



# City of Chicago



O2014-4881

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 5/28/2014

**Sponsor(s):** Emanuel (Mayor)

**Type:** Ordinance

**Title:** Expenditure of open space impact fee funds for future developments of Buckhorn Park

**Committee(s) Assignment:** Committee on Special Events, Cultural Affairs and Recreation

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OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

May 28, 2014

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

Ladies and Gentlemen:

At the request of the Commissioner of Planning and Development, I transmit herewith ordinances authorizing the expenditure of Open Space Impact Fee Funds.

Your favorable consideration of these ordinances will be appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Rahm Emanuel".

Mayor



**JOSEPH A. MOORE**

ALDERMAN, 49TH WARD  
7356 NORTH GREENVIEW AVENUE  
CHICAGO, ILLINOIS 60626  
TELEPHONE 773-338-5796  
ward49@cityofchicago.org  
www.ward49.com

**CITY COUNCIL  
CITY OF CHICAGO**

**COUNCIL CHAMBER**

CITY HALL, ROOM 300  
121 NORTH LA SALLE STREET  
CHICAGO, ILLINOIS 60602  
TELEPHONE 312-744-3067

**COMMITTEE MEMBERSHIPS**

**HUMAN RELATIONS**  
CHAIRMAN

BUDGET AND GOVERNMENT OPERATIONS

COMMITTEES, RULES AND ETHICS

FINANCE

HEALTH AND ENVIRONMENTAL PROTECTION

June 25, 2014

To the President and Members of the City Council:

Your Committee on Special Events Cultural Affairs and Recreation, for which a meeting was held on June 24, 2014, having had under consideration the ordinance introduced by Mayor Rahm Emanuel on May 28, 2014, this being the expenditure of open space impact fee funds for the expansion of Buckthorn Park, begs leave to recommend that Your Honorable Body Approve said ordinance transmitted herewith.

This recommendation was concurred in by a via voce vote of all committee members present with no dissenting votes.

Respectfully submitted,

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Joseph A. Moore, Chairman  
Committee on Special Events,  
Cultural Affairs and Recreation



## ORDINANCE

**WHEREAS**, the City of Chicago (the "City"), is a home rule unit of government under Article VII, Section 6(a) of the 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 City is authorized under its home rule powers to regulate the use and development of land; and

**WHEREAS**, it is a reasonable condition of development approval to ensure that adequate open space and recreational facilities exist within the City; and

**WHEREAS**, on April 1, 1998, the City Council of the City (the "City Council") adopted the Open Space Impact Fee Ordinance codified at Chapter 18 of Title 16 (the "Open Space Ordinance") of the Municipal Code of Chicago (the "Code") to address the need for additional public space and recreational facilities for the benefit of the residents of newly created residential developments in the City; and

**WHEREAS**, the Open Space Ordinance authorizes, among other things, the collection of fees from residential developments that create new dwelling units without contributing a proportionate share of open space and recreational facilities for the benefit of their residents as part of the overall development (the "Fee-Paying Developments"); and

**WHEREAS**, pursuant to the Open Space Ordinance, the Department of Finance ("DOF") has collected fees derived from the Fee-Paying Developments (the "Open Space Fees") and has deposited those fees in separate funds, each fund corresponding to the Community Area (as defined in the Open Space Ordinance), in which each of the Fee-Paying Developments is located and from which the Open Space Fees were collected; and

**WHEREAS**, Dev Chicago Land Group, LLC, an Illinois limited liability company (the "Seller") is the owner of two approximately 3,000 square foot parcels each of vacant real property commonly known as 4323 and 4325 South Calumet Avenue in Chicago, Illinois (the "Acquisition Property") which is legally described on Exhibit A and made part hereof; and

**WHEREAS**, the Department of Planning and Development ("DPD") has determined that the Fee-Paying Developments built in the Community Area listed on Exhibit B attached hereto have deepened the already significant deficit of open space in that Community Area, which deficit was documented in the comprehensive plan entitled "The CitySpace Plan," adopted by the Chicago Plan Commission on September 11, 1997 and adopted by the City Council on May 20, 1998 pursuant to an ordinance published at pages 69309-69311 of the Journal of the Proceedings of the City Council (the "Journal") of the same date; and

**WHEREAS**, the City desires to purchase the Acquisition Property for the benefit and use of the public and the respective Community Area in which it is located; and

**WHEREAS**, on December 14, 2005, City Council adopted an ordinance published in the

Journal of the same date granting authority for DPD to acquire the Acquisition Property; and

**WHEREAS**, the City intends to transfer, subject to a separate ordinance requiring City Council approval, the Acquisition Property to the Chicago Park District (the "Park District") for future development of Buckthorn Park (the "Project");

**WHEREAS**, the City desires to use impact fee funds to pay for acquisition costs associated with the Project (the "Acquisition Costs"); and

**WHEREAS**, DPD desires City Council authorization to expend Open Space Fees in an amount not to exceed \$1,141,534 for the Project and to create open spaces and recreational facilities in the Community Area listed on Exhibit B; and

