



# City of Chicago



O2017-6296

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	9/6/2017
<b>Sponsor(s):</b>	Burnett (27)
<b>Type:</b>	Ordinance
<b>Title:</b>	Dedication and vacation of public alley(s) in area bounded by W Division St, N Cherry Ave and N Branch St
<b>Committee(s) Assignment:</b>	Committee on Transportation and Public Way

Trans

COMMERCIAL 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 properties at 1115-1119 N. North Branch Street are owned by 1115-19 N. Branch Development LLC, an Illinois limited liability company; the properties at 1126-1166 N. Cherry Avenue, 1083-1095 N. North Branch Street, and 1101-1109 N. North Branch Street are owned by 1087 North Branch Development LLC, an Illinois limited liability company; and the properties at 1121-1137 N. North Branch Street are owned by 1140 North Branch Development LLC, an Illinois limited liability company (collectively "the Developers"); and

WHEREAS, the Developers propose to use the portion of the alleys to be vacated herein to construct a 2-story product research and development building with parking; 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 those portions of public alleys, described in the following ordinance; now therefore,

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

SECTION 1.

DEDICATION:

**THE NORTHWESTERLY 20.00 FEET OF LOT 28 IN BLOCK 77 IN ELSTON'S ADDITION TO CHICAGO IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 11, 1855, IN BOOK 85, PAGE 121 AND 122, AS DOCUMENT NUMBER 59194, ANTE-FIRE, IN COOK COUNTY, ILLINOIS CONTAINING 2305 SQUARE FEET OR 0.0529 ACRES, MORE OR LESS as shaded and legally described by the words "HEREBY DEDICATED" on the plat hereto attached as Exhibit A, which drawing for greater clarity, is hereby made a part of this ordinance, be and the same is hereby dedicated and opened as public way.**

VACATIONS:

**THAT PART OF THE NORTHWEST-SOUTHEAST 20.00 FOOT PUBLIC ALLEY LYING SOUTHWESTERLY OF AND ADJOINING LOTS 28 TO 23 INCLUSIVE AND THAT PART LYING SOUTHWESTERLY OF AND ADJOINING LOT 22 LYING NORTHWESTERLY OF THE NORTHEASTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF THE NORTHWESTERLY 20.00 FEET OF LOT 14 IN BLOCK 77 IN ELSTON'S ADDITION TO CHICAGO IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 11, 1855, IN BOOK 85, PAGE 121 AND 122, AS DOCUMENT NUMBER 59194, ANTE-FIRE, EXCEPTING THEREFROM THAT PART LYING SOUTHWESTERLY OF THE NORTHWESTERLY 20.00 FEET OF SAID LOT 28; TOGETHER WITH THAT PART OF THE SOUTHWEST-NORTHEAST PUBLIC ALLEY LYING SOUTHEASTERLY OF AND ADJACENT TO LOT 13 AND LYING NORTHWESTERLY OF THE SOUTHEASTERLY LINE OF THE NORTHWESTERLY 20.00 FEET OF LOT 14 IN BLOCK 77 IN ELSTON'S ADDITION TO CHICAGO AFORESAID; ALL IN COOK COUNTY, ILLINOIS CONTAINING 7288 SQUARE FEET OR 0.1673 ACRES, MORE OR LESS as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit B, which plat for greater clarity, is hereby made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacations..**

SECTION 2. The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Co. a nonexclusive easement to operate, maintain, repair, renew and replace existing underground facilities and to construct new facilities in all of the area to be vacated, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas Light and Coke Co. or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal, or replacement of said facilities, or the construction of additional facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without express written release of easement by the involved utilities. Any future Developer prompted relocation of Peoples Gas facilities lying within the area being vacated will be accomplished by Peoples Gas, and done at the expense of the beneficiary of the vacation, its successors or assigns.

SECTION 3. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, AT&T/SBC, and their 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 alleys 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 or AT&T/SBC facilities. No construction, buildings, permanent structures or obstructions shall occur

or be placed over the area herein vacated without express written release of easement by the involved utilities. Any future Developer-prompted relocation of facilities lying within the area being vacated will be accomplished by the involved utility, and be done at the expense of the beneficiary of the vacation, its successors or assigns.


SECTION 4. The vacations, and dedication for public alley herein provided for are made upon the express condition that within 180 days after the passage of this ordinance, the Developer shall deposit in the City Treasury of the City of Chicago, a sum sufficient to defray the costs of removing paving and curb returns on the existing alley, and constructing newly dedicated public way, in accordance with the most current version of the Chicago Department of Transportation's Regulations for Opening, Repair and Construction in the Public Way and its appendices, and in accordance with the executed Duty to Build Agreement attached herein and made a part of this ordinance as Exhibit C.

SECTION 5. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developers shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owners of the property abutting said parts of public alleys hereby vacated the sum Three hundred thousand dollars (\$ 300,000.00 ), which sum in the judgment of this body will be equal to such benefits.

SECTION 6. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developer shall file or cause to be filed for recordation with the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with the plats as approved by the Acting Superintendent of Maps and Plats.

SECTION 7. This ordinance shall take effect and be in force from and after its passage. The vacation and dedication shall take effect and be in force from and after recording of the approved plats.

Vacations and Dedication Approved:



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Rebekah Scheinfeld  
Commissioner of Transportation

Approved as to Form and Legality



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Lisa Misher  
Chief Assistant Corporation Counsel



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Honorable Walter Burnett  
Alderman, 27th Ward

# PLAT OF DEDICATION

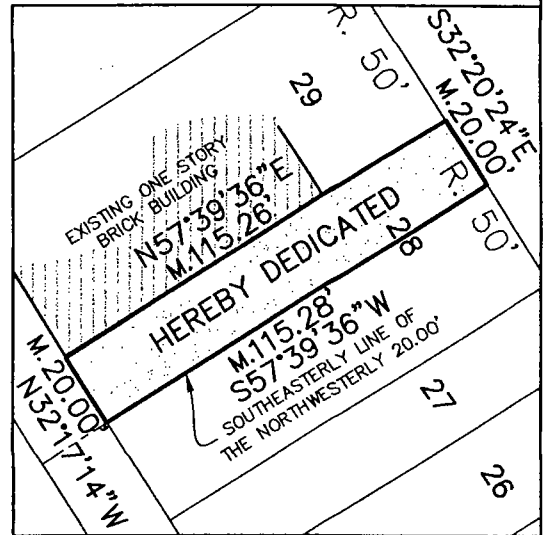
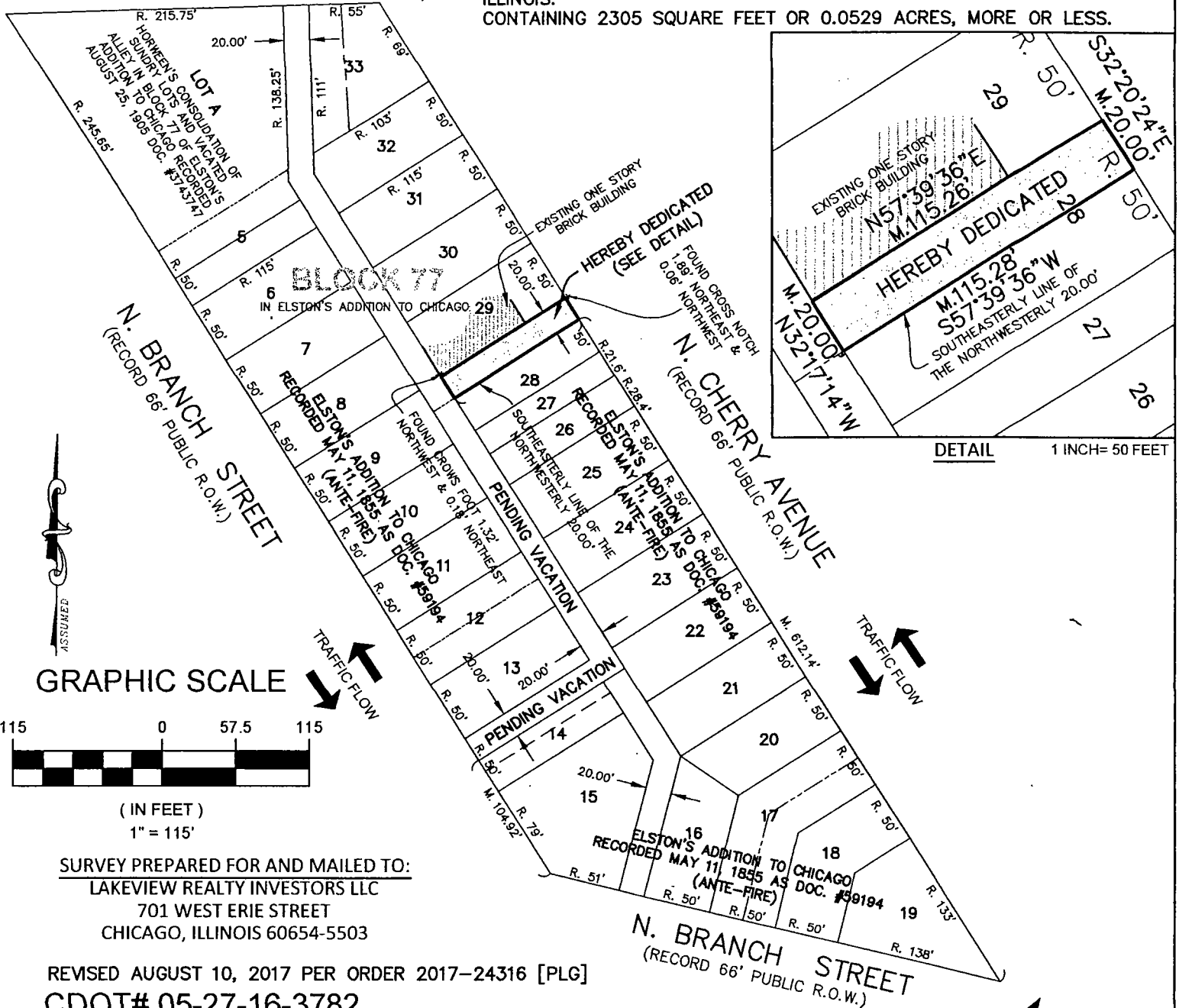
OF

THE NORTHWESTERLY 20.00 FEET OF LOT 28 IN BLOCK 77 IN ELSTON'S ADDITION TO CHICAGO IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 11, 1855 IN BOOK 85, PAGE 121 AND 122 AS DOCUMENT NUMBER 59194, ANTE-FIRE, IN COOK COUNTY, ILLINOIS.

CONTAINING 2305 SQUARE FEET OR 0.0529 ACRES, MORE OR LESS.

W. DIVISION STREET  
(RECORD 66' PUBLIC R.O.W.)

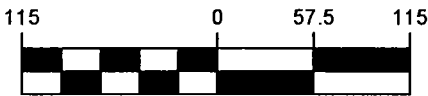
TRAFFIC FLOW



DETAIL 1 INCH = 50 FEET



GRAPHIC SCALE



(IN FEET)  
1" = 115'

SURVEY PREPARED FOR AND MAILED TO:  
LAKEVIEW REALTY INVESTORS LLC  
701 WEST ERIE STREET  
CHICAGO, ILLINOIS 60654-5503

REVISED AUGUST 10, 2017 PER ORDER 2017-24316 [PLG]  
CDOT# 05-27-16-3782

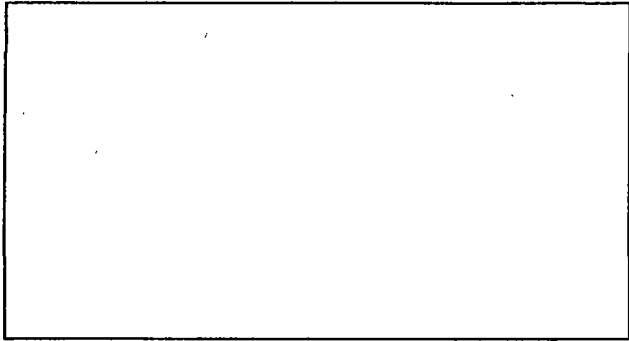
ORDERED BY. LAKEVIEW REALTY INVESTORS LLC	CHECKED	DRAWN
ADDRESS. 1087 NORTH BRANCH ST & 1140 N CHERRY ST	PLG	PLG
<b>GREMLEY &amp; BIEDERMANN</b> A DIVISION OF PLCS CORPORATION LICENSE NO. 184-006332 PROFESSIONAL LAND SURVEYORS 4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630 TELEPHONE (773) 685-5102 FAX (773) 286-4184 EMAIL INFO@PLCS-SURVEY.COM		
ORDER NO. <b>2016-23377-003</b>	DATE DECEMBER 29, 2016	PAGE NO. <b>1 OF 3</b>
SCALE 1 INCH = 115 FEET		

LEGEND

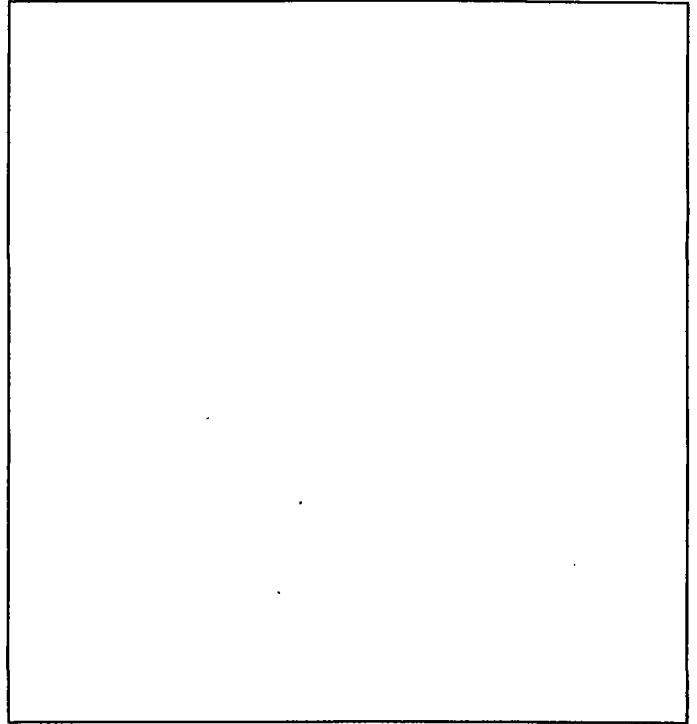
- M. = MEASURED DIMENSION
- R. = RECORD DIMENSION
- [Solid Box] = HEREBY DEDICATED
- [Dotted Box] = BUILDING FOOTPRINT
- = UNDERLYING LOTS
- = UNDERLYING LOTS
- ← = TRAFFIC FLOW



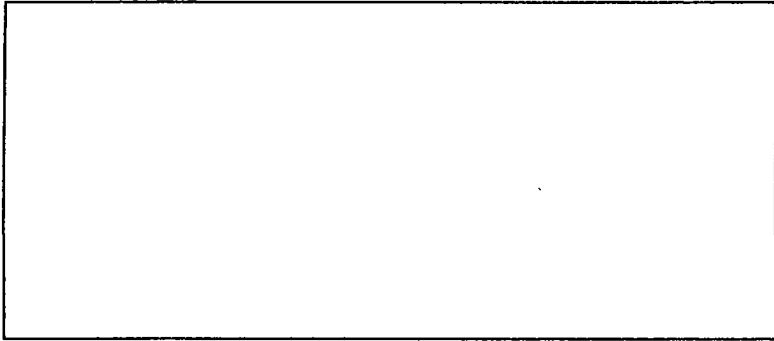
# PLAT OF DEDICATION



CITY - DEPT. OF FINANCE



C.D.O.T.



COOK CO.

### Owner Certificate

State of Illinois )  
County of Cook ) ss

1087 North Branch Development , LLC, an Illinois limited liability company, does hereby certify that it is the owner of the property described hereon and that it has caused the said property to be surveyed for the purpose of dedicating public right of way/street(s)/alley(s) as shown and depicted on the plat hereon in witness thereof said 1087 North Branch Development , LLC has caused this certificate to be signed by its duly authorized managing member on its behalf on this \_\_\_\_\_ day of \_\_\_\_\_ A.D.20\_\_\_\_\_.


By: \_\_\_\_\_

State of Illinois )  
County of Cook )ss

I, \_\_\_\_\_, a notary public in and for the county in the state aforesaid, do hereby certify that \_\_\_\_\_ of said limited liability company, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Manager, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of said limited liability company, as owner of the property, for the uses and purposes therein set forth. Given under my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

REVISED AUGUST 10, 2017  
PER ORDER 2017-24316 [PLG]  
CDOT# 05-27-16-3782

ORDERED BY: LAKEVIEW REALTY INVESTORS LLC	CHECKED.	DRAWN PLG
ADDRESS 1087 NORTH BRANCH ST & 1140 N CHERRY ST		
 <b>GREMLEY &amp; BIEDERMANN</b> <small>A Division of</small> <b>PLCS, CORPORATION</b> <small>LICENSE No. 184-005332</small> <small>PROFESSIONAL LAND SURVEYORS</small> 4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630 <small>TELEPHONE: (773) 685-5102 FAX (773) 286-4184 EMAIL INFO@PLCS-SURVEY.COM</small>		
ORDER NO. <b>2016-23377-003</b>	DATE DECEMBER 29, 2016 SCALE 1 INCH = 115 FEET	PAGE NO. <b>2 OF 3</b>

<b>ADJACENT P.I.N.s:</b>
17-05-401-028
17-05-401-027

SURVEY PREPARED FOR AND MAILED TO:  
LAKEVIEW REALTY INVESTORS LLC  
701 WEST ERIE STREET  
CHICAGO, ILLINOIS 60654-5503

# PLAT OF DEDICATION

## SURVEYOR'S NOTES

NOTE R. & M. DENOTES RECORD AND MEASURED DISTANCES RESPECTIVELY

DISTANCES ARE MARKED IN FEET AND DECIMAL PARTS THEREOF. COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCES BEFORE DAMAGE IS DONE.

FOR EASEMENTS, BUILDING LINES AND OTHER RESTRICTIONS NOT SHOWN ON SURVEY PLAT REFER TO YOUR ABSTRACT, DEED, CONTRACT, TITLE POLICY AND LOCAL BUILDING LINE REGULATIONS.

NO DIMENSIONS SHALL BE ASSUMED BY SCALE MEASUREMENT UPON THIS PLAT.

EXCEPT AS SHOWN HEREON THERE ARE NO BUILDINGS OR BODIES OF WATER WITHIN OR ADJACENT TO THE PROPERTY DESCRIBED HEREON. REMAINING IMPROVEMENTS REMOVED AT THE CLIENTS REQUEST.

UNLESS OTHERWISE NOTED HEREON THE BEARING BASIS, ELEVATION DATUM AND COORDINATE DATUM IF USED IS ASSUMED.

THE ZONING CLASSIFICATION OF THE PROPERTY ADJACENT TO THE VACATED ALLEY SHOWN HEREON IS PMD 3 AS DELINEATED ON THE CITY OF CHICAGO, DEPARTMENT OF ZONING WEBSITE .

COPYRIGHT GREMLEY & BIEDERMANN, INC. 2017 "ALL RIGHTS RESERVED"

## SURVEYOR SIGNATURE AND SEAL

State of Illinois)  
County of Cook)ss

We, GREMLEY & BIEDERMANN, INC. hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey corrected to a temperature of 62° Fahrenheit.

Field measurements completed on December 15, 2016

Signed on Aug. 16, 2017

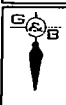
By: Robert G. Biedermann



Professional Illinois Land Surveyor No. 2802  
My license expires November 30, 2018

This professional service conforms to the current Illinois minimum standards for a boundary survey.

REVISED AUGUST 10, 2017 PER ORDER 2017-24316 [PLG]  
CDOT# 05-27-16-3782

ORDERED BY: LAKEVIEW REALTY INVESTORS LLC	CHECKED:	DRAWN
ADDRESS: 1087 NORTH BRANCH ST. & 1120 N CHERRY ST		PLG
 <b>GREMLEY &amp; BIEDERMANN</b> A Division of PLCS, CORPORATION LICENSE No. 184-005332 PROFESSIONAL LAND SURVEYORS 4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630 ( TELEPHONE: (773) 685-5102 FAX: (773) 286-4184 EMAIL: INFO@PLCS-SURVEY.COM		
ORDER NO. <b>2016-23377-003</b>	DATE DECEMBER 29 2016	PAGE NO. <b>3 OF 3</b>
SCALE 1 INCH = 115 FEET		

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LAKEVIEW REALTY INVESTORS LLC  
701 WEST ERIE STREET  
CHICAGO, ILLINOIS 60654-5503



# PLAT OF VACATION OF

## GRAPHIC SCALE

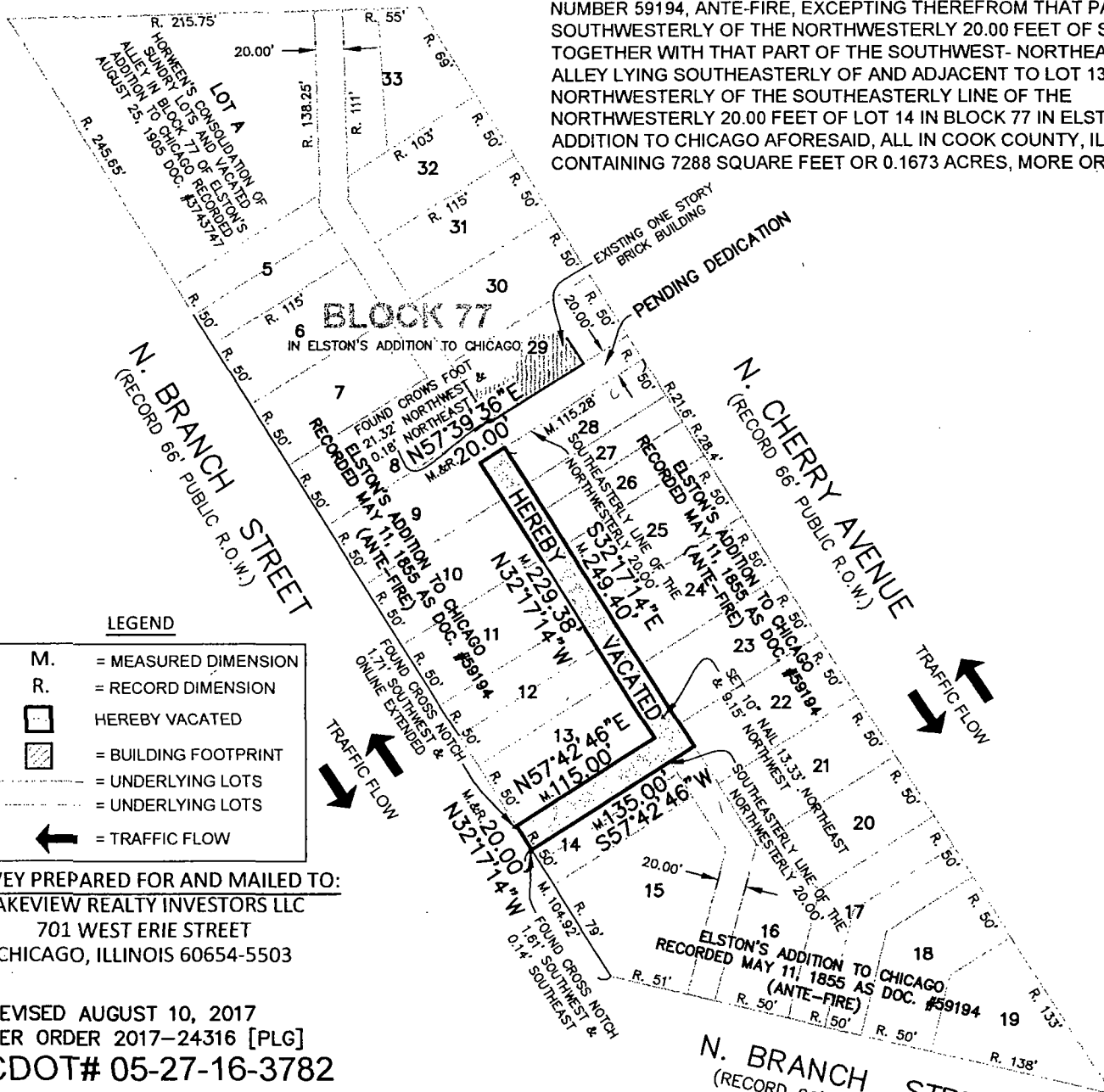


(IN FEET)  
1" = 115'

W. DIVISION STREET  
(RECORD 66' PUBLIC R.O.W.)

TRAFFIC FLOW

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LEGEND

- M. = MEASURED DIMENSION
- R. = RECORD DIMENSION
- [Box with diagonal lines] = HEREBY VACATED
- [Box with stippling] = BUILDING FOOTPRINT
- [Dashed line] = UNDERLYING LOTS
- [Dotted line] = UNDERLYING LOTS
- [Arrow] = TRAFFIC FLOW

