



City of Chicago



O2014-2484

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	4/2/2014
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	Agreement with University of Chicago reserving rights over use of property on South Greenwood Ave
Committee(s) Assignment:	Committee on Housing and Real Estate

HSG



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

April 2, 2014

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 an ordinance authorizing an agreement reserving rights over use of property on Greenwood Avenue.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

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, pursuant to an ordinance approved the City Council of the City (the "City Council") on October 31, 1952, and published in the Journal of the Proceedings of the City Council for such date at page 3371, the City vacated South Greenwood Avenue between East 60th and East 61st Streets (the "1952 Ordinance"); and

WHEREAS, pursuant to the 1952 Ordinance, the City reserved "the West Twenty-nine (29) feet of the East Forty-eight (48) feet as right of way for an existing sewer and water main and for the installation of any additional sewers, water mains or other municipal service facilities now located or which in the future may be located in said part of S. Greenwood Ave. herein vacated, and for the maintenance, renewal and reconstruction of such facilities" (the "Reservation of Rights Easement"); and

WHEREAS, the 1952 Ordinance further provided that "no buildings or other structures shall be erected on", "or other use made of", the area subject to the Reservation of Rights Easement, "which in the judgment of the respective municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal or reconstruction of said facilities, or the construction of additional service facilities" (the "No-Build Easement"); and

WHEREAS, pursuant to the 1952 Ordinance, the City "reserved in the entire width of that part of said S. Greenwood Ave. herein vacated an easement for City water, sewers and electrical facilities and appurtenances for so long as necessary to provide service for the buildings now located on said part of S. Greenwood Ave."; and

WHEREAS, the University of Chicago (the "University") is the owner of that portion of South Greenwood Avenue vacated by the 1952 Ordinance; and

WHEREAS, the University has installed in vacated South Greenwood Avenue a 24" sewer line to the east of an existing 12" sewer line, which 12" sewer line is located in the Reservation of Rights Easement and No-Build Easement and has been abandoned in place; and

WHEREAS, the University has constructed a driveway and loading dock in a portion of the Reservation of Rights Easement in which the abandoned 12" sewer line is located, and which is depicted in the "Plat of Vacation" (which is more properly described as a Plat of Release of an Easement) attached hereto as Exhibit A (such parcel, the "Release of Easement Area"); and

WHEREAS, the 24" sewer line is located (i) in a portion of vacated South Greenwood Avenue outside the Reservation of Rights Easement and the No-Build Easement and (ii) on land owned by the University that is outside the boundaries of vacated South Greenwood Avenue, all as legally described and depicted in the Plat of Easement Dedication attached hereto as Exhibit B (the "Replacement Easement Area"); and

WHEREAS, the applicable City departments approved the University's plans for the construction for the driveway and loading dock in the Release of Easement Area, and the City's issuance of permits for such improvements evidences satisfaction of the following requirement from the 1952 Ordinance: no buildings or structures shall be erected in the right of way reserved to the City unless in the "judgment of the respective municipal officials" such buildings or structures will not "interfere with the use, maintenance, renewal or reconstruction of" any sewers, water mains or other municipal service facilities now or later located in that reserved right of way; and

WHEREAS, the City's Department of Water Management ("DWM"), after due investigation and consideration, has determined that it is in the best interest of the City (i) for the City to release the Reservation of Rights Easement with respect to the Release of Easement Area; (ii) for the University to grant, and for the City to accept, an easement for an existing sewer and water main and for the installation of any additional sewers, water mains or other municipal service facilities now located or which in the future may be located, and for the maintenance, renewal and reconstruction of such facilities, in the Replacement Easement Area; and (iii) for the University to grant, and for the City to accept for the benefit of the City, a covenant prohibiting the erection of any buildings or other structures in the Replacement Easement Area; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The forgoing recitals are hereby incorporated herein and adopted as the findings of the City Council.

