



City of Chicago



O2022-888

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	3/23/2022
Sponsor(s):	Lightfoot (Mayor)
Type:	Ordinance
Title:	Provision of out-of-city water supply to Liberty Property Limited Partnership for property at 5064 S Merrimac Ave
Committee(s) Assignment:	Committee on Budget and Government Operations

BUDG.



OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

March 23, 2022

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

Ladies and Gentlemen:

At the request of the Commissioner of Water Management, I transmit herewith ordinances authorizing water supply for properties located outside of City limits.

Your favorable consideration of these ordinances will be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Lori E. Lightfoot".

Mayor

ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, and as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Commissioner of Water Management ("Commissioner") has authority under Sections 11-12-640, 11-12-650, and 11-12-660 of the Municipal Code ("Code") to supply water at the City limits to private persons or corporations for all premises located in any area outside the corporate limits of the City when specifically authorized by order of the City Council, prescribe the form of the application for such service, and to issue a permit to tap the City's water mains for the purpose of securing the water supply for the premises of the out-of-City service applicant; and

WHEREAS, Liberty Property Limited Partnership ("Applicant") is located at the address of 6250 North River Road, Suite 1100, Rosemont, IL 60018. Pursuant to the requirements of the Code the Applicant is a private person or corporation and is subject to the terms and conditions of the Application for Out-of-City Service, attached hereto as Exhibit A, and made a part hereof, agrees (1) to submit to the Commissioner its application ("Application for Out-of-City Service") for the purpose of securing a water supply at the City limits for the premises of Applicant located at 5064 South Merrimac Avenue, Chicago, IL 60638 ("Premises") which has a City address but is located within Stickney township in an unincorporated area of Cook County outside the corporate limits of the City and has been assigned the PINs of 19-08-100-010-0000, 19-08-100-049-0000, 19-08-100-050-0000, 19-08-100-052-0000, 19-08-100-055-0000, 19-08-100-056-0000, 19-08-100-074-0000, and part of 19-08-100-075-0000; (2) to abide by and conform to all of the provisions of Chapter 11-12 of the Code; (3) that Premises is not able to be supplied with water by the city, village, township or sanitary district within the boundaries of which the Premises is located; (4) that Applicant will bear the entire cost of terminating any water service that either currently serves or previously served the property; (5) that Applicant will bear the entire cost of severing all connections and private supply pipes from the City's Water system in the event of non-use by the Applicant or when requested to do so by the Commissioner; and (6) that Applicant will bear the entire cost of any future improvements to the City's Water system necessary to continue to adequately serve the domestic and fire protection needs of the Premises as determined by the Commissioner; and

WHEREAS, the Commissioner has received and approved the Applicant's Application for Out-of-City Service for the Premises; and

WHEREAS, it is in the best interests of the City to supply water and sewer for Out-of-City Service for the Premises of Applicant on an individual basis as is located immediately adjacent to the corporate limits of the City, the City will benefit economically from increased revenue, and the Applicant is in need of water for a new industrial warehouse; now therefore,

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

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. This ordinance shall be known and may be cited as the "Out-of-City Service for water supply for Premises located at 5064 South Merrimac Avenue".

SECTION 3. The Commissioner is authorized to supply water and sewer services at 5064 South Merrimac Avenue, Chicago, Illinois for Out-of-City Service, as described in Section 11-12-640, for the Premises of Applicant on an individual basis, in accordance with the Code and other City ordinances.

SECTION 4. This ordinance takes effect upon its passage and approval.

Exhibit A

Application for Out-of-City Service for Liberty Property Limited
Partnership
(Attached)

**APPLICATION FOR OUT-OF-CITY SERVICE
FOR A CITY OF CHICAGO WATER CONNECTION**

This Application for Out of City service shall be made to the Commissioner ("Commissioner") of the City of Chicago, Department of Water Management following the requirements detailed in **Section 11-12-650** of the Municipal Code of the City of Chicago ("Code"). The applicant shall be the owner of the premises to be served.

