



City of Chicago



O2016-8680

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	12/14/2016
Sponsor(s):	Santiago (31)
Type:	Ordinance
Title:	Dedication and vacation of public way(s) in area bounded by W Diversey Ave, N Pulaski Rd, W Parker Ave and N Karlov Ave
Committee(s) Assignment:	Committee on Transportation and Public Way

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 4001-4059 W. Diversey Avenue, 2748-2758 N. Pulaski Road, and 4018-4058 W. Parker Avenue are owned by The Fields Retail, LLC an Illinois limited liability company (the "Developer"); and

WHEREAS, the Developer proposes to use the portion of the alleys to be vacated herein for construction of a retail development; 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 part 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 SOUTHERLY 16.00 FEET OF LOT 7, TOGETHER WITH THAT PART OF LOT 11 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 11; THENCE NORTHERLY 24.50 FEET, ALONG THE EASTERLY LINE OF SAID LOT 11, TO A POINT ON A LINE 16.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 7 EXTENDED WEST; THENCE SOUTHWESTERLY ALONG A LINE, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 11, AT A POINT 12.25 FEET WESTERLY OF THE POINT OF BEGINNING, AS MEASURED ALONG SAID SOUTHERLY LINE; THENCE EASTERLY, ALONG SAID SOUTHERLY LINE, 12.25 FEET, TO THE POINT OF BEGINNING, ALL IN BLOCK 1 OF T. PARKER'S RESUBDIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1888 AS DOCUMENT NUMBER 1011110, IN COOK COUNTY, ILLINOIS CONTAINING 2,149 SQUARE FEET (0.049 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 upon construction, inasmuch as the same is required for public use and the public interest will be subserved by such dedication.

VACATION:

THAT PART OF THE EAST-WEST PUBLIC ALLEY LYING SOUTHERLY OF AND ADJOINING WITH THE SOUTHERLY LINE OF LOTS 12 THROUGH 28, SAID ALLEY ALSO LYING NORTHERLY OF AND ADJOINING WITH THE NORTHERLY LINES OF LOTS 29 THROUGH 45, AND THAT PART OF THE NORTH-SOUTH PUBLIC ALLEY LYING EASTERLY OF AND ADJOINING THE EASTERLY LINE OF SAID LOT 11, SAID NORTH-SOUTH PUBLIC ALLEY ALSO LYING WESTERLY OF AND ADJOINING WITH THE WESTERLY LINE OF LOTS 7 THROUGH 10 (EXCEPT THAT PART LYING SOUTHERLY OF A LINE 16.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 7 EXTENDED WEST), ALL IN BLOCK 1 OF T. PARKER'S RESUBDIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1888 AS DOCUMENT NUMBER 1011110, IN COOK COUNTY, ILLINOIS, CONTAINING 8,412 SQUARE FEET (0.193 ACRES), MORE OR LESS as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit B, which drawing 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.

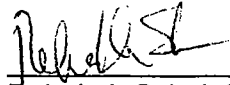
SECTION 2. The dedication for public way herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer shall deposit in the City Treasury of the City of Chicago, a sum sufficient to defray the costs of removing paving and curb returns, and constructing newly dedicated public alley, 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 3. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owner of the property abutting said part of public alleys hereby vacated the sum Two Hundred Eighty-Five Thousand dollars (\$ 285,000.00), which sum in the judgment of this body will be equal to such benefits.

SECTION 4. The vacation herein provided for is 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 associated full sized plat as approved by the Acting Superintendent of Maps and Plats.

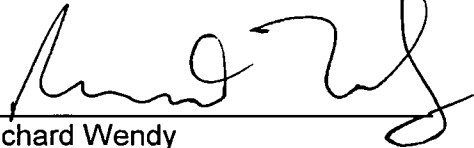
SECTION 5. This ordinance shall take effect and be in force from and after its passage. The vacation and dedication shall take effect and be in force from and after its recording.

