE NORTH 19.00 FEET OF SAID LOT 2 IN THE RESUBDIVISION OF LOT 19 IN SHERMAN AND WALTER'S RESUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 16, 1920 AS DOCUMENT NUMBER 6738047; THENCE SOUTH 01 DEGREES 39 MINUTES 27 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 2, ALSO BEING THE EAST LINE OF SAID 16 FOOT PUBLIC ALLEY, 36.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 64 DEGREES 19 MINUTES 03 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 2, ALSO BEING THE NORTHERLY LINE OF SAID 16 FOOT PUBLIC ALLEY, 87.74 FEET TO A POINT ON THE SAID SOUTH LINE OF THE SOUTH 16 FEET OF THE NORTH 19 FEET OF SAID LOT 2; THENCE ALONG THE EASTERLY EXTENSION OF SAID SOUTH LINE, NORTH 88 DEGREES 32 MINUTES 27 SECONDS EAST 39.00 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 20 IN SAID SHERMAN AND WALTER'S RESUBDIVISION OF BLOCK 11, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF SAID 16 FOOT PUBLIC ALLEY, AND BEING A DISTANCE OF 6.03 FEET SOUTHWESTERLY FROM THE MOST NORTHERN CORNER OF SAID LOT 20; THENCE SOUTH 64 DEGREES 19 MINUTES 03 SECONDS WEST ALONG THE NORTHERLY LINE OF THAT PART OF SAID LOT 20, AND LOTS 21 THROUGH 29, SAID NORTHERLY LINE ALSO BEING THE SOUTHERLY LINE OF SAID 16 FOOT PUBLIC ALLEY, 284.51 FEET TO THE NORTHWEST CORNER OF SAID LOT 29, SAID CORNER ALSO BEING ON SAID EAST RIGHT OF WAY LINE OF S. CHRISTIANA AVENUE; THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 01 DEGREES 39 MINUTES 54 SECONDS WEST 17.52 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 0.111 ACRES (4,844 SQ. FT.), MORE OR LESS as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit B, which drawing 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.

SECTION 2. The Commissioner of Transportation is hereby authorized to accept and approve a redevelopment agreement or similar instrument restricting the use and improvement of the public way vacated in Section 1 of this ordinance to social service purposes which include, but shall not be limited to the creation of an elementary school campus, and for such use and improvements that are accessory, as that term is defined in the Chicago Zoning Ordinance, to such social service purposes, such uses and improvements to be owned and operated by a non-profit

corporation, subject to the approval of the Corporation Counsel as to form and legality. The restriction on use and improvement in the covenant, agreement or instrument shall be for a term of 40 years and upon breach of such restriction the public way herein vacated shall revert to the City and be subject to the terms and conditions of the dedication by which it has been heretofore held by the City.

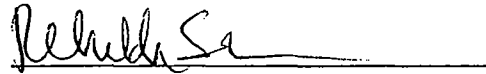
SECTION 3. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, Commonwealth Edison North, AT&T/SBC, Comcast and their successors or assigns, a non-exclusive utility easement to operate, maintain, construct, replace and renew overhead wires, poles, and associated equipment and underground conduit, cables, and associated equipment for the transmission and distribution of electrical energy, telephonic and associated services under, over and along the alley 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, Commonwealth Edison North, AT&T/SBC and/or Comcast facilities. No buildings, permanent structures or obstructions shall be placed over Commonwealth Edison, Commonwealth Edison North, AT&T/SBC and/or Comcast facilities without express written release of easement. Any future vacation-beneficiary prompted relocation of utility facilities lying within the area being vacated will be accomplished by the respective utility and done at the expense of beneficiary of the vacation.

SECTION 4. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Legacy Charter School shall deposit in the City Treasury of the City of Chicago, a sum sufficient to defray the costs of removing paving and/or curb returns, constructing sidewalk and curb at the entrance to that part of the alley hereby vacated; and constructing the new alley herein dedicated, in accordance with the most current version of the Chicago Department of Transportation's Regulations for Opening, Repair and Construction in the Public Way and its appendices, and the executed Duty to Build Agreement attached herein and made a part of this ordinance as Exhibit C.