This application must be signed by the applicant and acknowledged before a notary public or other officer authorized to administer oaths, and if the applicant is a corporation it shall be duly signed and acknowledged by the corporate officers authorized to execute the same.

Date of Application: 2/4/22

Applicant Name: Liberty Property Limited Partnership, a PA LP

Applicant address: 6250 N. River Road, Ste. 1100, Rosemont, IL 60018

Address of the premises to be served: 5064 Merrimac Avenue, Chicago, IL 60638

Description of the premises to be served: New Class A Industrial Warehouse

PI/N(s) of premises to be served: 19-08-100-010-0000; 19-08-100-049-000; 19-08-100-050-0000;
19-08-100-052-0000; 19-08-100-055-0000; 19-08-100-056-0000;
Quantity of water desired: 19-08-100-074-0000; 19-08-100-075-0000

Domestic Demand (gpm): 119-145 GM

Fire Demand (gpm): 1,849 GPM

Fire Pump? Yes or No Yes

Fire Hydrants? Yes or No; If yes, how many? Yes

Is Service Permanent or Temporary? If Temporary, include desired dates: Permanent

APPLICANT FULLY UNDERSTANDS AND AGREES TO THE FOLLOWING:

(1) Subject to the terms and conditions of the March 2, 2022 Department of Water Management letter issued to the Applicant.

(2) To bear the entire cost of installing, operating, maintaining and repairing all connections and private supply pipes, shutoff rod or valve boxes and valve basins, roundway stopcock or valves, meter or meters and meter basins or vaults or other appliances deemed necessary by the commissioner in connection with supplying such water service, subject but not limited to **Sections 11-12-030, 11-12-040, and 11-12-250** of the Code.

- (3) To allow the city and its representatives to make at all reasonable times tests for tightness of piping in the applicant's private water service lines and connections.
- (4) To comply with all sanitary regulations of the city to safeguard the water supply, including compliance with the water and sewer separation requirements of 18-29-603.2.1 of the Code and of the **IL Pollution Control Board**, *Environmental Regulations for the State of Illinois, Title 35 of the Illinois Administrative Code, Subtitle F: Public Water Supplies, Chapter 11: Environmental Protection Agency, Part 653: Design, Operation and Maintenance Criteria*, October 23, 1985.
- (5) To prevent excess use and waste of water.
- (6) To use city water exclusively.
- (7) Not to resell or furnish water to any other person, and not to permit any connection to be made to applicant's private water service line or any plumbing or piping connected to that line.
- (8) To abide by and conform to all of the provisions of Chapter 11-8 , Chapter 11-12, and Chapter 18-29 of the Code as though the same had been incorporated into and made a part of said application and made applicable to the supplying of city water to private persons or corporations for premises located beyond the corporate limits of the city, and to obey all rules and regulations regarding water service to the applicant's premises as are promulgated by the commissioner from time to time.
- (9) To install on the applicant's premises private water service lines and connections of the same size, type and durability as in the judgment of the commissioner are required and are provided for by provisions of the Code applicable to users of city water within the city limits.
- (10) That all private water service lines and connections laid by applicant shall become the property of the city, without cost or expense to the City, if the City so desires, in the event the territory within which applicant's premises are located should be annexed to the City of Chicago, so as to permit the use of such private water service lines and connections by the city as part of its municipal water system.
- (11) To construct, maintain and operate such water storage facilities as may from time to time be required by the Commissioner.
- (12) Applicant shall indemnify, defend and hold the City of Chicago and its assignees and employees harmless from and against any and all losses, damages, injuries, claims, demands and expenses (including, without limitation, attorneys' fees, consultants' fees and court costs), made or asserted by Applicant or any third party of whatever kind or nature, whether known or unknown, foreseen or unforeseen, based upon, arising out of or in any way connected with, directly or indirectly, by the making of the connection and the furnishing of such water supply. This indemnity shall survive the termination of this Agreement.
- (13) A charge for sewer service and the use of the sewage system of the City of Chicago shall apply following Chapter 3-12 of the Code.
- (14) All water service must have a meter vault installed within the city limits, have an approved RPZ valve installed on the water service, and have the RPZ valve registered with the Department of Water Management Plumbing Inspections.

