



City of Chicago



O2015-121

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	1/21/2015
Sponsor(s):	Burnett (27)
Type:	Ordinance
Title:	Release of use restriction covenant regarding vacation of public way(s) in block bounded by N Milwaukee Ave, W Erie St and N Morgan St
Committee(s) Assignment:	Committee on Transportation and Public Way

**ORDINANCE
FOR RELEASE OF
USE RESTRICTION COVENANT**

WHEREAS, on February 5, 1998 the City Council of the City of Chicago ("City") passed a certain ordinance (C.J. pp.62178, 62180-84) (referred to herein as the "Vacation Ordinance"), which such Ordinance provided for an industrial program ("Industrial Program") alley vacation ("Vacation") of all of the east-west 12 foot public alley in the block bounded by North Milwaukee Avenue, West Erie Street and North Morgan Street ("Subject Property"); and

WHEREAS, the Vacation Ordinance provided that the Vacation of the Subject Property was conditioned upon a restrictive use covenant running with the land ("Restrictive Use Covenant"), that required the Subject Property "be used only for manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only, and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and other similar uses and facilities"; and

WHEREAS, the Restrictive Use Covenant was recorded on May 28, 1998 with the Office of the Cook County Recorder of Deeds as Document Number 98441670, attached hereto as Exhibit A; and

WHEREAS, the Vacation Ordinance was recorded on July 15, 1998 with the Office of the Cook County Recorder of Deeds as Document No. 98613112, attached hereto as Exhibit B; and

WHEREAS, in Section 4 of the Vacation Ordinance set forth that the Restrictive Use Covenant "may be released or abandoned by the City only upon approval of the City Council which may condition its approval upon the payment of such additional compensation which it deems to be equal to the benefits accruing because of the release or abandonment"; and

WHEREAS, The Domain Group, LLC, an Illinois limited liability company ("Developer"), is the current beneficiary titleholder of the vacated Subject Project subject to the Restrictive Use Covenant; and

WHEREAS, the Developer is intending to develop a multi-unit residential building on the Subject Property and has requested a release of the Restrictive Use Covenant; and

WHEREAS, the City, upon due investigation and consideration, has determined that the public interest now warrants a release of the Restrictive Use Covenant reserved in Section 4 of the Vacation Ordinance for the payment of such additional compensation which it deems to be equal to the benefits accruing because of the release appraised fair market value of such release of Restrictive Use Covenant; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The recitals above are incorporated herein.

SECTION 2. The release of the Restrictive Use Covenant, in its entirety, appearing in Section 4 of the Original Ordinance is hereby approved upon the express condition that within sixty (60) days after the passage of this ordinance, The Domain Group, LLC shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to The

Domain Group, LLC the amount of ninety thousand (\$90,000), which sum in the judgment of this body will be equal to such benefits.

SECTION 3. The release of the Restrictive Use Covenant herein provided for is made upon the express condition that within sixty (60) days after the passage of this ordinance, The Domain Group, LLC, shall file or cause to be filed in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance,

SECTION 4. The Commissioner of the Department of Transportation is hereby authorized to execute, subject to the approval of the Corporation Counsel, a Release of Restrictive Use Covenant, in substantially the form attached as **Exhibit C**, and such other supporting documents as may be necessary or appropriate to carry out and comply with the provisions of the Release of Restrictive Use Covenant, with such changes, deletions and insertions as shall be approved by the persons executing the Release of Restrictive Use Covenant.

SECTION 5. 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 6. This ordinance shall take effect upon its passage and approval.

Release of Restrictive Use Covenant
Approved:

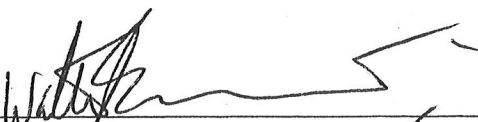


Rebekah Scheinfeld
Commissioner
Department of Transportation

Approved as to Form and Legality



Richard Wendy
Deputy Corporation Counsel



Honorable
Alderman, 27th Ward



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CITY OF CHICAGO

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March 11, 2015

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 Proposed release of an industrial program restrictive covenant on the area described as the 12' wide East-West alley in the block bounded by West Erie Street, North Milwaukee Avenue and North Morgan Street. This ordinance was referred to the Committee on January 21, 2015.

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

(Ward 27)

Respectfully submitted,


Anthony Beale,
Chairman