SURVEY PREPARED FOR AND MAILED TO:  
LAKEVIEW REALTY INVESTORS LLC  
701 WEST ERIE STREET  
CHICAGO, ILLINOIS 60654-5503

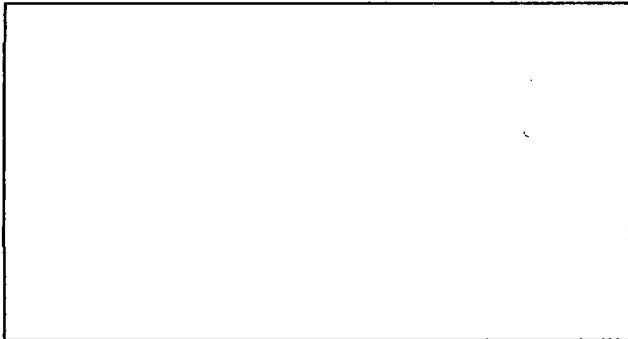
REVISED AUGUST 10, 2017  
PER ORDER 2017-24316 [PLG]  
CDOT# 05-27-16-3782

ORDERED BY	LAKEVIEW REALTY INVESTORS LLC	CHECKED	DRAWN
ADDRESS	1087 NORTH BRANCH ST & 1140 N CHERRY ST		PLG

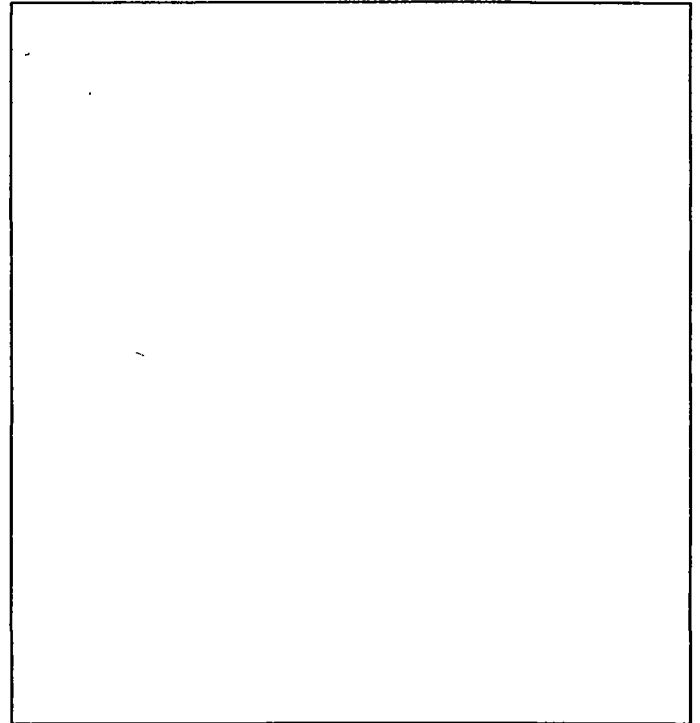
**GREMLEY & BIEDERMANN**  
A DIVISION OF  
PLCS, CORPORATION  
LICENSE NO. 184-005332  
PROFESSIONAL LAND SURVEYORS  
4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630  
TELEPHONE (773) 685-5102 FAX (773) 286-4184 EMAIL INFO@PLCS-SURVEY.COM

ORDER NO.	DATE:	PAGE NO.
<b>2016-23377-002</b>	DECEMBER 29, 2016	1 OF 3
	SCALE:	
	1 INCH = 115 FEET	

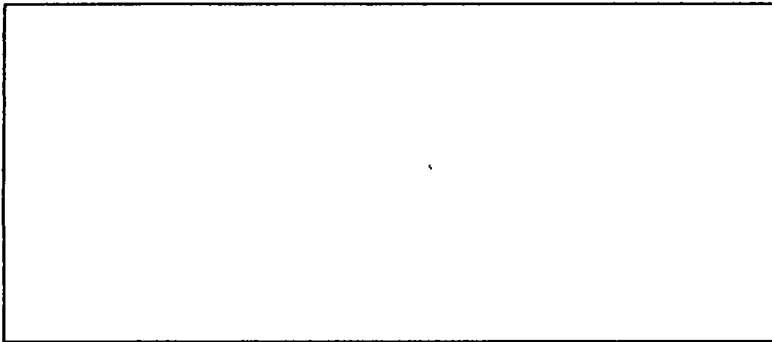
# PLAT OF VACATION



CITY - DEPT. OF FINANCE



C.D.O.T.



COOK CO.

ADJACENT P.I.N.s:

- 17-05-401-049
- 17-05-401-034
- 17-05-401-033
- 17-05-401-032
- 17-05-401-031
- 17-05-401-030
- 17-05-401-029
- 17-05-401-028
- 17-05-401-056
- 17-05-401-051
- 17-05-401-010
- 17-05-401-011
- 17-05-401-012
- 17-05-401-013
- 17-05-401-014
- 17-05-401-015
- 17-05-401-016
- 17-05-401-017
- 17-05-401-018

REVISED AUGUST 10, 2017 PER ORDER 2017-24316 [PLG]  
CDOT# 05-27-16-3782

ORDERED BY: LAKEVIEW REALTY INVESTORS LLC	CHECKED: PLG	DRAWN: PLG
ADDRESS: 1087 NORTH BRANCH ST & 1140 N CHERRY ST		
ORDER NO. <b>2016-23377-002</b>	DATE: DECEMBER 29, 2016	PAGE NO. <b>2 OF 3</b>
SCALE: 1 INCH = 115 FEET		

