



City of Chicago



O2019-303

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	1/23/2019
Sponsor(s):	Cappleman (46)
Type:	Ordinance
Title:	Vacation of public alley(s) in area bounded by N Magnolia Ave, W Gunnison St, N Broadway and W Lawrence Ave
Committee(s) Assignment:	Committee on Transportation and Public Way

COMMERCIAL VACATION 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 property at 4818-4820 N. Broadway is owned by 4818-4822 North Broadway Street LLC, an Illinois limited liability company; and

WHEREAS, the property at 4819-4821 North Magnolia Avenue is owned by UTA II LLC, a Delaware limited liability company ("Developer"); and

WHEREAS, 4818-4822 North Broadway Street LLC has quit claimed its interests in the subject alley to Developer, pursuant to a quitclaim deed recorded on January 16, 2019 as document 1901606050; and

WHEREAS, the Developer proposes to use the portion of the alley remnant to be vacated herein for loading and adjacent building upgrades; 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 that portion of the public alley described in this ordinance; now therefore,

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

SECTION 1.

VACATION OF THAT PART OF THE PUBLIC ALLEY LYING WEST OF AND ADJOINING LOT 5 AND EAST OF AND ADJOINING LOT 18 IN THE RESUBDIVISION OF BLOCK 1 (EXCEPT LOTS 1, 2 AND 3) IN RUFUS C. HALL'S ADDITION TO ARGYLE IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JANUARY 16, 1891, PER DOCUMENT NUMBER 1408971, DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 AFORESAID, THENCE SOUTH 89 DEGREES, 56 MINUTES, 25 SECONDS WEST 16.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 18; THENCE NORTH 00 DEGREES 00 MINUTES, 40 SECONDS EAST ALONG THE EAST LINE OF LOT 18 AFORESAID 25.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 18; THENCE NORTH 89 DEGREES, 56 MINUTES, 22 SECONDS EAST 16.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 00 DEGREES, 00 MINUTES, 40 SECONDS WEST

ALONG THE WEST LINE OF LOT 5 AFORESAID 25.03 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5 ALSO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS SAID AREA OF PROPERTY BEING 400 SQ. FT. OR 0.0092 ACRES 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.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and AT&T/SBC, 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 and/or AT&T/SBC 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(ies). 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 Developer or its successors or assigns.

SECTION 3. The vacation herein provided for is made upon the express condition that within one hundred eighty (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 alley hereby vacated the sum Fifty thousand dollars (\$ 50,000.00), which sum in the judgment of this body will be equal to such benefits.

SECTION 4. The vacation 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.

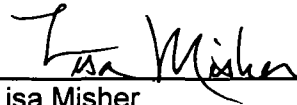
SECTION 5. This ordinance shall take effect and be in force from and after its passage and publication. The vacation shall take effect and be in force from and after recording of the published ordinance and plat.

Vacation Approved:

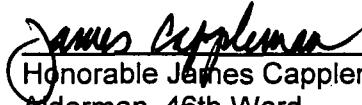


Rebekah Scheinfeld
Commissioner of Transportation

Approved as to Form and Legality



Lisa Misher
Deputy Corporation Counsel

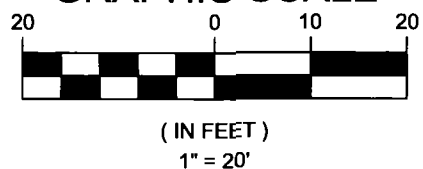


Honorable James Cappleman
Alderman, 46th Ward

ASSUMED

THAT PART OF THE PUBLIC ALLEY LYING WEST OF AND ADJOINING LOT 5 AND EAST OF AND ADJOINING LOT 18 IN THE RESUBDIVISION OF BLOCK 1 (EXCEPT LOTS 1, 2 AND 3) IN RUFUS C. HALL'S ADDITION TO ARGYLE IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JANUARY 16, 1891, PER DOCUMENT NUMBER 1408971, DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 AFORESAID, THENCE SOUTH 89 DEGREES, 56 MINUTES, 25 SECONDS WEST 16.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 18; THENCE NORTH 00 DEGREES 00 MINUTES, 40 SECONDS EAST ALONG THE EAST LINE OF LOT 18 AFORESAID 25.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 18; THENCE NORTH 89 DEGREES, 56 MINUTES, 22 SECONDS EAST 16.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 00 DEGREES, 00 MINUTES, 40 SECONDS WEST ALONG THE WEST LINE OF LOT 5 AFORESAID 25.03 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5 ALSO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

