



# City of Chicago



O2013-5388

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	6/26/2013
<b>Sponsor(s):</b>	Emanuel, Rahm (Mayor)
<b>Type:</b>	Ordinance
<b>Title:</b>	Acquisition of property in conjunction with proposed intermodal facility at 301-309 S Clinton St (Union Station)
<b>Committee(s) Assignment:</b>	Committee on Housing and Real Estate

## 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 local 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 design and construct mass transit projects for local transportation purposes and to acquire property necessary or appropriate for the construction and operation of 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), within the meaning and authority of 735 ILCS 30/5-5-5(b), those parcels of real property described on **Exhibit A** to this ordinance (the "Parcels") for the public purpose of designing, constructing and operating a mass transit project including, without limitation, an intermodal transfer station, that in part, will provide for (1) sheltered berthing and staging areas for CTA buses; and (2) a vertical connection to an existing AMTRAK underground pedestrianway thereby reducing pedestrian exposure to traffic and enhancing pedestrian safety (the "Project"), in order to encourage the use of public transportation, improve safety and efficiency of local transit operations, improve local street traffic flow and to facilitate intergovernmental cooperation between different transit providers; and

**WHEREAS**, the City has determined that the acquisition of the Parcels, free and clear of leases, agreements, easements and encumbrances, for the Project is useful, advantageous or desirable for municipal purposes and the public welfare, within 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 November 12, 1998, and published at pages 81976 to 81983 of the Journal of Proceedings (the "TIF Ordinance") a certain redevelopment plan (the "TIF Plan") for the Canal/Congress Redevelopment Project Area (the "TIF Area") was approved pursuant to the Illinois Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1, *et seq.*)(the "TIF Act"); and

**WHEREAS**, the Plan and the use of tax increment financing provides 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 Plan is to provide improvements in safety and infrastructure, including the provision of new amenities that both businesses and residents expect to find in a contemporary mixed use urban neighborhood such as good accessibility served by a street system and public transportation facilities that provide safe and convenient access to and circulation within the TIF Area; and

**WHEREAS**, the TIF Ordinance authorizes the use of eminent domain to acquire properties within the TIF Area to meet the requirements of the Plan; and

**WHEREAS**, in furtherance of the Project and the Plan, the City requires the acquisition of the Parcels, which are located within the TIF Area; and

**WHEREAS**, the City desires to establish a schedule for expedited acquisition in order to achieve the objectives of the Plan and Project pursuant to quick-take procedures; and

**WHEREAS**, the General Assembly in 735 ILCS 30/25-7-103.12 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 to eradicate and eliminate 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. 13-CDC-19 adopted on June 11, 2013, the Commission authorized the Department of Transportation to acquire the Parcels in furtherance of the TIF Plan in the TIF Area without further Commission action; now, therefore,

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

**Section 1.** The above recitals are hereby incorporated 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 for the public purpose of designing, constructing and operating the Project, which shall be under public ownership and control, and for purposes of implementing the objectives of the Plan.

**Section 3.** The Corporation Counsel of the City of Chicago (“Corporation Counsel”) is authorized to negotiate with the owner(s) of the Parcels for the purchase of the Parcels.

**Section 4.** 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, the Corporation Counsel is authorized to purchase the Parcels, or a portion thereof, 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” 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 5.** A schedule for the acquisition of the Parcels is hereby adopted as follows:

- A. Acquire fee simple title to all of the Parcels on or before December 31, 2013.
- B. Commence construction on or after January 1, 2014 (projected: Spring 2014).
- C. Complete construction for the Project before December 31, 2014.

**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, (2) amend, modify, or change the schedule for the acquisition of the Parcels set forth in **Section 5**, and (3) determine whether the acquisition of the 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 7.** The Commissioner is further authorized to execute such documents as may be necessary to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel.

**Section 8.** If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or enforceability of such provision shall not affect any of the other provisions of this ordinance.

**Section 9.** All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 10.** This ordinance shall be effective upon its passage and approval.

**Exhibit A**

Description of Parcels

Commonly known as: 301-309 S. Clinton Street, Chicago, IL 60661  
(aka 501-531 W. Jackson Blvd., Chicago, IL)

P.I.N.(s): 17-16-120-008-8001, 17-16-120-008-8002, 17-16-120-008-8003, 17-16-120-009-0000

Parcel 1:

Lots 1 and 2 in Assessor's Division of Block 52 of School Section Addition to Chicago in Section 16, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2:

A parcel of land comprised of all of Lots 3 and 4, and also a part of Lots 5 and 6; all in Assessor's Division of Block 52 of School Section Addition to Chicago in Section 16, Township 39 North, range 14, east of the Third Principal Meridian, in Cook County, Illinois; said parcel of land being bounded and described as follows:

Beginning at a point on the east line of Block 52 (said east line being also the west line of South Canal Street), said point being 289.56 feet, as measured along said east line, north of the southeast corner of said Block 52, and running thence westwardly along a line perpendicular to said east line, a distance of 319.90 feet to an intersection with the west line of said Block 52; thence northwardly along said west line (said west line being also the east line of South Clinton Street), a distance of 60.30 feet to an intersection with the north line of Lot 4 in said Block 52; thence eastwardly along the north line of said Lot 4 and also along the north line of said Lot 3, a distance of 319.95 feet to an intersection with said east line of Block 52; thence southwardly along said east line, a distance of 58.15 feet to the point of beginning, in Cook County, Illinois.



OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

June 26, 2013

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 in conjunction with a proposed intermodal facility at Union Station.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor