



# City of Chicago



O2014-3327

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	4/30/2014
<b>Sponsor(s):</b>	Emanuel (Mayor)
<b>Type:</b>	Ordinance
<b>Title:</b>	Acquisition of property at 202-208 W Cermak Rd and 2126-2130 S Wentworth Ave for improvement, maintenance and repair of public ways
<b>Committee(s) Assignment:</b>	Committee on Housing and Real Estate



OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

April 30, 2014

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

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith ordinances authorizing acquisition of properties in the 200 block of West Cermak and an associated intergovernmental agreement with IDOT.

Your favorable consideration of these ordinances will be appreciated.

Very truly yours,

Mayor

## ORDINANCE

**WHEREAS**, the City of Chicago ("City") is a duly constituted and existing municipality within the meaning of Section 1, Article VII, of the 1970 Constitution of the State of Illinois ("Constitution"), and is a home rule unit of government under Section 6(a), Article VII, of the Constitution; and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the City has established the Community Development Commission ("Commission") to, among other things, designate redevelopment areas and approve redevelopment plans, and recommend the acquisition of parcels located in redevelopment areas, subject to the approval of the City Council of the City of Chicago ("City Council"); and

**WHEREAS**, pursuant to Chapter 2-102-030 of the Municipal Code of the City, the Commissioner ("Commissioner") of the Department of Transportation of the City ("CDOT"), has the power and duty to control the acquisition of rights-of-way for and the improvement, construction, maintenance, and repair of the public ways, and to supervise and control such projects; and

**WHEREAS**, by ordinance adopted by the City Council on July 30, 1997, and published at pages 49089 to 49204 of the Journal of Proceedings (the "South River T.I.F. Ordinance") a certain redevelopment plan (the "South River Plan") for the River South Redevelopment Project Area (the "South River Area") was approved pursuant to the Illinois Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1, et seq.); and

**WHEREAS**, by ordinance adopted by the City Council on July 21, 1999, and published at pages 8099 to 8197 of the Journal of Proceedings (the "24<sup>th</sup>/Michigan T.I.F. Ordinance") a certain redevelopment plan (the "24<sup>th</sup>/Michigan Plan") for the 24<sup>th</sup>/Michigan Redevelopment Project Area (the "24<sup>th</sup>/Michigan Area") was approved pursuant to the Illinois Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1, et seq.); and

**WHEREAS**, the South River TIF Ordinance and the 24<sup>th</sup>/Michigan TIF Ordinance shall be collectively referred to herein as the "TIF Ordinances"; and

**WHEREAS**, the South River TIF Area and the 24<sup>th</sup>/Michigan TIF Area shall be collectively referred to herein as the "TIF Areas"; and

**WHEREAS**, the City has determined that it is useful, desirable and necessary that the City acquire for public ownership and control (either by the City, or by another governmental entity), with the meaning and authority of 735 ILCS 30/5-5-5(b), those parcels of real property located at 202-208 West Cermak Road, and 2126-2130 South Wentworth Avenue, all as legally described on Exhibit A to this ordinance (together, the "Acquisition Parcels") for the public purpose of the acquisition of rights-of-way for and the improvement, construction, maintenance, and repair of the public ways, specifically the construction of the Wells Wentworth Connector Improvement project to improve safety and efficiency of local street traffic flow and pedestrian access, and to construct a new north south collector within the River South Area (the "Project"); and

**WHEREAS**, the City has determined that the acquisition of the Acquisition Parcels, free and clear of leases, agreements, easement and encumbrances for the Project is useful, advantageous or desirable for municipal purposes and public welfare, with the meaning and

authority of 65 ILCS 5/11-61-1 and 65 ILCS 20-21-19, and that such acquisition may include the acquisition of land and improvements as authorized under 735 ILCS 30/1 *et. seq.*, 735 ILCS 30/5-5-5, and 735 ILCS 30/25-7-103.12; and

**WHEREAS**, the South River Plan and the 24<sup>th</sup>/Michigan Plan (collectively, the "Plans") and the use of tax increment financing provide a mechanism to support new growth, needed public improvements, and financing for land acquisition, demolition, and remediation; and

**WHEREAS**, the goals and objectives of the Plans include, but are not limited to, the construction of a new north-south collector street that extends through the full length of the River South Area; and

**WHEREAS**, further, the goals and objectives of the Plans also include, but are not limited to, ensuring a safe and functional traffic circulation pattern, adequate ingress and egress, and capacity through and adjacent to the TIF Areas; and

**WHEREAS**, the TIF Ordinances authorize the use of eminent domain to acquire properties within the Areas to meet the requirements of the Plans; and