N. BROADWAY



HERETOFORE
VACATED
6/2/1923
DOC. #7961416

NORTH LINE OF W. LAWRENCE AVENUE

Water MH

Electric Light Pole

Sign Post

Unclassified Manhole

BUILDING HATCH

CONCRETE HATCH

UNDERLYING LOTS

• LINE BETWEEN SUBDIVISIONS

RECORD LINES

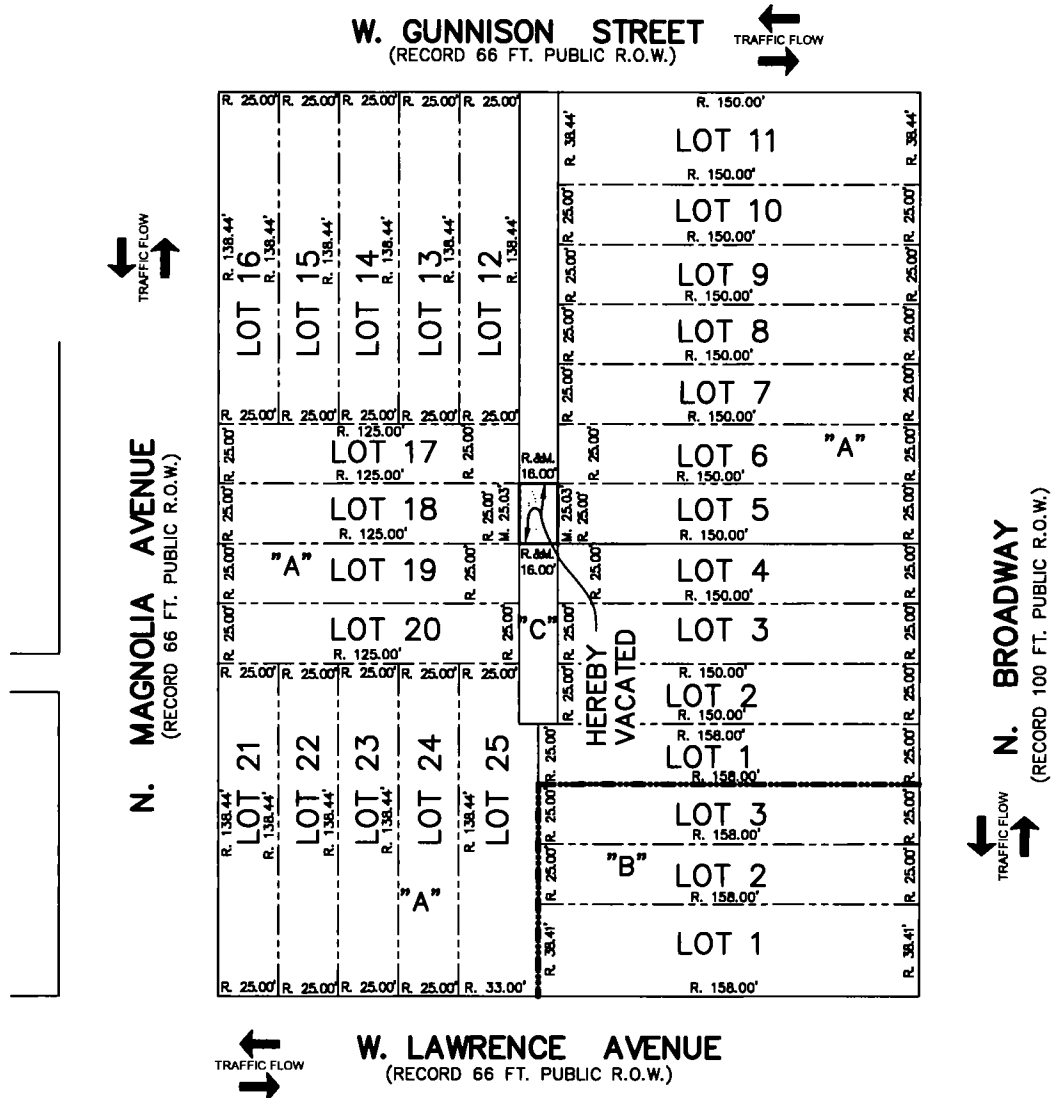
ORDER NO. 2018-26012-001	DATE: OCTOBER 30, 2018	PAGE NO 1 OF 4
	SCALE: 1 INCH = 20 FEET	