Vacation and Dedication Approved:

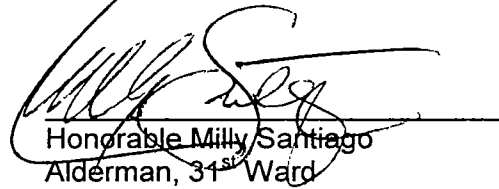


Rebekah Scheinfeld
Commissioner of Transportation

Approved as to Form and Legality



Richard Wendy
Deputy Corporation Counsel



Honorable Milly Santiago
Alderman, 31st Ward

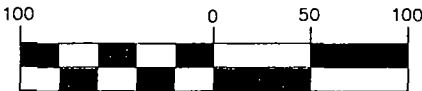
EXHIBIT "A"

PLAT OF DEDICATION OF

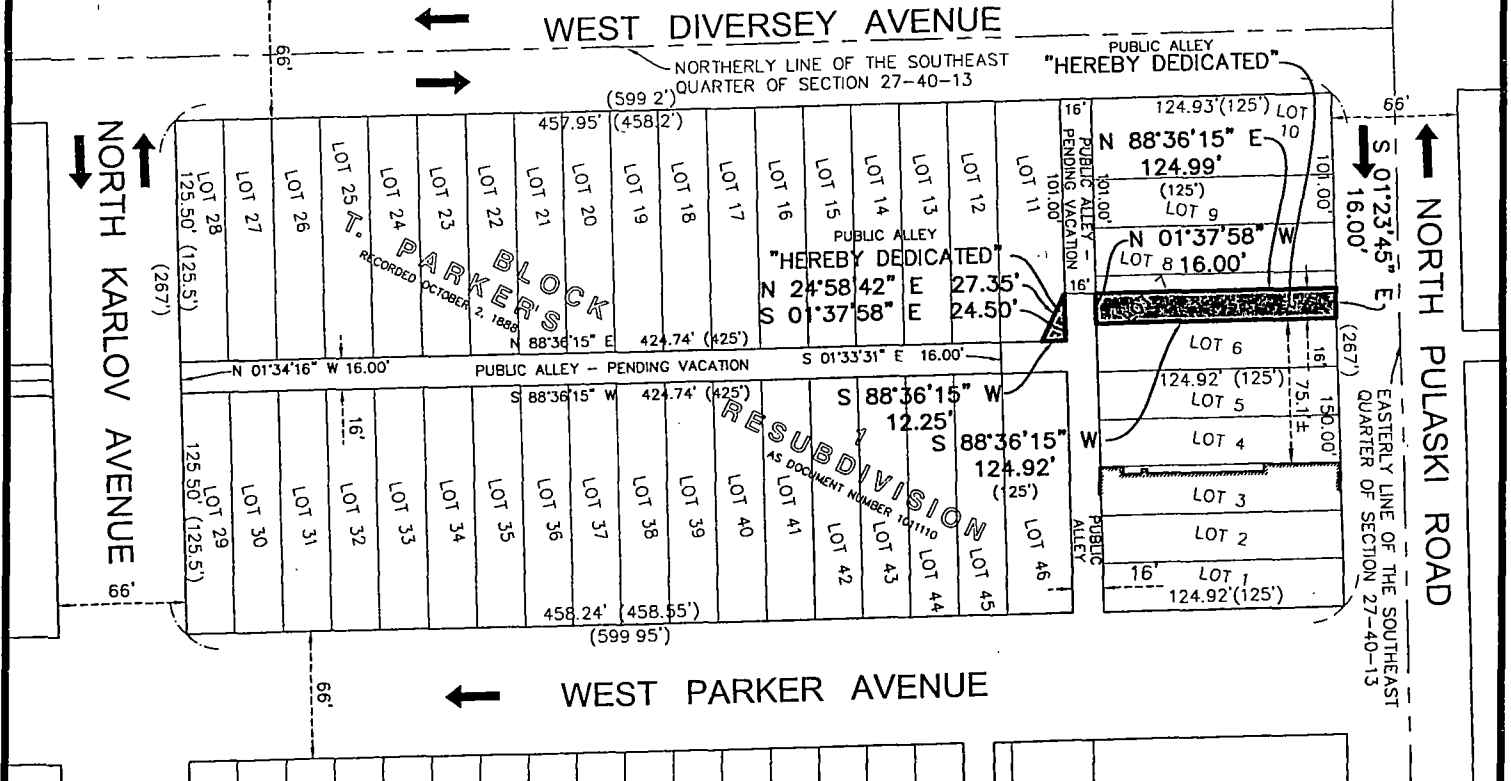
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CONTAINING 2,149 SQUARE FEET (0.049 ACRES), MORE OR LESS

GRAPHIC SCALE



(IN FEET)
1 inch = 100ft.



LEGEND

- (50.00') = RECORD DIMENSIONS
- = SECTION LINE
- - - = RIGHT-OF-WAY LINE
- = LOT LINE
- = TRAFFIC FLOW
- = PUBLIC ALLEY HEREBY DEDICATED

EXISTING P.I.N. NUMBERS (2 TOTAL)

13-27-404-036 13-27-404-046

C.D.O.T. #27-31-16-3760

721 RIDGEVIEW DRIVE
MCHENRY, ILLINOIS 60050
email: mikeu@sightonsolutions.com
www.sightonsolutions.com
PHONE: 847.356.7539
FAX: 815.578.9647

**SIGHT ON
SOLUTIONS, INC.**



PREPARED FOR & MAILED TO:
CLARK STREET REAL ESTATE
ATTN: DAVID LOW
980 N. MICHIGAN AVENUE, SUITE 1280
CHICAGO, ILLINOIS 60611

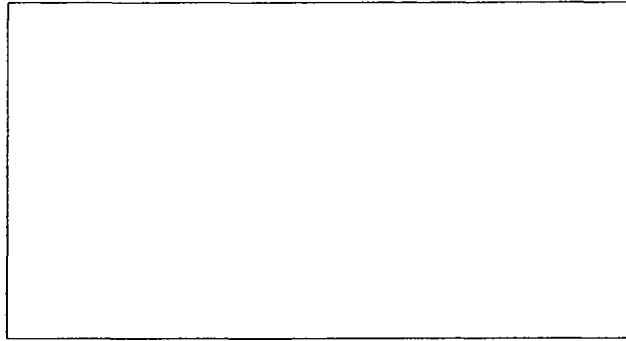
REV. 11/07/16
REV. 11/03/16

SOS PROJECT NO.: 00337
DATE: 11/02/16
SCALE: 1"=100'
SHEET: 1 OF 3

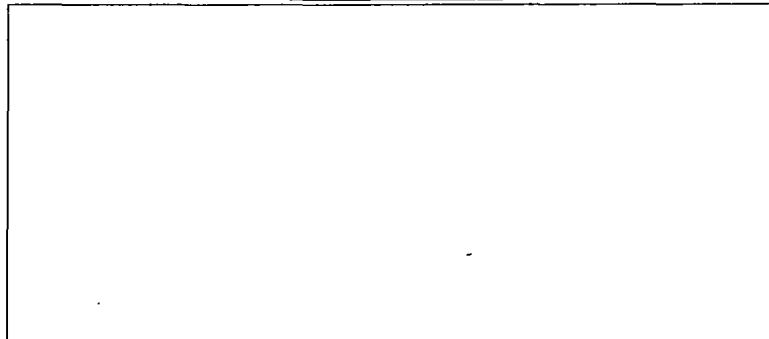
EXHIBIT "A"

PLAT OF DEDICATION

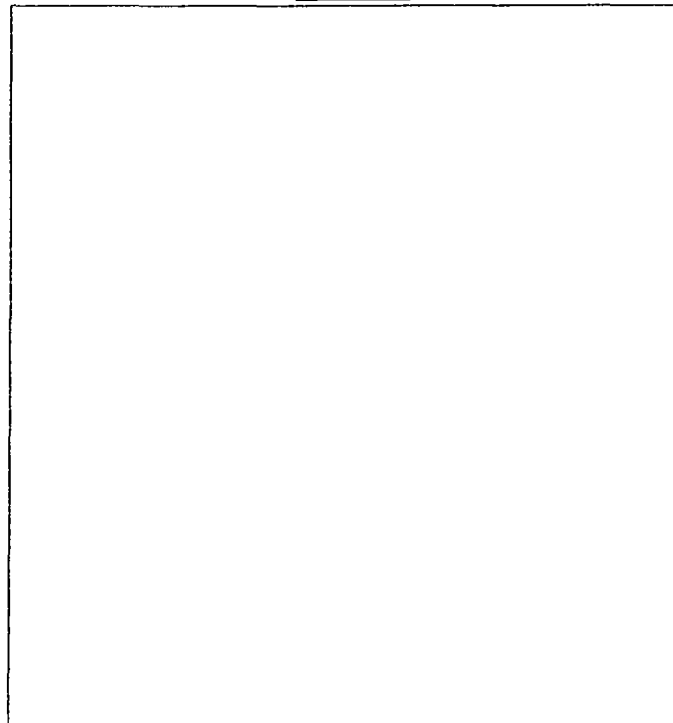
CITY-DEPARTMENT OF FINANCE



COOK COUNTY



C.D.O.T.



