



City of Chicago
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O2015-2008

Meeting Date: 3/18/2015
Sponsor(s): Emanuel (Mayor)
Type: Ordinance
Title: Acquisition of property for construction and repairs to Western Avenue viaduct
Committee(s) Assignment: Committee on Housing and Real Estate



RAY SUAREZ

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COMMITTEE MEMBERSHIPS:

HOUSING AND REAL ESTATE
(CHAIRMAN)

COMMITTEES, RULES AND ETHICS
(VICE-CHAIRMAN)

AVIATION

BUDGET AND GOVERNMENT OPERATIONS

FINANCE

TRANSPORTATION AND PUBLIC WAY

WORKFORCE DEVELOPMENT AND AUDIT

ZONING, LANDMARKS AND BUILDING STANDARDS

April 15, 2014
CHICAGO, ILLINOIS

TO THE PRESIDENT AND MEMBERS OF THE CITY COUNCIL:

Your Committee on Housing and Real Estate which was referred an ordinance by the Department of Transportation authorizing the Grant of Easement requiring the acquisition of parcels within the **Addison South Area** or the **Western Avenue South Area**.
(O2015-2008)

47TH WARD
32ND WARD
33RD WARD

Having the same under advisement, begs leave to report and recommend that Your Honorable Body **Pass** the proposed ordinance transmitted herewith.

This recommendation was concurred in by a unanimous vote of the members of the committee present with no dissenting votes.

(signed)

Ray Suarez, Chairman
Committee on Housing & Real Estate

HSG-



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

March 18, 2015

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

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith an ordinance authorizing an acquisition of property regarding the Western Avenue viaduct.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Rahm Emanuel".

Mayor



ORDINANCE

WHEREAS, the City of Chicago ("City") is a duly constituted and existing municipality within the meaning of Section 1, Article VII, of the 1970 Constitution of the State of Illinois ("Constitution"), and is a home rule unit of government under Section 6(a), Article VII, of the Constitution; and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City has established the Community Development Commission ("Commission") to, among other things, designate redevelopment areas and approve redevelopment plans, and recommend the acquisition of parcels located in redevelopment areas, subject to the approval of the City Council of the City of Chicago ("City Council"); and

WHEREAS, pursuant to Chapter 2-102-030 of the Municipal Code of the City, the Commissioner ("Commissioner") of the Department of Transportation of the City ("CDOT"), 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 (either by the City, or by another governmental entity), with the meaning and authority of 735 ILCS 30/5-5-5(b), those parcels, or portions thereof, of real property described on Exhibit A to this ordinance (the "Parcels") for the public purpose of the acquisition of rights-of-way for and the improvement, construction, maintenance, and repair of the public ways, specifically removing the deteriorating Western Avenue Viaduct over Belmont Avenue and Clybourn Avenue, repairs to the North Branch of the Chicago River, and roadway and traffic improvements to the corridor of North Western Avenue from Jones Street to Waveland Avenue (the "Project"); and

WHEREAS, the City has determined that the acquisition of the Parcels, free and clear of leases, agreements, easement and encumbrances for the Project is useful, advantageous or desirable for municipal purposes and public welfare, with the meaning and authority of 65 ILCS 5/11-61-1 and 65 ILCS 20-21-19, and that such acquisition may include the acquisition of land and improvements as authorized under 735 ILCS 30/1 et. seq., 735 ILCS 30/5-5-5, and 735 ILCS 30/25-7-103.12; and

WHEREAS, by ordinance adopted by the City Council on May 9, 2007, and published at pages 104322 to 104433 of the Journal of Proceedings (the "Addison South T.I.F. Ordinance") a certain redevelopment plan (the "Addison South Plan") for the Addison South Redevelopment Project Area (the "Addison South Area"), was approved pursuant to the Illinois Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1, et seq.); and

WHEREAS, by ordinance adopted by the City Council on January 12, 2000, and published at pages 22277 to 22393 of the Journal of Proceedings (the "Western Avenue South T.I.F. Ordinance") a certain redevelopment plan (the "Western Avenue South Plan") for the Western Avenue South Redevelopment Project Area (the "Western Avenue South Area"), was approved pursuant to the Illinois Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1, et seq.); and

WHEREAS, both the Addison South Plan and the Western Avenue South Plan (collectively, the "Plans") and the use of tax increment financing provide a mechanism to support new growth, needed public improvements, and financing for land acquisition, demolition, and remediation; and

WHEREAS, one of the goals and objectives of the Plans is to make right-of-way improvements, including the synchronization of traffic signalization at all intersections in order, to improve the flow of traffic within the Area; and