SECTION 2. The Commissioner of DWM (the "Commissioner") or the Commissioner's designee is each hereby authorized to execute, subject to the approval of the Corporation Counsel as to form and legality, such documents as may be necessary (i) to release the Reservation of Rights Easement with respect to the Release of Easement area, and (ii) to accept from the University an easement and no-build covenant with respect to the Replacement Easement Area in substantially the form attached hereto as Exhibit C.

SECTION 3. If any provision of this ordinance shall be 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 4. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall take effect immediately upon its passage and approval.

Exhibit A

Plat of Vacation (Plat of Release of an Easement)

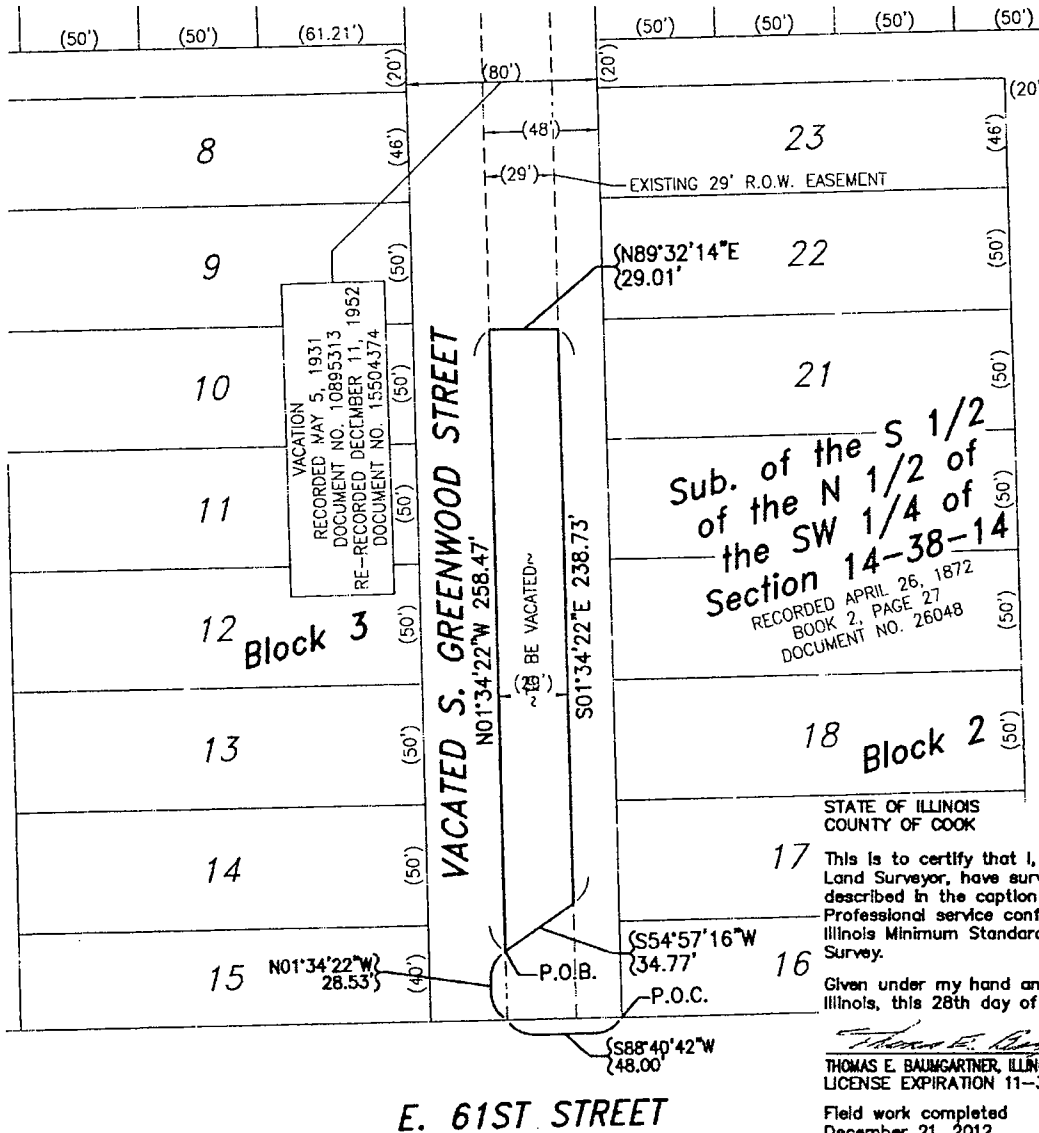
[Attached]