C.D.O.T. #27-31-16-3760

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980 N. MICHIGAN AVENUE, SUITE 1280

CHICAGO, ILLINOIS 60611

REV. 11/07/16

REV. 11/03/16

SOS PROJECT NO.: 00337

DATE: 11/02/16

SCALE: N/A

SHEET: 2 OF 3

EXHIBIT "A"

PLAT OF DEDICATION

SURVEYOR'S NOTES

1. THIS SURVEY WAS PREPARED FOR CLARK STREET REAL ESTATE.
2. DISTANCES ARE MARKED IN U.S. SURVEY FEET. NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON. DISTANCES AND/OR BEARINGS SHOWN IN PARENTHESIS (456.67') ARE RECORD OR DEED VALUES, NOT FIELD MEASURED.
3. BEARINGS ARE GEODETIC, BASED ON FOUND MONUMENTATION AND OCCUPATION LOCATED AND MEASURED USING TRIMBLE'S VIRTUAL REFERENCE SYSTEM (NAD 83, ILLINOIS STATE PLANE, EAST ZONE.)
4. COMPARE THIS PLAT, LEGAL DESCRIPTION AND ALL SURVEY MONUMENTS BEFORE BUILDING, AND IMMEDIATELY REPORT ANY DISCREPANCIES TO THE SURVEYOR.
5. NO EASEMENTS OR SETBACKS WERE CREATED BY THE RECORDED FINAL PLAT OF SUBDIVISION. A CURRENT TITLE COMMITMENT ALONG WITH COMPLETE COPIES OF THE SUPPORTING TITLE DOCUMENTS, TOGETHER WITH CITY CODES AND REQUIREMENTS, SHOULD BE REVIEWED BY CLIENT FOR EASEMENTS AND PARTICULARS.
6. THE DEDICATION REFERENCED HEREON SHALL BE MONUMENTED AT THE CORNERS OF THE DEDICATION, HOWEVER, IMPROVEMENTS AND BOUNDARY MONUMENTATION FOR THE PARENT TRACTS WERE NOT SHOWN ON THIS PLAT OF SURVEY BY REQUEST BY THE CLIENT.
7. PROPERTY ADJACENT TO THE ALLEY PROPOSED TO BE VACATED DEPICTED HEREON IS ZONED M1-1.

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
) SS
 COUNTY OF _____)

THE FIELDS RETAIL LLC, HEREBY CERTIFIES THAT THEY ARE THE OWNER OF RECORD TO THE PROPERTY DESCRIBED AND DEPICTED ON THIS PLAT AS THE AREA TO BE DEDICATED, AND AS SUCH OWNER HAS CAUSED SAID PROPERTY TO BE SURVEYED FOR THE PURPOSE OF DEDICATING IT AS A PUBLIC RIGHT OF WAY, IN WITNESS THEREOF SAID THE FIELDS RETAIL LLC., HAS SIGNED, OR CAUSED TO BE SIGNED ON ITS BEHALF BY ITS DULY AUTHORIZED AGENT, THIS CERTIFICATE ON THIS THE ____ DAY OF _____, A.D. 2016.

NOTARY PUBLIC

STATE OF ILLINOIS)
) SS
 COUNTY OF _____)

_____: SIGNATURE
 _____: PRINT NAME
 _____: TITLE
 _____: ADDRESS

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE AFORESAID COUNTY AND STATE, DO HEREBY CERTIFY THAT THE FOREGOING SIGNATURE OF THE OWNER'S CERTIFICATE IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND THAT SAID INDIVIDUAL APPEARED AND DELIVERED SAID INSTRUMENT AS A FREE AND VOLUNTARY ACT OF THE FIELDS RETAIL, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, AND THAT SAID INDIVIDUAL DID ALSO THEN AND THERE ACKNOWLEDGE THAT HE OR SHE IS A CUSTODIAN OF THE LIMITED LIABILITY COMPANY AND AGREED TO AND SIGNED SAID INSTRUMENT AS HIS OR HER OWN FREE AND VOLUNTARY ACT OF SAID COMPANY, FOR THE USES AND PURPOSES THEREIN SET FORTH IN THE AFORESAID INSTRUMENT.