WHEREAS, both the Addison South T.I.F. Ordinance and the Western Avenue South T.I.F. Ordinance (collectively, the "T.I.F. Ordinances") authorize the use of eminent domain to acquire properties within the Area to meet the requirements of the Plan; and

WHEREAS, in furtherance of the Project and the Plans, the City requires the acquisition of the Parcels and the grant of temporary construction easements (the "Temporary Easements"), all identified on Exhibit A which are located either within the Addison South Area or the Western Avenue South Area (collectively, the "Areas"); and

WHEREAS, the General Assembly in 735 ILCS 30/25-7-103.12 (the "Quick-Take Statute"), has authorized the use of quick-take eminent domain proceedings by municipalities for the purposes set forth in Division 74.2 and 74.3 of Article 2 of the Illinois Municipal Code, said purposes being the redevelopment of commercial or business areas by removing commercial blight for redevelopment purposes, and for the same purposes when established pursuant to home rule powers; and

WHEREAS, the City under its home rule power finds that it useful and necessary to use quick-take to acquire the Parcels for the same purposes as those set forth in Divisions 74.2 and 74.3 of the Illinois Municipal Code (65 ILCS 5/11-74.2 and 74.3); and

WHEREAS, pursuant to Resolution No. 15-CDC-9 adopted on March 10, 2015, the Commission authorized the Department of Transportation to acquire the Parcels 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 incorporated herein by reference as if fully set forth in this Ordinance and are adopted as the findings of the City Council.

SECTION 2. It is hereby determined and declared that it is useful, desirable and necessary that the City acquire the Parcels, or any portion thereof, and granting of the Temporary Easements to the City, for the public purpose of designing, constructing and operating the Project, which shall be under public ownership and control.

SECTION 3. The Commissioner of Transportation is authorized to execute such documents as may be necessary to implement the provisions of this ordinance, and to determine whether the acquisition of the Parcels, or a greater or lesser portion thereof, or an interest less than fee simple title, and the granting of the Temporary Easements to the City, are necessary to implement the Project, and whether title shall be taken in the name of the County of Cook, and/or the People of the State of Illinois in accordance with the Illinois Highway Code, all subject to the approval of the Corporation Counsel.

EXHIBIT A

Route	FAP 370 (WESTERN AVENUE)
Section	07-E6149-00-BR
County	Cook
Job No.	R-88-003-14
Parcel	0002
Station	Sta. 300+49.93 To Sta. 302+08.70
Index No.	14-19-328-035

LEGAL DESCRIPTION:

PARCEL 0002

THAT PART OF A PARCEL OF LAND ACCORDING TO THE DEED RECORDED ON JANUARY 14, 2011 AS DOCUMENT NUMBER 1101455058 IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF DOCUMENT NUMBER 1101455058, THENCE ON AN ILLINOIS COORDINATE SYSTEM NAD 83 (2007) EAST ZONE BEARING OF NORTH 01 DEGREE 39 MINUTES 20 SECONDS WEST, A DISTANCE OF 8.00 FEET ALONG THE EAST LINE OF WESTERN AVENUE; THENCE NORTH 88 DEGREES 35 MINUTES 23 SECONDS EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF BELMONT AVENUE, A DISTANCE OF 78.80 FEET; THENCE SOUTH 85 DEGREES 42 MINUTES 00 SECOND EAST, A DISTANCE OF 80.40 FEET TO THE SAID NORTH LINE; THENCE SOUTH 88 DEGREES 35 MINUTES 23 SECONDS WEST ALONG THE SAID NORTH LINE, A DISTANCE OF 158.77 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.022 ACRE, MORE OR LESS.

Route	FAP 370 (WESTERN AVENUE)
Section	07-E6149-00-BR
County	Cook
Job No.	R-88-003-14
Parcel	0003
Station	Sta. 300+89.48 To Sta. 300+92.23
Index No.	14-30-100-019

LEGAL DESCRIPTION:

PARCEL 0003

PART OF LOT 13 IN BLOCK 13 IN CLYBOURN AVENUE ADDITION TO LAKEVIEW AND CHICAGO IN THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBE AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 13, THENCE ON AN ILLINOIS COORDINATE SYSTEM NAD 83 (2007) EAST ZONE BEARING OF NORTH 88 DEGREES 35 MINUTES 23 SECONDS EAST ALONG THE SOUTH LINE OF BELMONT AVENUE, A DISTANCE OF 12.24 FEET; THENCE SOUTH 14 DEGREES 43 MINUTES 26 SECONDS WEST, A DISTANCE OF 9.89 FEET TO THE NORTHEASTERLY LINE OF CLYBOURN AVENUE; THENCE NORTH 46 DEGREES 23 MINUTES 39 SECONDS WEST ALONG THE SAID NORTHEASTERLY LINE, A DISTANCE OF 13.43 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 58 SQUARE FEET (0.001 ACRE), MORE OR LESS.