SECTION 5. The vacation herein provided for is also made upon the express condition that within 180 days after the passage of this ordinance, Legacy Charter School shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance, together with a redevelopment agreement complying with Section 2 of this ordinance, and approved by the Corporation Counsel, and the full sized plats of vacation and dedication as approved by the CDOT Superintendent of Maps and Plats.


SECTION 6. This ordinance shall take effect and be in force from and after its passage. The vacation and dedication shall take effect and be in force from and after their recording.

Vacation and Dedication Approved:



Rebekah Scheinfeld
Commissioner of Transportation

Approved as to Form and Legality



Richard Wendy
Deputy Corporation Counsel

Honorable Michael Chandler
Alderman, 24th Ward

Attention: The below document must be reproduced on the applicant's letterhead, executed by same, and notarized:

DUTY TO BUILD AGREEMENT FOR CREATION OF A NEW ALLEY/STREET

In support of my current application with the Chicago Department of Transportation's Maps and Plats unit, for a dedication of my private property, I hereby state that I am the applicant or the company agent for the applicant company involved in the project, and that I have the authority to agree to the below terms of the dedication. Please initial:

ES ✓

I am aware that I am responsible for the construction of all new public and private rights of way (streets, alleys, etc) described on the Plat of Subdivision/Dedication.

ES ✓

I further understand that all rights of way (both public and private) must be built to City specifications as detailed in CDOT's Regulation for Openings, Construction and Repair in the Public Way.

ES ✓

Lastly, I understand that construction deposits will be required to assure that the work is done correctly. An inspection will be conducted by the City upon completion of the work. The City of Chicago reserves the right to require demolition and reinstallation of any facilities that are judged to be sub par or that do not adhere to the City's standards.

Signed: Errol Stone
Board Chair

Date: 10/27/2014

Printed name: Errol Stone, Esq.

Title: Chairman

Organization: Legacy Charter School

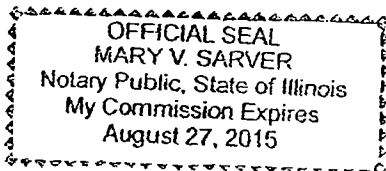
Address: 233 S. Wacker Drive, Suite 7800
Chicago, IL

Zip: 60606

Phone/fax: 312-876-8099 / 312-876-7934

Email: errol.stone@dentons.com

Notary: Mary V. Sarver
October 27, 2014





CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

03/27/2015

Mr. Stephen Patton
Corporation Counsel
Room 600 - City Hall
Chicago, IL 60602-1289

Attention: Mr. Richard Wendy
Deputy Corporation Counsel


Regarding: Legacy Charter School / SUBSTITUTE ORDINANCE
Not-for-Profit Alley File: 23-24-14-3686

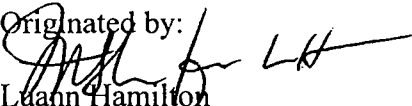
Dear Mr. Patton:

Pursuant to a request from Mr. John Lawlor, we are transmitting herewith for your review and approval as to form and legality an original SUBSTITUTE ORDINANCE and three (3) copies of a proposed vacation and dedication of alley in the block bounded by S. Christiana Avenue, S. Spaulding Avenue, W. 16th Street and S. Ogden Avenue. This property is located in the 24th Ward.

Upon simultaneous closing with the Department of Planning and Development, Legacy Charter School will be the owner of record to the property adjoining the public alley to be vacated, and the new alley to be dedicated. The people to contact in connection with this proposed ordinance are Attorney John Lawlor at 312-876-7459 or Mr. Errol Stone at 312-876-8099.

A Redevelopment Agreement has been mandated in Section 2 of the ordinance. Section 3 reserves easements for Commonwealth Edison, Commonwealth Edison North, AT&T/SBC and Comcast. Section 4 requires a deposit to CDOT for construction of curb, walk and the new alley. Sections 5 and 6 are standard language regarding the recording and effective date of the ordinance.

Sincerely,

Rebekah Scheinfeld
Commissioner

Originated by:

Luann Hamilton
Deputy Commissioner

RS: LH: MW: RD

cc: Alderman Michael Chandler
Alderman Anthony Beale
Sandra Foreman/w Attach. Dwg.-s.f. & Ord.(3) file copies
Maps & Plats (2) file copies