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701 WEST ERIE STREET  
CHICAGO, ILLINOIS 60654-5503

# PLAT OF VACATION

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COPYRIGHT GREMLEY & BIEDERMANN, INC. 2016 "ALL RIGHTS RESERVED"

## SURVEYOR SIGNATURE AND SEAL

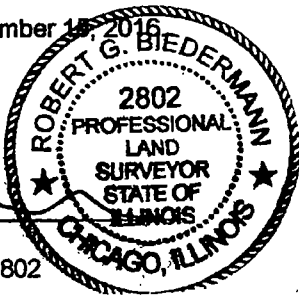
State of Illinois)  
County of Cook)ss

We, GREMLEY & BIEDERMANN, INC. hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey corrected to a temperature of 62° Fahrenheit.

Field measurements completed on December 15, 2016

Signed on Aug. 16, 2017

By: Robert G. Biedermann




Professional Illinois Land Surveyor No. 2802  
My license expires November 30, 2018

This professional service conforms to the current Illinois minimum standards for a boundary survey.

REVISED AUGUST 10, 2017 PER ORDER 2017-24316 [PLG]

CDOT# 05-27-16-3782

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 <b>GREMLEY &amp; BIEDERMANN</b> A DIVISION OF PLCS, CORPORATION LICENSE NO. 184-095332 PROFESSIONAL LAND SURVEYORS 4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630 TELEPHONE (773) 685-5102 FAX (773) 266-4184 EMAIL INFO@PLCS-SURVEY.COM		
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LAKEVIEW REALTY INVESTORS LLC  
701 WEST ERIE STREET  
CHICAGO, ILLINOIS 60654-5503

EXHIBIT C

Instructions: This below document must be reproduced on the applicant's letterhead, executed by same, and notarized:

DUTY TO BUILD AGREEMENT FOR CREATION OF A NEW ALLEY

In support of my current application with the Chicago Department of Transportation's Maps and Plats unit, for a dedication of my private property for a new public way, I hereby state that I am the applicant or the company agent for the applicant company involved in the project, and that I have the authority to agree to the below terms of the Dedication. Please initial:

SKAL I am aware that I am responsible for the construction of all public and private rights of way (streets, alleys, etc) described on the Plat of Subdivision/Dedication.

SKAL I further understand that all rights of way (both public and private) must be built to City specifications as detailed in CDOT's Regulation for Openings, Construction and Repair in the Public Way.

SKAL Lastly, I understand that construction deposits will be required to assure that the work is done correctly. An inspection will be conducted by the City upon completion of the work. The City of Chicago reserves the right to require demolition and reinstallation of any facilities that are judged to be sub par or that do not adhere to the City's standards.

Signed: Steven Kersten Date: September 22, 2016

Printed name: Steven Kersten Title: Manager

Organization: 1140 North Branch Development LLC, 1115-19 N. Branch Development LLC, and 1087 North Branch Development LLC

Address: 701 West Erie Street, Chicago, IL Zip: 60654

Phone/fax: 312-666-5500 / 312-666-8597

Email: skersten@wsflab.com

Notary:



## CITY COUNCIL

CITY OF CHICAGO

**COUNCIL CHAMBER**  
CITY HALL—SECOND FLOOR  
121 NORTH LA SALLE STREET  
CHICAGO, ILLINOIS 60602  
TELEPHONE 312-744-4096  
FAX: 312-744-8155

## COMMITTEE MEMBERSHIPS

TRANSPORTATION & PUBLIC WAY  
(CHAIRMAN)

BUDGET AND GOVERNMENT OPERATIONS

COMMITTEES, RULES AND ETHICS

EDUCATION AND CHILD DEVELOPMENT

FINANCE

PUBLIC SAFETY

WORKFORCE DEVELOPMENT AND AUDIT

### ANTHONY A. BEALE

ALDERMAN, 9TH WARD  
34 EAST 112TH PLACE  
CHICAGO, ILLINOIS 60628  
TELEPHONE (773) 785-1100  
FAX: (773) 785-2790

E-MAIL: WARD09@CITYOFCHICAGO.ORG

October 11, 2017

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 the proposed ordinance transmitted herewith for a VACATIONS to NORTH BRANCH STREET DEVELOPMENT COMPANIES (VARIOUS) - 02017-6296 A proposed vacation and dedication of alleys in the area bounded by North Cherry Street, North Branch Street and West Division Street. This ordinance was referred to Committee on September 06, 2017.

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

(Ward 27)

Respectfully submitted,

Anthony Beale,  
Chairman