**WHEREAS**, in furtherance of the Project and the Plans, the City requires the acquisition of the Acquisition Parcels identified on Exhibit A which are located within and adjacent to the TIF Areas; and

**WHEREAS**, the City desires to establish a schedule for expedited acquisition in order to achieve the objectives of the Plans and Project pursuant to quick-take procedures; and

**WHEREAS**, the General Assembly in 735 ILCS 30/25-7-103.12 (the "Quick-Take Statute"), has authorized the use of quick-take eminent domain proceedings by municipalities for the purposes set forth in Division 74.2 and 74.3) of Article 2 of the Illinois Municipal Code, said purposes being the redevelopment of commercial or business areas by (1) removing commercial blight for redevelopment purposes; (2) preparing the TIF Areas for use in accordance with the Plans; and (3) for the same purposes when established pursuant to home rule powers; and

**WHEREAS**, the City under its home rule power finds that it useful and necessary to use quick-take to acquire the Parcels within and adjacent to the TIF Areas for the same purposes and objectives as those set forth in Divisions 74.2 and 74.3 of the Illinois Municipal Code (65 ILCS 5/11-74.2 and 74.3); and

**WHEREAS**, pursuant to Resolution No. 14-CDC-17 adopted on April 8, 2014 by the Community Development Commission of the City of Chicago (the "Commission"), the Commission authorized the Department of Transportation to acquire the designated Acquisition Parcels listed on Exhibit A in furtherance of the TIF Plans in the TIF Areas without further Commission action; now, therefore,

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

**SECTION 1.** The foregoing recitals are hereby incorporated herein by reference as if fully set forth in this Ordinance and are adopted as the findings of the City Council.

**SECTION 2.** It is hereby determined and declared that it is useful, desirable and necessary that the City acquire the Acquisition Parcels for the public purpose of designing, constructing and operating the Project, which shall be under public ownership and control, and for purposes of implementing the objectives of the Plan.

**SECTION 3.** The Corporation Counsel of the City of Chicago ("Corporation Counsel") is authorized to negotiate with the owner(s) of the Acquisition Parcels for the purchase of the Acquisition Parcels.

**SECTION 4.** If the Corporation Counsel is able to agree with the owner(s) of the Acquisition Parcels upon the price to be paid for such Acquisition Parcels, or a portion thereof, the Corporation Counsel is authorized to purchase the Acquisition Parcels, or a portion thereof, in the name of and on behalf of the City of Chicago for the agreed price with such purchase price to be paid out of any legally available funds of the City, including, without limitation, proceeds of any grants or other funds received by the City. If the Corporation Counsel is unable to agree with the owner(s) of the Acquisition Parcels on the purchase price, or if an owner is incapable of consenting to the sale, or if an owner cannot be located, or cannot deliver fee simple title, then the Corporation Counsel may institute and prosecute condemnation proceedings, including "quick-take" condemnation proceedings, in the name of and on behalf of the City for the purpose of acquiring fee simple title or other property interest(s) in the Acquisition Parcels, or a portion thereof, under the City's power of eminent domain.

**SECTION 5.** A schedule for the acquisition of the Acquisition Parcels is hereby adopted as follows:

- A. Acquire fee simple title to all of the Acquisition Parcels on or before March 1, 2015.
- B. Complete relocation on or before June 1, 2015.
- C. Complete the demolition of structures, environmental testing and remediation, and begin site preparation for the Project on or before October 1, 2015.

**SECTION 6.** The Commissioner, or a designee of the Commissioner, is authorized to (1) execute such documentation as may be necessary to implement the provisions of this Ordinance, (2) amend, modify, or change the schedule for the acquisition of the Acquisition Parcels set forth in Section 5 above, and (3) determine whether the acquisition of the Acquisition Parcels, or a portion thereof, or less than fee simple title is necessary to implement the Project, all subject to the approval of the Corporation Counsel.

**SECTION 7.** The Commissioner is further authorized to execute such documents as may be necessary to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel.

**SECTION 8.** If any provision of this ordinance is held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this Ordinance.

**SECTION 9.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 10.** This ordinance shall take effect upon its passage and approval.