Route	FAP 370 (WESTERN AVENUE)
Section	07-E6149-00-BR
County	Cook
Job No.	R-88-003-14
Parcel	0004
Station	Sta. 298+67.35 To Sta. 299+50.31
Index No.	13-25-203-017 13-25-203-039 13-25-203-038

LEGAL DESCRIPTION:

PARCEL 0004

THE NORTH 10 FEET OF LOTS 6 AND 7 IN OWNER'S SUBDIVISION OF THE NORTHEAST 1 ACRE OF LOT 18 OF SNOW ESTATES SUBDIVISION BY THE SUPERIOR COURT IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SAID PARCEL CONTAINING 0.019 ACRE, MORE OR LESS.

Route	FAP 370 (WESTERN AVENUE)
Section	07-E6149-00-BR
County	Cook
Job No.	R-88-003-14
Parcel	0004TE
Station	Sta. 298+67.28 To Sta. 299+51.22
Index No.	13-25-203-017 13-25-203-039 13-25-203-038
	TEMPORARY EASEMENT

LEGAL DESCRIPTION:

PARCEL 0004TE

LOTS 6 AND 7 EXCEPT THE NORTH 10 FEET THEREOF IN OWNER'S SUBDIVISION OF THE NORTHEAST 1 ACRE OF LOT 18 OF SNOW ESTATES SUBDIVISION BY THE SUPERIOR COURT IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SAID PARCEL CONTAINING 0.267 ACRE, MORE OR LESS.

Route	FAP 370 (WESTERN AVENUE)
Section	07-E6149-00-BR
County	Cook
Job No.	R-88-003-14
Parcel	0005
Station	Sta. 298+35.37 To Sta. 298+67.35
Index No.	13-25-203-015

LEGAL DESCRIPTION:

PARCEL 0005

THE NORTH 10 FEET OF LOT 5 IN OWNER'S SUBDIVISION OF THE NORTHEAST 1 ACRE OF LOT 18 OF SNOW ESTATES SUBDIVISION BY THE SUPERIOR COURT IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SAID PARCEL CONTAINING 320 SQUARE FEET (0.007 ACRE), MORE OR LESS.

Route	FAP 370 (WESTERN AVENUE)
Section	07-E6149-00-BR
County	Cook
Job No.	R-88-003-14
Parcel	0005TE
Station	Sta. 298+35.30 To Sta. 298+68.26
Index No.	13-25-203-015
	TEMPORARY EASEMENT

LEGAL DESCRIPTION:

PARCEL 0005TE

LOT 5 EXCEPT THE NORTH 10 FEET THEREOF AND EXCEPT THE WEST 7.00 FEET OF THE SOUTH 8.00 FEET OF LOT 5 IN OWNER'S SUBDIVISION OF THE NORTHEAST 1 ACRE OF LOT 18 OF SNOW ESTATES SUBDIVISION BY THE SUPERIOR COURT IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SAID PARCEL CONTAINING 0.102 ACRE, MORE OR LESS.

Route	FAP 370 (WESTERN AVENUE)
Section	07-E6149-00-BR
County	Cook
Job No.	R-88-003-14
Parcel	0006
Station	Sta. 296+85.38 To Sta. 298+35.37
Index No.	13-25-203-014 13-25-203-045 13-25-203-011 13-25-203-010

LEGAL DESCRIPTION:

PARCEL 0006

PART OF LOT 1 IN BLOCK 1 OF JONES NORTH BRANCH ADDITION, BEING A SUBDIVISION OF LOT 18 IN SNOW ESTATE SUBDIVISION BY SUPERIOR COURT PARTITION IN THE EAST 1/2 OF THE NORTHEAST 1/4 (EXCEPT THE NORTH 150.40 FEET OF THE EAST 290.0 FEET THEREOF) AND PARTS OF LOTS 1, 2, 3 AND 4 IN OWNER'S SUBDIVISION OF THE NORTHEAST 1 ACRE OF LOT 18 OF SNOW ESTATES SUBDIVISION BY THE SUPERIOR COURT, ALL IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBE AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN BLOCK 1 OF JONES NORTH BRANCH ADDITION SUBDIVISION, THENCE ON AN ILLINOIS COORDINATE SYSTEM NAD 83 (2007) EAST ZONE BEARING OF NORTH 89 DEGREES 07 MINUTES 01 SECOND EAST ALONG THE SOUTH LINE OF BELMONT AVENUE, A DISTANCE OF 150.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 01 DEGREE 15 MINUTES 12 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89 DEGREES 07 MINUTES 01 SECOND WEST, A DISTANCE OF 51.56 FEET; THENCE NORTH 85 DEGREES 04 MINUTES 55 SECONDS WEST, A DISTANCE OF 98.93 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.023 ACRE, MORE OR LESS.

