



City of Chicago



O2022-2450

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 7/20/2022

Sponsor(s): Lightfoot (Mayor)

Type: Ordinance

Title: Acquisition of various parcels on portions of S Rockwell St, S California Ave, S Fairfield Ave, S Washtenaw Ave, W Columbus Ave and S Western Ave for Belt Railway Company of Chicago construction of grade-separated crossing at W Columbus Ave

Committee(s) Assignment: Committee on Transportation and Public Way

TRANS



OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

July 20, 2022

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

Ladies and Gentlemen:

I transmit herewith an ordinance authorizing right-of-way acquisition for the Columbus Avenue and Belt Railway of Chicago Grade Separation Project.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Lori E. Lightfoot".
Mayor

ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, and as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, pursuant to an ordinance (the "1928 Ordinance") passed by the City Council of the City (the "City Council") on July 11, 1928, and published in the Journal of the Proceedings of the City Council (the "Journal") for such date at pages 3310, et seq, the City authorized and required the Belt Railway Company of Chicago ("Belt Railway") to elevate its track and construct a grade separated crossing of its tracks over Columbus Avenue, in the City of Chicago; and

WHEREAS, beginning with a Joint Statement of Understandings ("JSOU") in 2003, the Chicago Regional Environmental and Transportation Efficiency ("CREATE") Program has resulted in joint and coordinated projects by and among the Class 1 freight railroads (including CSX), Amtrak, Metra, the Illinois Department of Transportation ("IDOT"), Cook County and the Chicago Department of Transportation ("CDOT") to restructure, modernize and expand the freight and passenger rail facilities and public highway systems and reduce environmental and social impacts of rail operations in the Chicago metropolitan area; and

WHEREAS, the grade separation of the Belt Railway line and Columbus Avenue was never constructed as required; and

WHEREAS, IDOT, CDOT, and the Belt Railway have agreed upon an alternative plan to construct a grade separation in the same location in order to separate the grades of rail traffic from surface street traffic at that location with the purpose of improving traffic safety and reducing delays and other negative impacts of traffic; and

WHEREAS, as part of the CREATE Program, IDOT, CDOT and Belt Railway propose to construct such a bridge and viaduct as agreed ("Project"); and

WHEREAS, the Belt Railway agrees to maintain the bridge and other railroad improvements that are components of the Project and, in accordance with maintenance agreements between them, IDOT and the City have agreed to maintain the public way components of the Project; and

WHEREAS, pursuant Chapter 2-102-030 of the Municipal Code of the City, the Commissioner of CDOT ("Commissioner") 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 City has determined that it is useful, desirable and necessary that the City acquire for public ownership and control those parcels of real property located along and adjacent

to Columbus Avenue, as listed on the attached Exhibit A. or portions thereof, (the “Acquisition Parcels”), for the public purpose of the acquisition of rights-of-way for and the improvement, construction, maintenance and repair of the Project; and

WHEREAS, the City has determined that the acquisition of the Acquisition Parcels, free and clear of leases, agreements and encumbrances for the Project is useful, advantageous or desirable for municipal purposes and public welfare; and

WHEREAS, pursuant to Resolution No. 22-CDC-13 adopted on May 11, 2022 by the Commission, the Commission authorized CDOT to acquire the designated Acquisition Parcels listed on Exhibit A in furtherance of the Plans in the Areas without further Commission action; **now, therefore,**

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

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. The 1928 Ordinance is hereby amended to permit the construction of the Project in accordance with the terms and conditions of this Ordinance, in lieu of the construction of the grade separated crossing described therein, on the condition that the Belt Railway shall cooperate in the construction, accept ownership and perform maintenance of such grade separation structure, pursuant to an agreement detailing the same, which agreement subject to the approval of the Corporation Counsel (“Maintenance Agreement.”)

SECTION 3. It is hereby determined and declared that it is useful, desirable and necessary that the City to acquire the Acquisition Parcels for public purposes and for purposes of implementing the objectives of the Plans for CDOT.

