



City of Chicago



O2017-5543

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	7/26/2017
Sponsor(s):	Sadlowski Garza (10)
Type:	Ordinance
Title:	Vacation of public alley(s) in area bounded by E 95th St, S Torrence Ave, E 96th St and S Colfax 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 2613-2627 E. 95th Street, 9500-9510 S. Torrence Avenue, 9514-9516 S. Torrence Avenue, 9501-9511 S. Colfax Avenue and 9515-9517 S. Colfax Avenue are owned by CSRE Davita Park Manor, LLC ("Developer"); and

WHEREAS, the Developer proposes to use the portion of the alley to be vacated herein for an accessory parking lot for a proposed medical center; 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 those portions of public alley, described in the following ordinance; now therefore,

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

SECTION 1.

A 20 FOOT ALLEY AS SHOWN HEREON LYING BETWEEN THE SOUTH LINE OF LOTS 1 THROUGH 6, AND THE NORTH LINE OF LOT 12, AND EAST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 12; IN BLOCK 125 IN SOUTH CHICAGO SUBDIVISION, MADE BY THE CALUMET AND CHICAGO CANAL AND DOCK COMPANY OF ALL THAT PART OF SECTION 6, SOUTH OF THE INDIAN BOUNDARY LINE, SOUTHWEST OF PITTSBURG, FORT WAYNE AND CHICAGO RAILROAD, AND WEST OF THE CALUMET RIVER, EXCEPT LAND BELONGING TO THE NORTHWESTERN FERTILIZING COMPANY, AND ALSO THE NORTHEAST FRACTIONAL QUARTER, AND THE EAST TWO-THIRDS OF THE NORTHWEST QUARTER FRACTION OF FRACTIONAL SECTION 7, NORTH OF THE INDIAN BOUNDARY LINE, TOWNSHIP 37 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JUNE 29, 1875 AS DOCUMENT 36673, IN COOK COUNTY, ILLINOIS. AREA OF PROPERTY: 2,570 SQ. FT. (0.0590 ACRE) MORE OR LESS as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit B, 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(s).

SECTION 2. The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Co. an easement to operate, maintain, repair, renew and replace existing underground facilities and to construct new facilities in all of the area to be vacated, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas Light and Coke Co. or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal, or replacement of said facilities, or the construction of additional facilities. Any future Developer prompted relocation of Peoples Gas facilities lying within the area being vacated will be accomplished by Peoples Gas, and done at the expense of beneficiary of the vacation, its successors or assigns.

SECTION 3. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, 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 alleys 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, AT&T/SBC, and/or Comcast 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, its successors or assigns.

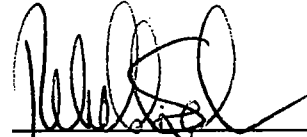
SECTION 4. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer shall deposit in the City Treasury of the City of Chicago, a sum sufficient to defray the costs of removing paving and curb returns, and constructing 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 5. The vacation herein provided for is 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 alley hereby vacated the sum Twenty-one thousand dollars (\$ 21,000.00), which sum in the judgment of this body will be equal to such benefits.

SECTION 6. 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 7. 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 recording of the approved ordinance and plat.

Vacations Approved:



Rebekah Scheinfeld
Commissioner of Transportation

Approved as to Form and Legality

Lisa Misher
Chief Assistant Corporation Counsel

Honorable Susan Sadlowski Garza
Alderman, 10th Ward



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CITY OF CHICAGO

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October 11, 2017

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 CSRE DAVITA PARK MANOR, LLC - 02017-5543 A proposed vacation of the east-west alley in the block bounded by South Torrence Avenue, East 95th Street, South Colfax Avenue and East 96th Street. This ordinance was referred to Committee on July 26, 2017.

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

(Ward 10)

Respectfully submitted,

Anthony Beale,
Chairman