(15) Applicant shall acquire, at its sole cost and expense, all necessary permits and governmental approvals required for the Out-of-City water connection before beginning any work on the connection, including but not limited to a Grant of Privilege for any connections in the City Right-of-Way.

I have read and understand and specifically agree to be forever bound by all the language in this Application for Out-of-City service.

Applicant Name: Liberty Property Limited Partnership, a Pennsylvania Limited Partnership

Signature:  DocuSigned by
03E29A08CFC044F

Print Name: Drue Stoehr, Vice President

Date: 02 March 2022

Signed and sworn to before me this 1st day of March

Signature: B. Casey

Notary Public



Prepared by:

Name: Drue Stoehr, Vice President

Company: Liberty Property Limited Partnership, a Pennsylvania Limited Partnership

Address: 6250 N. River Road, Ste. 1100

Rosemont, IL 60018

Phone: 847-292-3900



CITY OF CHICAGO

DEPARTMENT OF WATER MANAGEMENT

March 2, 2022

Liberty Property Limited Partnership
25 Northwest Point Boulevard, Suite 550
Elk Grove Village, IL, 60007

Attention: Neal Driscoll
Vice President

**SUBJECT: Proposed Building Review
Liberty 55 Commerce Center
5064 S Merrimac Avenue
BES Project No. 17-11:047 Revision 1
OUC File No. EFP-100647**

Mr. Driscoll:

This correspondence supersedes the previously issued correspondence dated February 5, 2020 attached hereto. This correspondence is in response to an e-mail received August 9, 2019, and revised plans received January 8, 2020 regarding the subject project.

The Department of Water Management - Water Section

All live services must be terminated prior to issuance of demolition permit; all unused services/stubs must be terminated at the connection to the public water main prior to issuance of construction/building permit. This includes all permits issued for any new water service. It is the site owner's responsibility to terminate all existing services entering the site prior to construction. Notify the DWM immediately of any services entering the site not listed within DWM's records.

There is an existing 8-inch water service located at approximately 72 feet west of the west property line of Mobile Avenue is within in the project limits and is no longer required. This Department will perform only the pipe work associated with terminating this service, and the contractor will be responsible for obtaining all applicable permits, tracing equipment, excavation/OSHA shoring, backfilling/compaction, abandonment of appurtenances (valve box/valve basin and meter vault) and all restoration to CDOT standards. The fixed cost for this Department to perform the pipe work is \$3,360.00, based on *regular time*. On December 9, 2019, a sum of \$3,360.00 was deposited by Liberty Property Limited Partnership with the City of Chicago (Permit No. 1441875) to cover the cost of this water service termination and this service has since been terminated at themain.

However, Liberty Property Limited Partnership's contractor failed to abide by the previously issued letter dated February 5, 2020, requiring the abandonment of existing appurtenances (valve box/valve basin and meter vault) for the existing water services that were terminated under Permit No. 1441875.

Therefore, Liberty Property Limited Partnership's contractor must abandon the above mentioned appurtenances (valve boxes/valve basins and meter vault) as previously stated. Failure to comply with DWM requirements may result in an increase to the proposed project cost to verify all DWM standards have been met.

Based on the proposed plans, this proposed development will be located in the Township of Stickney and is requesting a new 12-inch water service to be installed on the northern frontage of W 51st Street located at approximately the west property line of S Mulligan Avenue to connect to an existing City of Chicago 12-inch water main located at approximately 8 feet north of south property line of W 51st Street. This Department's scope of involvement in this water service installation is limited to installing one (1) 12-inch x 12-inch tee, one (1) 12-inch service control valve, and the construction of one (1) valve basin. In order to cross an existing 42-inch gas main, the proposed tee shall be installed facing south with the water service control valve installed to the south immediately adjacent to the existing 12-inch water main mentioned above. The owner will be responsible for the entire length of the proposed water service from the service control valve to the building, including where it crosses below the existing gas main. The proposed trench width must not exceed three (3) feet when crossing below existing DWM water facilities. A grant of privilege may be required for the water service control valve and meter vault, dependent on the location within the Township of Stickney versus the City of Chicago.