REVISED 12/13/2018

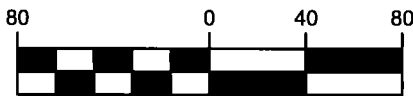
REVISÉD 12/4/2018 PER #2018-26208

EXHIBIT "A"

PLAT OF VACATION



GRAPHIC SCALE



(IN FEET)
1" = 80'

CDOT# 08-46-18-3881

ORDERED BY: FARPOINT DEVELOPMENT LLC		CHECKED: <input checked="" type="checkbox"/>	DRAWN: BB
ADDRESS: 4816 N. BROADWAY			
GREMLEY & BIEDERMANN A DIVISION OF PLCS, CORPORATION LICENSE NO. 184-005332 EXPIRES 4-30-2019 PROFESSIONAL LAND SURVEYORS 4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630 TELEPHONE (773) 685-5102 FAX (773) 286-4184 EMAIL: INFO@PLCS-SURVEY.COM			
ORDER NO.	DATE	PAGE NO.	
2018-26012-001	OCTOBER 30, 2018	2 OF 4	
SCALE: 1 INCH = 80 FEET			

"A"

RE-SUB OF BLOCK 1, EXCEPT LOTS 1, 2 & 3 IN RUFUS C. HALLS ADDITION TO ARGYLE IN SOUTH HALF SOUTHWEST QUARTER SECTION 8-40-14
 REC. JANUARY 16, 1891 DOC. #1408971

"B"

RUFUS C. HALLS ADDITION TO ARGYLE IN SOUTH HALF SOUTHWEST QUARTER SECTION 8-40-14
 REC. OCTOBER 22, 1888 DOC. #1019778

"C"

VACATED BY ORDINANCE PASSED APRIL 5, 1923.
 REC. JUNE 2, 1923 DOC. #7961416

REVISED 12/4/2018 PER #2018-26208

EXHIBIT "A"

PLAT OF VACATION

SURVEYORS NOTES:

Field measurements completed on OCTOBER 15, 2018

THE ZONING CLASSIFICATION OF THE PROPERTY SHOWN HEREON IS B3-5 AS DELINEATED ON THE CITY OF CHICAGO, DEPARTMENT OF ZONING WEBSITE .

Note R. & M. denotes Record and Measured distances respectively.

Distances are marked in feet and decimal parts thereof. Compare all points BEFORE building by same and at once report any differences BEFORE damage is done.


For easements, building lines and other restrictions not shown on survey plat refer to your abstract, deed, contract, title policy and local building line regulations.

NO dimensions shall be assumed by scale measurement upon this plat.

Unless otherwise noted hereon the Bearing Basis, Elevation Datum and Coordinate Datum if used is ASSUMED.

COPYRIGHT GREMLEY & BIEDERMANN, INC. 2018 "All Rights Reserved"

CDOT# 08-46-18-3881

ORDERED BY: FARPOINT DEVELOPMENT LLC	CHECKED	DRAWN: BB
ADDRESS: 4816 N BROADWAY		
 <div style="text-align: center;">GREMLEY & BIEDERMANN <small>A Division of</small> PLCS, CORPORATION <small>LICENSE No. 184-005332 EXPIRES 4-30-2019</small> <small>PROFESSIONAL LAND SURVEYORS</small> 4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630 TELEPHONE (773) 685-5102 FAX: (773) 286-4184 EMAIL INFO@PLCS-SURVEY.COM</div>		
ORDER NO. 2018-26012-001	DATE: OCTOBER 30, 2018 SCALE: 1 INCH = 20 FEET	PAGE NO. 3 OF 4

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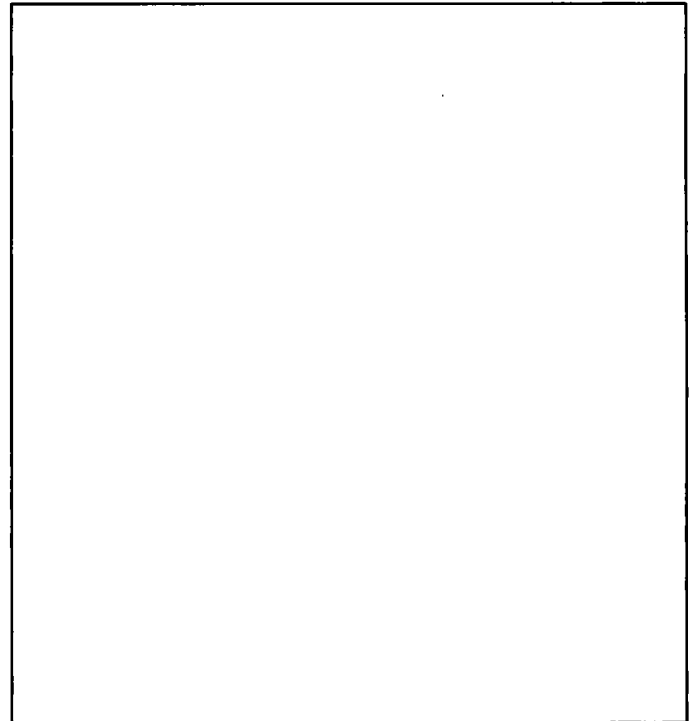
REVISED 12/4/2018 PER #2018-26208