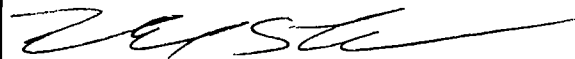
GIVEN UNDER MY HAND AND SEAL THIS ____ DAY OF _____ A.D., ____.

 NOTARY

SURVEYOR SIGNATURE AND SEAL

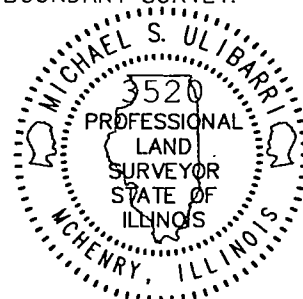
WE, SIGHT ON SOLUTIONS, INC., DO HEREBY DECLARE THAT WE HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

PLAT DATE: NOVEMBER 7, 2016



IL PROF. LAND SURVEYOR #3520 (EXP. 11/30/16)
 DESIGN FIRM REG. #184.005510 (EXP. 04/30/17)
 FIELD WORK COMPLETED MARCH 13, 2015

C.D.O.T. #27-31-16-3760



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 email: mikeu@sightonsolutions.com
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 CHICAGO, ILLINOIS 60611

REV. 11/07/16
 REV. 11/03/16

SOS PROJECT NO.: 00337
 DATE: 11/02/16
 SCALE: N/A
 SHEET: **3 OF 3**

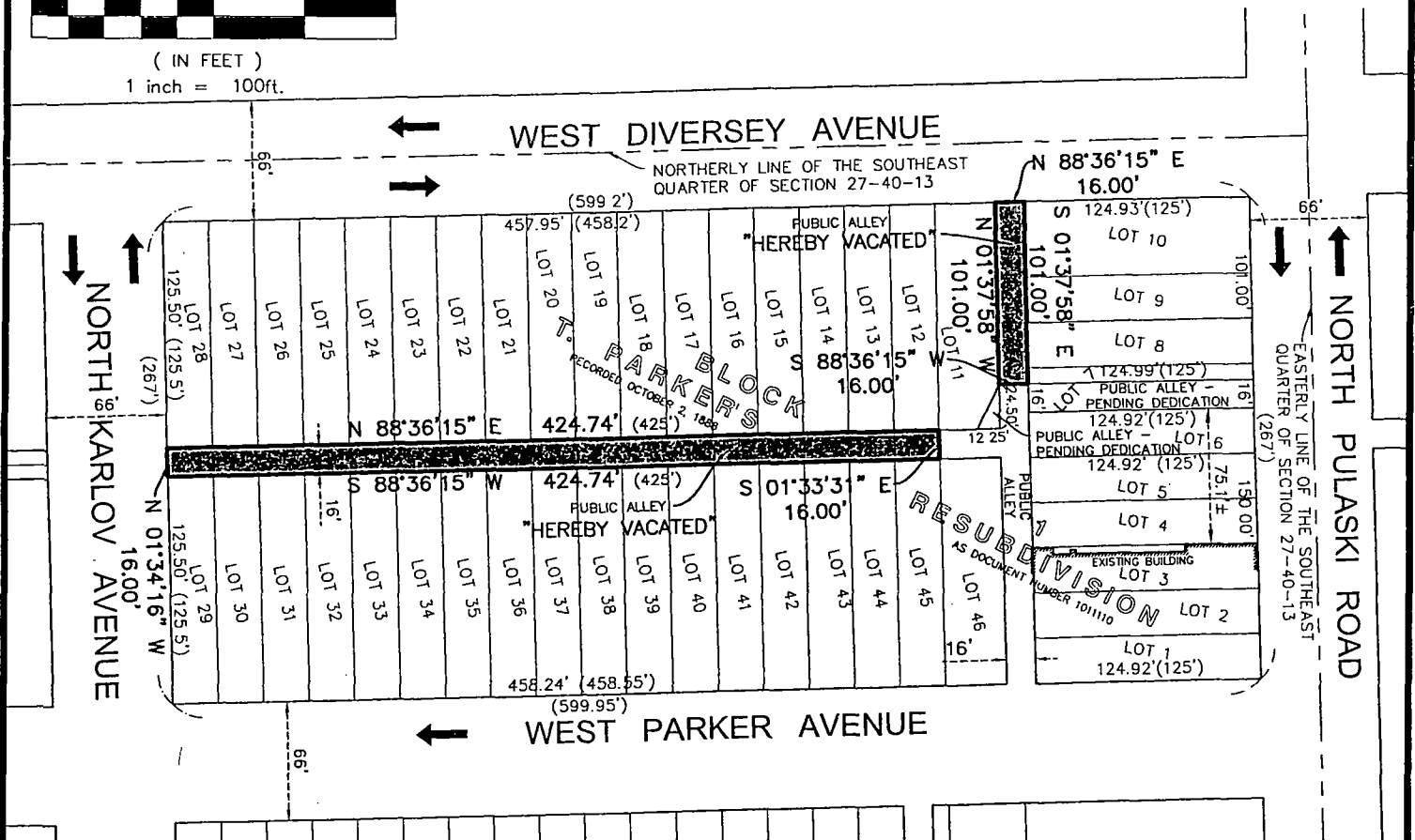
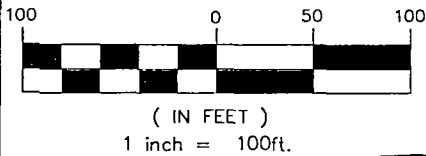
EXHIBIT "B"

