



# City of Chicago



O2016-6447

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 9/14/2016

**Sponsor(s):** Santiago (31)

**Type:** Ordinance

**Title:** Vacation of public street(s) in area bounded by N Kilpatrick Ave, W Diversey Ave and W Parker Ave

**Committee(s) Assignment:** 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 4626-4650 W. Parker Avenue are owned by Shubert Development Partners, LLC, a Colorado Limited Liability Company ("Developer"); and

WHEREAS, the Developer proposes to use the portion of the Street to be vacated herein for landscaping / greenspace; 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 part of public Street, described in the following ordinance; now therefore,

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

### SECTION 1.

#### PARCEL 1:

THAT PART OF WEST PARKER AVENUE HERETOFORE DEDICATED BY S.S. HAYES' KELVYN GROVE ADDITION TO CHICAGO, A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 25, 1873 AS DOCUMENT 125133, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 18 IN BLOCK 3 OF SAID S.S. HAYES' KELVYN GROVE ADDITION TO CHICAGO; THENCE NORTH 88 DEGREES 34 MINUTES 17 SECONDS EAST, ALONG THE NORTH LINE OF SAID WEST PARKER AVENUE, 124.97 FEET TO THE EAST LINE OF THE WEST 25 FEET OF LOT 16 IN BLOCK 3 OF SAID S.S. HAYES' KELVYN GROVE ADDITION TO CHICAGO; THENCE SOUTH 02 DEGREES 08 MINUTES 10 SECONDS EAST, ALONG SAID EAST LINE, 7.00 FEET TO A POINT ON A LINE 7.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE OF WEST PARKER AVENUE; THENCE SOUTH 89 DEGREES 34 MINUTES 17 SECONDS WEST, ALONG SAID PARALLEL LINE, 124.97 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 18; THENCE NORTH 02 DEGREES 08 MINUTES 49 SECONDS WEST, ALONG SAID EXTENDED LINE, 7.00 FEET TO THE POINT OF BEGINNING, IN COOK

COUNTY, ILLINOIS, SAID PARCEL CONTAINS 968 SQUARE FEET OR 0.022 ACRES, MORE OR LESS

**PARCEL 2:**

THAT PART OF WEST PARKER AVENUE HERETOFORE DEDICATED BY S.S. HAYES' KELVYN GROVE ADDITION TO CHICAGO, A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 25, 1873 AS DOCUMENT 125133, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE WEST 25 FEET OF LOT 16 IN BLOCK 3 OF SAID S.S. HAYES' KELVYN GROVE ADDITION TO CHICAGO; THENCE NORTH 88 DEGREES 34 MINUTES 17 SECONDS EAST, ALONG THE NORTH LINE OF SAID WEST PARKER AVENUE, 138.30 FEET TO THE WEST LINE OF WEST PARKER AVENUE VACATED BY ORDINANCE PASSED DECEMBER 23, 1957 AND RECORDED JANUARY 7, 1958 AS DOCUMENT 17104154; THENCE SOUTH 01 DEGREES 57 MINUTES 34 SECONDS EAST, ALONG SAID WEST LINE, 7.00 FEET TO A POINT ON A LINE 7.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE OF WEST PARKER AVENUE; THENCE SOUTH 89 DEGREES 34 MINUTES 17 SECONDS WEST, ALONG SAID PARALLEL LINE, 138.28 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE WEST 25 FEET OF SAID LOT 16; THENCE NORTH 02 DEGREES 08 MINUTES 10 SECONDS WEST, ALONG SAID EXTENDED LINE, 7.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINS 875 SQUARE FEET OR 0.020 ACRES, MORE OR LESS. TOTAL AREA OF VACATION = 1,843 SQUARE FEET OR 0.042 ACRES, MORE OR LESS as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit A, 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 City of Chicago hereby reserves 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 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, or its successor and/or assigns.

SECTION 3. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer shall deposit in the City Treasury of the City of Chicago, a sum sufficient to defray the costs of removing paving and curb returns, and constructing sidewalk 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.

SECTION 4. The vacation herein provided for is also 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 Fifty Thousand dollars (\$ 50,000.00 ), which sum in the judgment of this body will be equal to such benefits.

SECTION 5. 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 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 plat as approved by the Acting Superintendent of Maps and Plats.

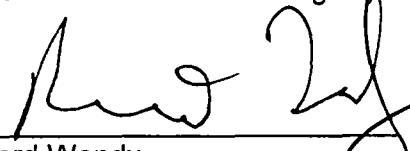
SECTION 6. This ordinance shall take effect and be in force from and after its passage. The vacation shall take effect and be in force from and after its recording.

Vacation Approved:



Rebekah Scheinfeld  
Commissioner of Transportation

Approved as to Form and Legality



Richard Wendy  
Deputy Corporation Counsel



Honorable Milly Santiago  
Alderman, 31<sup>st</sup> Ward





# CITY COUNCIL

## CITY OF CHICAGO

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## 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

October 25, 2016

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 A proposed vacation of a 7 foot strip of West Parker Avenue bounded by North Kilpatrick and unopened North Knox Avenue (approximately vacated North Kenton Avenue). This ordinance was referred to the Committee on September 14, 2016.

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

(Ward 31)

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Respectfully submitted,

Anthony Beale,  
Chairman