EXHIBIT "A"

PLAT OF VACATION



CITY - DEPT. OF FINANCE



COOK CO.

C.D.O.T.

State of Illinois)
County of Cook)ss

We, GREMLEY & BIEDERMANN, INC. hereby certify that we have surveyed the hereon described property and that the plat hereon drawn is a correct representation of said survey corrected to a temperature of 62° Fahrenheit.

Field measurements completed on OCTOBER 15, 2018.

Signed on Dec. 14, 2018

By: Robert G. Biedermann


Professional Illinois Land Surveyor No. 2802

My license expires November 30, 2020

This professional service conforms to the current Illinois minimum standards for a boundary survey.



CDOT# 08-46-18-3881

ORDERED BY: FARPOINT DEVELOPMENT LLC	CHECKED	DRAWN: BB
ADDRESS: 4816 N BROADWAY		
 GREMLEY & BIEDERMANN A Division of PLCS, CORPORATION LICENSE No. 184-005332 EXPIRES 4-30-2019 PROFESSIONAL LAND SURVEYORS 4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630 TELEPHONE (773) 685-5102 FAX (773) 286-4184 EMAIL INFO@PLCS-SURVEY.COM		
ORDER NO. 2018-26012-001	DATE OCTOBER 30, 2018 SCALE 1 INCH = 20 FEET	PAGE NO. 4 OF 4

SURVEY PREPARED FOR AND MAIL TO:

FARPOINT DEVELOPMENT LLC
120 N. RACINE AVENUE
CHICAGO, IL 60607

PINS:
14-08-320-010
14-08-320-007



CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

12/29/18

Mr. Edward Siskel
Corporation Counsel
Room 600 - City Hall
Chicago, IL 60602-1289

Attention: Ms. Lisa Misher
Deputy Corporation Counsel

Re: Proposed Vacation for Uptown Theater/UTATE, LLC
Commercial File: 08-46-18-3881

Dear Mr. Siskel:

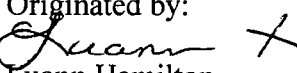
Pursuant to a request from Mr. Jerry Mickelson, we are transmitting herewith for your review and approval as to form and legality an original and three (3) copies of a proposed vacation a portion of the deadended alley in the block bounded by N. Broadway, W. Lawrence Avenue, N. Magnolia Avenue, and W. Gunnison Street. This property is located in the 46th Ward.

Uptown Theater is the owner of record to the properties adjoining the public alley to be vacated. The people to contact in connection with this proposed ordinance are Attorneys Mariah DiGrino and Liz Butler at 312-368-7261 and 312-368-4092 respectively and Mr. Jerry Mickelson at 312-266-6262.

Section 2 of the ordinance reserves an easement for Comed and AT&T. All other underground utility agencies are either not involved or have made suitable arrangements. Section 3 of the ordinance requires compensation to the City for the land being conveyed. Sections 4 and 5 are standard language regarding the ordinance.

Sincerely,

Rebekah Scheinfeld
Commissioner

Originated by:

Luann Hamilton
Deputy Commissioner

RS: LH: RD

cc: Alderman Capplemen (46)
Alderman Anthony Beale
Pablo David

Sandra Foreman/w Attach. Dwg.-s.f. & Ord. (3) file copies

(2) Maps & Plats
312 N. Dearborn Street, Suite 1100, Chicago, Illinois 60602



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

April 10, 2019

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 UPTOWN THEATER/UTA II, LLC - 02019-303 A proposed vacation of a portion of the dead-ended alley in the block bounded by North Broadway, West Lawrence Avenue, North Magnolia Avenue and West Gunnison Street This ordinance was referred to Committee on January 23, 2019.

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

(Ward 46)

Respectfully submitted,

Anthony Beale,
Chairman