PLAT OF VACATION OF

THAT PART OF THE EAST-WEST PUBLIC ALLEY LYING SOUTHERLY OF AND ADJOINING WITH THE SOUTHERLY LINE OF LOTS 12 THROUGH 28, SAID ALLEY ALSO LYING NORTHERLY OF AND ADJOINING WITH THE NORTHERLY LINES OF LOTS 29 THROUGH 45, AND THAT PART OF THE NORTH-SOUTH PUBLIC ALLEY LYING EASTERLY OF AND ADJOINING THE EASTERLY LINE OF SAID LOT 11, SAID NORTH-SOUTH PUBLIC ALLEY ALSO LYING WESTERLY OF AND ADJOINING WITH THE WESTERLY LINE OF LOTS 7 THROUGH 10 (EXCEPT THAT PART LYING SOUTHERLY OF A LINE 16.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 7 EXTENDED WEST), ALL IN BLOCK 1 OF T. PARKER'S RESUBDIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1888 AS DOCUMENT NUMBER 1011110, IN COOK COUNTY, ILLINOIS.

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- = SECTION LINE
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- = LOT LINE
- = TRAFFIC FLOW
- = PUBLIC ALLEY HEREBY VACATED

EXISTING P.I.N. NUMBERS (17 TOTAL)

13-27-404-010	13-27-404-027	13-27-404-044	13-27-404-051
13-27-404-015	13-27-404-028	13-27-404-045	13-27-404-052
13-27-404-016	13-27-404-035	13-27-404-046	
13-27-404-020	13-27-404-036	13-27-404-047	
13-27-404-021	13-27-404-042	13-27-404-048	

C.D.O.T. #27-31-16-3760

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**SIGHT ON
SOLUTIONS, INC.**



PREPARED FOR & MAILED TO:

CLARK STREET REAL ESTATE
ATTN: DAVID LOW
980 N. MICHIGAN AVENUE, SUITE 1280
CHICAGO, ILLINOIS 60611

REV. 11/07/16
REV. 11/03/16

SOS PROJECT NO.: 00337

DATE: 11/02/16

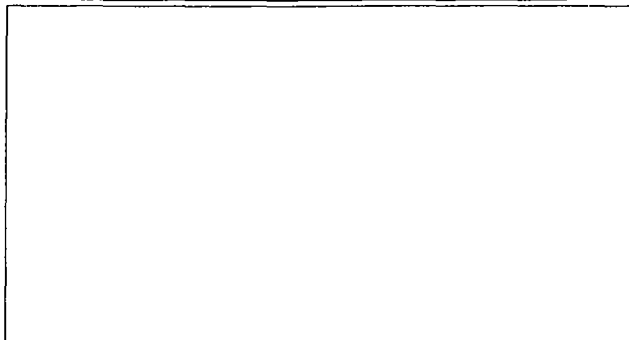
SCALE: 1"=100'

SHEET: 1 OF 3

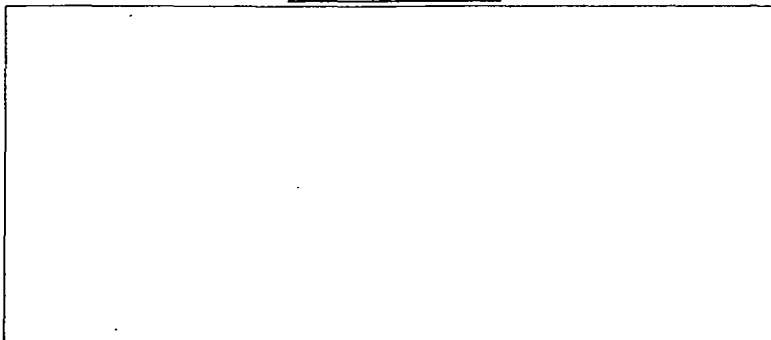
EXHIBIT "B"

PLAT OF VACATION

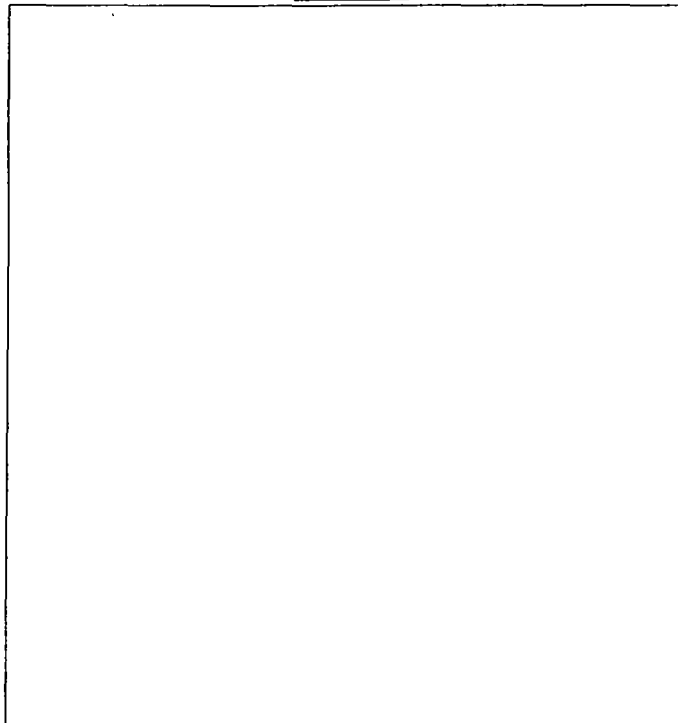
CITY-DEPARTMENT OF FINANCE



COOK COUNTY



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REV. 11/07/16
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SOS PROJECT NO.:	00337
DATE:	11/02/16
SCALE:	N/A
SHEET:	2 OF 3

PLAT OF VACATION

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SURVEYOR SIGNATURE AND SEAL

WE, SIGHT ON SOLUTIONS, INC., DO HEREBY DECLARE THAT WE HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

PLAT DATE: NOVEMBER 07, 2016



IL PROF. LAND SURVEYOR #3520 (EXP. 11/30/16)
 DESIGN FIRM REG. #184.005510 (EXP. 04/30/17)
 FIELD WORK COMPLETED MARCH 13, 2015

C.D.O.T. #27-31-16-3760



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 CHICAGO, ILLINOIS 60611

REV. 11/07/16
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SOS PROJECT NO.:	00337
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SCALE:	N/A
SHEET:	3 OF 3

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.

PSZ

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.

PSZ

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

PSZ

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 subpar or that do not adhere to the City's standards.

Signed:



Date:

12/10/15

Printed Name:

Peter Eisenberg

Title:

Principal

Organization:

Clark Street Real Estate/The Fields Retail, LLC

Address:

980 N. Michigan Ave, Chicago

Zip:

60611

Phone/Fax:

312-377-9100

Email:

peisenberg@clarkstreet.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

January 18, 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 A proposed vacation of the east-west alley, and a portion of the north-south alley (as well as a dedication) in the block bounded by West Diversey Avenue, West Parker Avenue, North Karlov Avenue and North Pulaski Road. This ordinance was referred to the Committee on December 14, 2016.

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

(Ward 31)

Respectfully submitted,

Anthony Beale,
Chairman