



City of Chicago



O2020-1914

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	4/22/2020
Sponsor(s):	O'Shea (19)
Type:	Ordinance
Title:	Vacation of public alley(s) adjacent to 11303-11305 S Spaulding Ave
Committee(s) Assignment:	Committee on Transportation and Public Way

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COMMERCIAL 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 properties at 11303-11305 S. Spaulding Avenue are owned by Margaret Mary McDevitt ("Homeowner"); and

WHEREAS, the Homeowner proposes to use the portion of the alley remnant to be vacated herein for construction of a garage on their currently subsized lot; 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 that portion of the public alley, described in the following ordinance; now therefore,

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

SECTION 1.

VACATION OF : THE WEST 8 FEET OF A NORTH-SOUTH 16 FOOT WIDE PUBLIC ALLEY AS DESCRIBED IN DEED TO THE CITY OF CHICAGO FOR STREET AND ALLEY DOCUMENT, RECORDED NOVEMBER 13, 1956 AS DOCUMENT NUMBER 16753263, IN BLOCK 1, IN ROBERTSON AND YOUNG'S ADDITION TO MORGAN PARK, BEING A SUBDIVISION OF THE NORTH 831 FEET (EXCEPT THE WEST 40 RODS THEREOF) OF THE SOUTH 100 ACRES OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 37 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ABOVE DESCRIBED PARCEL CONTAINING 328 SQUARE FEET OR 0.0075 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 vacation.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and AT&T/SBC, 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 alley 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 and/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 utility(ies). Any future Homeowner-prompted relocation of facilities lying within the area being vacated will be accomplished by the involved utilities, and be done at the expense of the Homeowner, her successors or assigns.

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 alley hereby vacated the sum _____ dollars (\$ _____), which sum in the judgment of this body will be equal to such benefits.

SECTION 4. The vacation herein provided for is made under the express condition that the Homeowner as beneficiary of the vacation, her successors and assigns, shall hold harmless, indemnify and defend the City of Chicago from all claims related to said vacation.

SECTION 5. 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 Homeowner 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 plats as approved by the Superintendent of Maps and Plats.

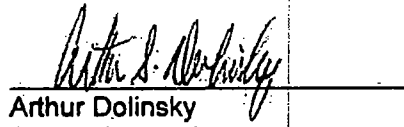
SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication. The vacation shall take effect and be in force from and after recording of the approved ordinance and plat.

Vacation Approved:



Gia Biagi
Commissioner of Transportation

Approved as to Form and Legality



Arthur Dolinsky
Senior Counsel

Introduced By:



Honorable Matthew O'Shea
Alderman, 19th Ward

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