Route	FAP 370 (WESTERN AVENUE)
Section	07-E6149-00-BR
County	Cook
Job No.	R-88-003-14
Parcel	0006TE
Station	Sta. 296+85.38 To Sta. 298+36.22
Index No.	13-25-203-014 13-25-203-045 13-25-203-011 13-25-203-010
	TEMPORARY EASEMENT

LEGAL DESCRIPTION:

PARCEL 0006TE

LOT 1 IN BLOCK 1 OF JONES NORTH BRANCH ADDITION, BEING A SUBDIVISION OF LOT 18 IN SNOW ESTATE SUBDIVISION BY SUPERIOR COURT PARTITION IN THE EAST 1/2 OF THE NORTHEAST 1/4 (EXCEPT THE NORTH 150.40 FEET OF THE EAST 290.0 FEET THEREOF) AND LOTS 1, 2, 3 AND 4 (EXCEPT THE SOUTH 8.00 FEET THEREOF) IN OWNER'S SUBDIVISION OF THE NORTHEAST 1 ACRE OF LOT 18 OF SNOW ESTATES SUBDIVISION BY THE SUPERIOR COURT; AND EXCEPTING FROM SAID LOTS THE TRACT DESCRIBE AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN BLOCK 1 OF JONES NORTH BRANCH ADDITION SUBDIVISION, THENCE ON AN ILLINOIS COORDINATE SYSTEM NAD 83 (2007) EAST ZONE BEARING OF NORTH 89 DEGREES 07 MINUTES 01 SECOND EAST ALONG THE SOUTH LINE OF BELMONT AVENUE, A DISTANCE OF 150.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 01 DEGREE 15 MINUTES 12 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89 DEGREES 07 MINUTES 01 SECOND WEST, A DISTANCE OF 51.56 FEET; THENCE NORTH 85 DEGREES 04 MINUTES 55 SECONDS WEST, A DISTANCE OF 98.93 FEET TO THE POINT OF BEGINNING; ALL IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SAID PARCEL CONTAINING 0.467 ACRE, MORE OR LESS.

Route	FAP 370 (WESTERN AVENUE)
Section	07-E6149-00-BR
County	Cook
Job No.	R-88-003-14
Parcel	0007TE
Station	Sta. 298+43.75 To Sta. 299+51.71
Index No.	13-25-203-043
	TEMPORARY EASEMENT

LEGAL DESCRIPTION:

PARCEL 0007TE

LOTS 26, 27 AND 28 IN BLOCK 1 IN JONES NORTH BRANCH ADDITION SUBDIVISION OF PART OF LOT 18 IN SNOW ESTATES SUBDIVISION BY SUPERIOR COURT IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SAID PARCEL CONTAINING 0.186 ACRE, MORE OR LESS.

SECTION 4. The Corporation Counsel is authorized to negotiate with the owner(s) of the Parcels for the purchase of the Parcels, and the granting of the Temporary Easements to the City.

SECTION 5. If the Corporation Counsel is able to agree with the owner(s) of the Parcels upon the price to be paid for such Parcels, or a portion thereof, and the granting of the Temporary Easements to the City, the Corporation Counsel is authorized to purchase the Parcels, or a portion thereof, and the granting of the Temporary Easements to the City, in the name of and on behalf of the City of Chicago for the agreed, price with such purchase price to be paid out of any legally available funds of the City, including, without limitation, proceeds of any grants or other funds received by the City. If the Corporation Counsel is unable to agree with the owner(s) of the Parcels on the purchase price, or if an owner is incapable of consenting to the sale, or if an owner cannot be located, or cannot deliver fee simple title, then the Corporation Counsel may institute and prosecute condemnation proceedings, including "quick-take" condemnation proceedings in the name of and on behalf of the City for the purpose of acquiring fee simple title or other property interest(s) in the Parcels, or a portion thereof, under the City's power of eminent domain.

SECTION 6. The Commissioner, or a designee of the Commissioner, is authorized to (1) execute such documentation as may be necessary to implement the provisions of this Ordinance, and (2) determine whether the acquisition of the Parcels, or a portion thereof, or less than fee simple title, and the granting of the Temporary Easements to the City are necessary to implement the Project, all subject to the approval of the Corporation Counsel.

SECTION 7. If any provision of this ordinance is 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 8. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 9. This ordinance shall take effect upon its passage and approval.

APPROVED

John R. Kotter

CORPORATION COUNSEL

APPROVED

John E. Maxwell

4/15/13

Mayor