The fixed fee for the DWM to complete this work is **\$17,790.00**, based on *regular time*. Note that the contractor will be responsible for obtaining all applicable permits, excavation/OSHA shoring, backfilling/compaction, all restoration to CDOT standards, and all ductile iron pipe necessary for this installation. Should it be determined that the water service cannot be installed at the proposed location, Liberty Property will be responsible for all additional costs necessary to install the water service.

Please contact the Department of Buildings, Plumbing Permit and Plan Section at bpermits@cityofchicago.org regarding the proposed water service for the building. Per the Municipal Code, meters shall be installed before the building is connected to the water system. Additionally, a testable double check valve assembly and a Reduce Pressure Principle (RPZ) backflow assembly within an above ground heated enclosure 'hot box' to be located as close to the property line as physically possible for the water service installation is required. This hot box location must be submitted for review and approval to the Chief Plumbing inspector, Denis E. Riordan, at Denis.Riordan@cityofchicago.org. The proposed private fire hydrants must be painted 'Federal Safety Green'. ***Upon review of the fixture counts and private plumbing requirements by the Department of Buildings, Plumbing Permit and Plan Section, additional water service requirements and/or water service size may be required, resulting in additional costs to Liberty Property.***

A certified check in the amount of **\$17,790.00**, payable to the City of Chicago, must be hand delivered to the Department of Buildings, Plumbing Permit and Plan Section, 121 North LaSalle Street, Room 906, Chicago, Illinois, 60602, with a copy of this letter.

The proposed private sewers will be installed near existing private water services. Please contact the Township of Stickney for more information regarding the location of these private water facilities.

This Department's utility separation requirements are as follows: The minimum vertical clearance (edge-to-edge) from all water mains is 18 inches. For feeder mains (water mains 16-

inches and larger), the minimum horizontal clearance (edge-to-edge) is five (5) feet, and for grid mains (water mains less than 16-inches), the minimum horizontal clearance (edge-to-edge) is three (3) feet. No proposed above ground facility (tree, planter box, light pole, etc.) can be closer than five (5) feet (edge-to-edge) from a water main or closer than three (3) feet (edge-to-edge) from a water service. Should the DWM require access to its facilities, it will not be responsible for the costs to remove or support any above ground structures adjacent to its facilities.

All new sewer installations or reused sewers must meet IEPA separation requirements for water and sewer pipes. All proposed/replaced or reused sewer laterals from catch basins/inlets, sewer mains, and private drains (collectively known as "sewer facilities") that are parallel to water mains, services or fire hydrant leads (collectively known as "water facilities") that are less than 18 inches below the water facility and have less than 10 feet of horizontal separation from the outside edge of the water facility must be made out of ductile iron/water main quality pipe for 10 feet on either side of the outside edge of the water facility. Additionally, all sewer facilities that cross perpendicularly below water facilities with less than 18 inches vertical separation must be made out of ductile iron/water main quality pipe for 10 feet on either side of the outside edge of the water facility. If any sewer facility crosses perpendicularly above a water facility, then the sewer facility shall be at least 18 inches above the water facility and the sewer facility must be made out of ductile iron/water main quality pipe for 10 feet on either side of the outside edge of the water facility. Sewer laterals that require ductile iron/water main quality pipe shall be ductile iron/water main quality pipe from the catch basin to a point 10 feet beyond the edge of the water facility.

