



Office of the City Clerk



O2012-5783

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date: 9/12/2012

Sponsor(s): Emanuel, Rahm (Mayor)

Type: Ordinance

Title: Acquisition of property for public purpose of designing, constructing and operating mass transit project at Union Station staging area located at 501-531 W Jackson Blvd

Committee(s) Assignment: Committee on Housing and Real Estate

HSG.



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

September 12, 2012

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 for a Union Station staging area.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor



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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, 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 (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.*, 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 the designing, constructing and operating the Project, which shall be under public ownership and control.

Section 3. The 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 can not deliver fee simple title, then the Corporation Counsel may institute and prosecute 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 5. The Commissioner is authorized to execute such documentation as may be necessary

to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel. The Commissioner is also authorized to determine whether the acquisition of the Parcels, or a portion thereof, or less than fee simple title is necessary to implement the Project.

Section 6. 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 7. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 8. This ordinance shall be effective upon its passage and approval.

Exhibit A

Description of Parcels

(Subject to Final Title Commitment and Survey)

Commonly known as: 501-531 W. Jackson Blvd.

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.