**EXHIBIT A**

**PARCELS TO BE ACQUIRED**

ROUTE: WELLS-WENTWORTH  
SECTION:  
COUNTY: COOK  
JOB NUMBER: CDOT# B-6-141  
PARCEL: 0001  
STATION: 55+60.25  
TO STATION: 57+07.90  
OWNER: 2126-2130 South Wentworth Building, LLC, an  
Illinois liability company  
INDEX: 17-21-420-050; 17-21-420-051

**Parcel 0001**

SUB-LOTS 15, 16 AND 17 IN D.C. NICHOLS AND I.J. NICHOLS SUBDIVISION OF LOT 1 IN 45 IN CANAL TRUSTEES' NEW SUBDIVISION OF BLOCKS IN THE EAST FRACTION OF THE SOUTHEAST FRACTIONAL QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 9, 1857 IN BOOK 133 PAGE 29, EXCEPT THE NORTHERLY 8 FEET OF SAID SUB-LOT 15 TAKEN FOR AN ALLEY BY CONDEMNATION PER DOCUMENT NUMBER 1906383, RECORDED JULY 24, 1893,

ALSO LOTS 45 AND 46 IN THE SUBDIVISION OF LOTS 2, 3, 4 AND 5 IN BLOCK 45 IN CANAL TRUSTEES' NEW SUBDIVISION OF BLOCKS IN THE SOUTHEAST FRACTIONAL QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 10, 1857 IN BOOK 133 PAGE 92, EXCEPT THE NORTHERLY 40 FEET OF SAID SUB-LOT 46 TAKEN FOR ALLEY BY CONDEMNATION PER DOCUMENT NUMBER 1906383, RECORDED JULY 24, 1893. SITUATED IN THE COUNTY OF COOK AND THE STATE OF ILLINOIS.

SAID PARCEL CONTAINING 0.151 ACRES OR 6,578 SQUARE FEET, MORE OR LESS.

ROUTE: WELLS-WENTWORTH  
SECTION:  
COUNTY: COOK  
JOB NUMBER: CDOT# B-6-141  
PARCEL: 0002  
STATION: 55+60.21  
TO STATION: 56+98.29  
OWNER: KWM Group, LLC Series A, an Illinois Limited  
Liability company  
INDEX: 17-21-420-055

**Parcel 0002**

LOT 44 AND THAT PART OF LOT 43 IN THE SUBDIVISION OF LOTS 2, 3, 4 AND 5 IN BLOCK 45 IN CANAL TRUSTEES' NEW SUBDIVISION OF BLOCKS IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 10, 1857 IN BOOK 133 PAGE 92, DESCRIBED AS FOLLOWS: BEGINNING AT NORTHEAST CORNER OF SAID LOT 43, THENCE NORTH 88 DEGREES 42 MINUTES 04 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 43, 3.00 FEET; THENCE SOUTH 1 DEGREE 35 MINUTES 24 SECONDS EAST, 3.00 FEET; THENCE SOUTH 88 DEGREES 42 MINUTES 04 SECONDS EAST, 3.00 FEET TO EAST LINE OF SAID LOT 43, THENCE NORTH 1 DEGREE 35 MINUTES 24 SECONDS WEST ALONG SAID EAST LINE TO THE POINT OF BEGINNING, ALSO THE EAST 1-3/4 INCHES OF SAID LOT 43. SITUATED IN THE COUNTY OF COOK AND STATE OF ILLINOIS.

SAID PARCEL CONTAINING 0.072 ACRES OR 3,136 SQUARE FEET, MORE OR LESS.

ROUTE: WELLS-WENTWORTH  
SECTION:  
COUNTY: COOK  
JOB NUMBER: CDOT# B-6-141  
PARCEL: 0003  
STATION: 55+60.17  
TO STATION: 56+97.87  
OWNER: Lum Sai Hor Association  
INDEX: 17-21-420-054

**Parcel 0003**

LOT 43 IN THE SUBDIVISION OF LOTS 2, 3, 4 AND 5 IN BLOCK 45 IN THE CANAL TRUSTEES' SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN RECORDED AUGUST 10, 1857 IN BOOK 133 PAGE 92, EXCEPT THAT PART BEGINNING AT NORTHEAST CORNER OF SAID LOT 43, THENCE NORTH 88 DEGREES 42 MINUTES 04 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT, 3.00 FEET; THENCE SOUTH 1 DEGREE 35 MINUTES 24 SECONDS EAST, 3.00 FEET; THENCE SOUTH 88 DEGREES 42 MINUTES 04 SECONDS EAST, 3.00 FEET TO EAST LINE OF SAID LOT, THENCE NORTH 1 DEGREE 35 MINUTES 24 SECONDS WEST ALONG SAID EAST LINE TO THE POINT OF BEGINNING; AND, EXCEPT THE EAST 1-3/4 INCHES OF SAID LOT. SITUATED IN THE COUNTY OF COOK AND STATE OF ILLINOIS.

SAID PARCEL CONTAINING 0.081 ACRES OR 3,528 SQUARE FEET, MORE OR LESS.