This Department also maintains an existing fire hydrant on the western frontage of S Mulligan Avenue which will be within the proposed construction limits. All new curb installation adjacent to fire hydrants must be painted 'safety yellow' for 15 feet on each side of the fire hydrant except where the 15 foot dimension intersects a crosswalk, driveway or similar feature. In no case shall the installation of any proposed facility be closer than five (5) feet from a fire hydrant or fire hydrant lead.

If construction requires the use of water from a City fire hydrant, or adjustments or repairs are required to any City sewer facilities in proximity to the project site, permits must be obtained from the Department of Water Management, Water and Sewer Sections.

Any traffic and pedestrian protection structures such as canopies, scaffolding, jersey walls, construction barricades, etc., which are located within 10 feet of water main facilities will restrict this Department's continuous access to its facilities for maintenance or repair work. Therefore, should this Department require access to its existing facilities, Liberty Property will be responsible for either removing the traffic and pedestrian protection structures or performing any necessary excavation required to provide this Department safe access to its existing facilities within 24-hour notice. Traffic and pedestrian protection structures must be installed to allow for complete accessibility to all DWM facilities, including fire hydrants, valve basins, sewer manholes, and catch basins.

Proposed trees must not be planted within five (5) feet of the exterior pipe wall for all water mains 24-inch in diameter and larger. This 5-foot rule excludes mains that are separated from the tree by a hardscape feature or other root growth limiting conditions such as water mains located in the street.

This Department discourages tree planting over water mains that are less than 24-inches in diameter located in the parkway, but if necessary will allow trees with a maximum mature height of 30 feet and a maximum mature root depth of 2½ feet. Potential plantings that meet this requirement include the following:

1. Ornamental shrubs or bushes meeting the mature height and mature root depth discussed above.
2. Flowers or other non-woody herbaceous plants.
3. Above ground, movable planting containers that can be relocated by the owner of the plantings in the event that access to the water main is required.

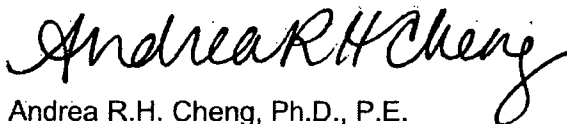
Existing trees planted above water mains that do not meet these requirements do not need to be removed. However, if such existing trees are removed, all proposed trees installed in their place must meet the above-mentioned requirements. Should it be necessary for the DWM to access any of its facilities, the Department shall only be responsible for typical pavement, sidewalk, and hydroseed restoration.

Extreme caution is to be taken to ensure that no facility owned and maintained by this Department is damaged during construction. If damage occurs to any facilities, Liberty Property will be held responsible for the cost of repairing or replacing them.

Please note that the details described above are valid for 90 days from the date of this letter, after which time, Liberty Property will be responsible for re-submitting plans to this Department for review and revision of the estimate of cost, as needed. ***Failure to comply with the provisions in this correspondence may result in additional expenses to the proposed project to verify that all work conforms to DWM's standards.***

If there are any questions regarding the water facilities, please contact Angela Krueger at Angela.Krueger@cityofchicago.org.

Sincerely,



Andrea R.H. Cheng, Ph.D., P.E.
Commissioner

AZ

Email cc: DOB Plan Desk
 Denis E. Riordan, Chief Plumbing Inspector



DEPARTMENT OF WATER MANAGEMENT
CITY OF CHICAGO

February 5, 2020

Liberty Property
25 Northwest Point Boulevard, Suite 550
Elk Grove Village, IL, 60007

Attention: Neal Driscoll
Vice President

**SUBJECT: Proposed Building Review
Liberty 55 Commerce Center
5064 S Merrimac Avenue
BES Project No. 17-11:047
OUC File No. EFP-100647**

Mr. Driscoll:

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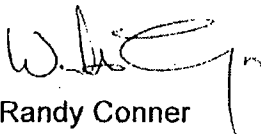
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If there are any questions regarding the water facilities, please contact Angela Krueger at Angela.Krueger@cityofchicago.org.

Sincerely,



Randy Conner
Commissioner

AZ

Email cc: DOB Plan Desk