SECTION 4. The Corporation Counsel is authorized to negotiate with the owner(s) for the purchase of the Acquisition Parcels. If the Corporation Counsel and the owner(s) are able to agree on the terms of the purchase, the Corporation Counsel is authorized to purchase the Acquisition Parcels on behalf of the City for the agreed price. If the Corporation Counsel is unable to agree with the owner(s) of the Acquisition Parcel on the terms of the purchase, or if the owner(s) is or are incapable of entering into such a transaction with the City, or if the owner(s) cannot be located, then the Corporation Counsel is authorized to institute and prosecute condemnation proceedings on behalf of the City for the purpose of acquiring fee simple title to the Acquisition Parcels as listed on Exhibit A under the City’s power of eminent domain. Such acquisition efforts shall commence within four (4) years of the date of the publication of this ordinance. For the Acquisition Parcels, commencement shall be deemed to have occurred upon the City’s delivery of an offer letter to the owner(s) of such Acquisition Parcel.

SECTION 5. The Commissioner of CDOT is authorized to (1) execute such documents including a Maintenance Agreement or other agreements with the Belt Railway or any other railroad impacted by the Project and including agreements providing indemnification to another party, as may be necessary to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel, (2) amend, modify, or change the schedule for the acquisition of the Acquisition Parcels adopted above, and (3) determine whether the acquisition of the Acquisition Parcels, or a portion thereof, or less than fee simple title is necessary to implement the Project, all subject to the approval of the Corporation Counsel.

SECTION 6. 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 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 be effective upon its passage and approval.

EXHIBIT A
ACQUISITION PARCELS

(SUBJECT TO FINAL SURVEY AND TITLE COMMITMENT)

PARCEL 0MX0001.

PIN

19-25-224-014
19-25-400-001
19-25-400-002
19-25-400-003
19-25-401-001
19-25-401-002
19-25-401-003
19-25-402-004

Common Address

7501 S Rockwell St, Chicago, IL
7459 S California Ave, Chicago, IL
7458 S Fairfield Ave, Chicago, IL
7529 S California Ave, Chicago, IL
7457 S Fairfield Ave, Chicago, IL
7458 S Washtenaw Ave, Chicago, IL
2750 W Columbus Ave, Chicago, IL
2630 W Columbus Ave, Chicago, IL

PARCEL 0MX0002.

PIN

19-25-125-004
19-25-224-029
19-25-224-030
19-25-228-038
19-25-500-003

Common Address

7444 S Rockwell St, Chicago, IL
7453 S Rockwell St, Chicago, IL
7457 S Rockwell St, Chicago, IL
7410 S Western Ave, Chicago, IL
7451 S Rockwell St, Chicago, IL

PARCEL 0MX0005.

PIN

19-25-224-029

Common Address

7453 S Rockwell St, Chicago, IL

PARCEL 0MX0006.

PIN

19-25-224-029

Common Address

7453 S Rockwell St, Chicago, IL

PARCEL 0MX0007.

PIN

19-25-225-028

Common Address

2516 W Columbus Ave, Chicago, IL

PARCEL 0MX0008.

PIN
19-25-226-018

Common Address
2442 W Columbus Ave, Chicago, IL

PARCEL 0MX0009.

PIN
19-25-227-001

Common Address
7400 S Western Ave, Chicago, IL

PARCEL 0MX0010.

PIN
19-25-228-034
19-25-228-035
19-25-228-037
19-25-228-039

Common Address
7410 S Western Ave, Chicago, IL
7410 S Western Ave, Chicago, IL
7410 S Western Ave, Chicago, IL
7410 S Western Ave, Chicago, IL

PARCEL 0MX0011.

PIN
19-25-403-001
19-25-403-002
19-25-404-001
19-25-405-001
19-25-501-001

Common Address
2543 W Columbus Ave, Chicago, IL
2545 W Columbus Ave, Chicago, IL
2701 W Columbus Ave, Chicago, IL
2629 W Columbus Ave, Chicago, IL
7502 S Columbus Ave, Chicago, IL