



# City of Chicago



O2014-6896

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	9/10/2014
<b>Sponsor(s):</b>	O'Shea (19)
<b>Type:</b>	Ordinance
<b>Title:</b>	Vacation of public street(s) on portions of S Millard Ave, W 99th St and W 100th St
<b>Committee(s) Assignment:</b>	Committee on Transportation and Public Way

**NOT FOR PROFIT VACATION 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 City wishes to support the charitable, educational and philanthropic activities of established Not for Profit Corporations and encourage the continued viability and growth of such activities; and

WHEREAS, many Not For Profit Corporations own property that adjoins streets and alleys that are no longer required for public use and might more productively be used in furtherance of such activities; and

WHEREAS, the City would benefit from the vacation of these streets and alleys by reducing City expenditures on maintenance, repair and replacement; by reducing fly-dumping, vandalism and other criminal activity; and by providing support for such charitable, educational and philanthropic activities; and

WHEREAS, the City can promote strong communities by facilitating services to the public, and increase the City's job base through the vacation of public street(s) and/or alley(s) for no compensation; and

WHEREAS, the properties adjacent to the rights of way to be vacated (and within the municipal city limits of the City of Chicago), are owned by Sisters of Mercy of the Americas West Midwest Community, Inc., a Missouri Not For Profit Corporation; and

WHEREAS, the Sisters of Mercy of the America's West Midwest Community Inc., a Missouri Not For Profit Corporation which is licensed to transact business in Illinois, uses the site as a business center and for limited nursing facilities for elderly religious; and

WHEREAS, the Sisters of Mercy of the America's West Midwest Community Inc., a Missouri Not For Profit Corporation; proposes to use the portion of the public streets to be vacated herein for a driveway and access in support of the construction of a proposed continuing-care retirement community for elderly religious staff members, to be constructed on the adjacent lots; 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 parts of the public streets described in the following ordinance; now therefore,

SECTION 1. LEGAL DESCRIPTION

**THE EAST 33.00 FEET OF THAT PART OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE 3RD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTH LINE OF THE NORTH 52.00 FEET OF THE SOUTHWEST 1/4 OF SAID SECTION 11 AND LYING NORTH OF A LINE 33.00 FEET SOUTH OF THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 11, AS DESCRIBED IN DEDICATION FOR PUBLIC STREETS DOC.#16279067 RECORDED JUNE 23, 1955, IN COOK COUNTY, ILLINOIS.**

**AND**

**THE NORTH 33.00 FEET OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE 3RD PRINCIPAL MERIDIAN, (EXCEPT THE EAST 52.00 FEET THEREOF), AS DESCRIBED IN DEDICATION FOR PUBLIC STREETS DOC.#16279067 RECORDED JUNE 23, 1955, IN COOK COUNTY, ILLINOIS**

SECTION 2. The Commissioner of Transportation is hereby authorized to accept and approve a redevelopment agreement or similar instrument restricting the use and improvement of the public way vacated in Section 1 of this ordinance to social service purposes which includes, but shall not be limited to: operation of a retirement community with 116 independent living units, 20 units of memory care, 41 units of assisted living and 35 units of skilled nursing care and for such use and improvements that are accessory, as that term is defined in the Chicago Zoning Ordinance, to such social service purposes, such uses and improvements to be owned and operated by a non-profit corporation, subject to the approval of the Corporation Counsel as to form and legality. The restriction on use and improvement in the covenant, agreement or instrument shall be for a term of 40 years and upon breach of such restriction the public way herein vacated shall revert to the City and be subject to the terms and conditions of the dedication by which it has been heretofore held by the City.

SECTION 3 The City of Chicago hereby reserves for the benefit of Commonwealth Edison its 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 streets 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's facilities. No buildings, permanent structures or obstructions shall be placed over Commonwealth Edison's facilities without written release of easement by Commonwealth Edison. Any future vacation-beneficiary prompted relocation of Commonwealth Edison's facilities lying within the area being vacated will be accomplished by Commonwealth Edison and done at the expense of beneficiary of the vacation.

SECTION 4 The City of Chicago hereby reserves the streets as herein vacated, as a right of way for an existing Water Department main and appurtenances thereto, and for the installation of any additional water mains and appurtenances which in the future may be located in the streets as herein vacated, and for the maintenance, renewal, and reconstruction of such facilities, with the right of ingress and egress at all times upon reasonable notice. It is also provided that no buildings or other structures shall be erected on the said right of way herein reserved or other use made of said area, which in the judgment of the municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities. It is further provided that any vacation-beneficiary prompted adjustments to City water facilities in the area to be vacated; and the repair, renewal or replacement of any private materials, or private property damaged in the area to be vacated as a result of the City exercising its easement rights, shall be done at the beneficiary's expense.

SECTION 5. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Sisters of Mercy of the America's West Midwest Community Inc., a Missouri Not for Profit Corporation 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 and curb at the entrance to that part of the streets hereby vacated, similar to the adjacent and contiguous sidewalk and curb.

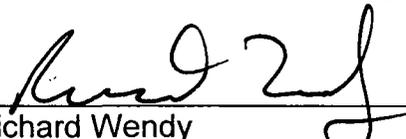
SECTION 6. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Sisters of Mercy of the America's West Midwest Community Inc., a Missouri Not For Profit Corporation, shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance, together with a redevelopment agreement complying with Section 2 of this ordinance and as approved by the Corporation Counsel, and the Plat of Vacation as approved by the Superintendent of Maps and Plats.

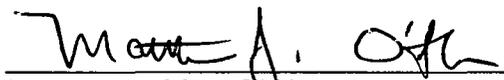
SECTION 7. This ordinance shall take effect and be in force from and after its passage. The vacation shall take effect and be in force from and after its recording.

Vacation Approved:

  
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Rebekah Scheinfeld  
Commissioner of Transportation

Approved as to Form and Legality:

  
\_\_\_\_\_  
Richard Wendy  
Deputy Corporation Counsel

  
\_\_\_\_\_  
Honorable Matt O'Shea  
Alderman, 19<sup>th</sup> Ward