**WHEREAS**, the Open Space Ordinance requires that the Open Space Fees be used for open space acquisition and capital improvements, which provide a direct and material benefit to the new development from which the fees are collected; and

**WHEREAS**, the Open Space Ordinance requires that the Open Space Fees be expended within the same or a contiguous Community Area from which they were collected after a legislative finding by the City Council that the expenditure of the Open Space Fees will directly and materially benefit the developments from which the Open Space Fees were collected; and

**WHEREAS**, DPD has determined that the use of the Open Space Fees to fund the Project will provide a direct and material benefit to each of the Fee-Paying Developments from which the Open Space Fees were collected; and

**WHEREAS**, DPD has determined that Open Space Fees to be used for the purposes set forth herein have come from the specific fund set up by DOF for the corresponding Community Area in which a Fee-Paying Development is located and from which the Open Space Fees were collected; and

**WHEREAS**, DPD has recommended that the City Council find that the acquisition of the Acquisition Property is consistent with and in furtherance of one of the primary objectives of the Open Space Plan, which is the expansion of open space within neighborhoods; and

**WHEREAS**, DPD has recommended that the City Council approve the use of the Open Space Fees for the purposes set forth herein and on Exhibit B through this ordinance; and

**WHEREAS**, DPD has recommended that the City Council make a finding that the expenditure of the Open Space Fees as described herein will directly and materially benefit the Fee-Paying Developments from which the Open Space Fees were collected;

**WHEREAS**, DPD desires City Council authorization to provide any funds not used for the Acquisition Costs to the Park District to be used towards the Project; and

**WHEREAS**, the City and the Park District wish to enter into an intergovernmental

**EXHIBIT A**

**ACQUISITION PROPERTY**

(Subject to Final Title Commitment and Survey)

Parcel 1

Common Address: 4323 South Calumet Avenue, Chicago, Illinois

Legal Description:

LOT 5 IN BAILEY'S CALUMET AVENUE ADDITION, BEING A SUBDIVISION OF LOTS 1 AND 2 IN ALBERT E. KENT'S SUBDIVISION OF LOT 12 IN COUNTY CLERK'S DIVISION OF UNSUBDIVIDED LANDS IN THE SOUTHWEST 1/4 OF LOTS 13 AND 14 OF H. HONORE'S SUBDIVISION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 20-03-305-006

Parcel 2

Common Address: 4325 South Calumet Avenue, Chicago, Illinois

Legal Description:

LOT 15 IN HONORE'S SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 20-03-305-007

## EXHIBIT B

### DESCRIPTION OF PROJECT

Address: 4345 South Calumet Avenue

Community Area: Grand Boulevard

Description of Project: Land Acquisition for future conveyance to the Chicago Park District, subject to a separate Ordinance requiring City Council approval for use as part of Buckthorn Park and open space

Project Budget:

Acquisition Costs	\$ 50,000
Design	\$ 92,000
Construction	\$ 924,000
Contingency	\$ 92,000
Contractor General Conditions	<u>\$ 92,000</u>
TOTAL	\$1,250,000

#### Funding Sources:

Amount of Open Space Fees: \$1,141,534

agreement (the "Agreement") whereby the City shall pay for or reimburse the Park District for costs related to the Project; now, therefore,

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

**SECTION 1.** The above recitals are expressly incorporated in and made part of this ordinance as though fully set forth herein.

**SECTION 2.** The City Council hereby finds that the expenditure of the Open Space Fees will directly and materially benefit the residents of those Fee-Paying Developments from which the Open Space Fees were collected and approves the use of the Open Space Fees for the purposes described herein.

**SECTION 3.** The City of Chicago, acting through the Commissioner of DPD (the "Commissioner") is authorized to use Open Space Fee proceeds in an amount not to exceed \$1,141,534 from the corresponding DOF fund to pay for expenses permitted under the Open Space Ordinance.

**SECTION 4.** The Commissioner of DPD is authorized to execute any and all documents and take any and all action as may be necessary or appropriate to effectuate the development and maintenance of the Project, subject to the approval of the Corporation Counsel.

**SECTION 5.** Subject to the approval of the Corporation Counsel as to form and legality, the Commissioner of the DPD is authorized to execute and deliver the Agreement, and such other documents as are necessary, between the City of Chicago and the Park District, which Agreement may contain such other terms as are deemed necessary or appropriate by the parties executing the same on the part of the City.

**SECTION 6.** Open Space Fees in the amount on Exhibit B from the Community Area Open Space Fees Funds are hereby appropriated for the purposes described herein.

**SECTION 7.** To the extent that any ordinance, resolution, rule, order or provision of the Code, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall control. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provisions of this ordinance.

**SECTION 8.** This ordinance shall be in full force and effect from and after the date of its passage.



APPROVED  
*Byrd R. With*  
CORPORATION COUNSEL

APPROVED  
*Kelvin E. ...*  
7/10/14  
MAYSON