PLAT OF EASEMENT VACATION

PARCEL 2: That part of Vacated S. Greenwood Ave., in the Southwest Quarter of Section 14, Township 38 North, Range 14 East of the Third Principal Meridian, vacation re-recorded December 11, 1952 as Document Number 15504374, more particularly described as follows;

Commencing at the Southeast corner of said Vacated S. Greenwood Ave., along the North line of E. 61st St.; thence South 88 degrees 40 minutes 42 seconds West along the said North line of E. 61st St., 48.00 feet; thence North 01 degree 34 minutes 22 seconds West, parallel with the East line of said Vacated S. Greenwood Ave., 28.53 feet to the Point of Beginning; thence continuing North 01 degree 34 minutes 22 seconds West 258.47 feet; thence North 89 degrees 32 minutes 14 seconds East 29.01 feet; thence South 01 degree 34 minutes 22 seconds East, parallel with the East line of said Vacated S. Greenwood Ave., 238.73 feet; thence South 54 degrees 57 minutes 16 seconds West 34.77 feet to the Point of Beginning, in Cook County, Illinois.

Said parcel containing 7209 sq. ft., more or less. Commonly known as PIN No. 20-14-304-001



VACATION
RECORDED MAY 5, 1931
DOCUMENT NO. 10895313
RE-RECORDED DECEMBER 11, 1952
DOCUMENT NO. 15504374

Sub. of the S 1/2
of the N 1/2 of
the SW 1/4 of
Section 14-38-14
RECORDED APRIL 26, 1872
BOOK 2, PAGE 27
DOCUMENT NO. 26048

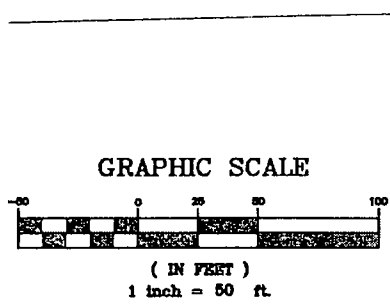
STATE OF ILLINOIS
COUNTY OF COOK

17 This is to certify that I, an Illinois Professional Land Surveyor, have surveyed the property described in the caption above, and that this Professional service conforms to the current Illinois Minimum Standards for a Boundary Survey.

16 Given under my hand and seal in Chicago, Illinois, this 28th day of August, 2013.

Thomas E. Baumgartner
THOMAS E. BAUMGARTNER, ILLINOIS LAND SURVEYOR NO. 3142
LICENSE EXPIRATION 11-30-2014

Field work completed
December 21, 2012.



LEGEND
(10.00') RECORD
10.00' MEASURED

Bearings are based on the south line of E. 36th Place which is assumed to bear S89°56'34\"/>

Firm Registration No. 184.003610

Dimensions are shown in feet and decimal parts thereof.

No dimensions should be assumed by scale measurements upon the plat.

Property corners were not staked as a part of this plat.



PLAT OF VACATION

Prepared for:
University of Chicago
Law School
Chicago, IL

Job No: 11-182
Date: 8/28/13

SHEET 1 OF 1

Jan 30, 2014 - 7:57am

Exhibit B
Plat of Easement Dedication
[Attached]

PLAT OF EASEMENT DEDICATION

LEGAL DESCRIPTION

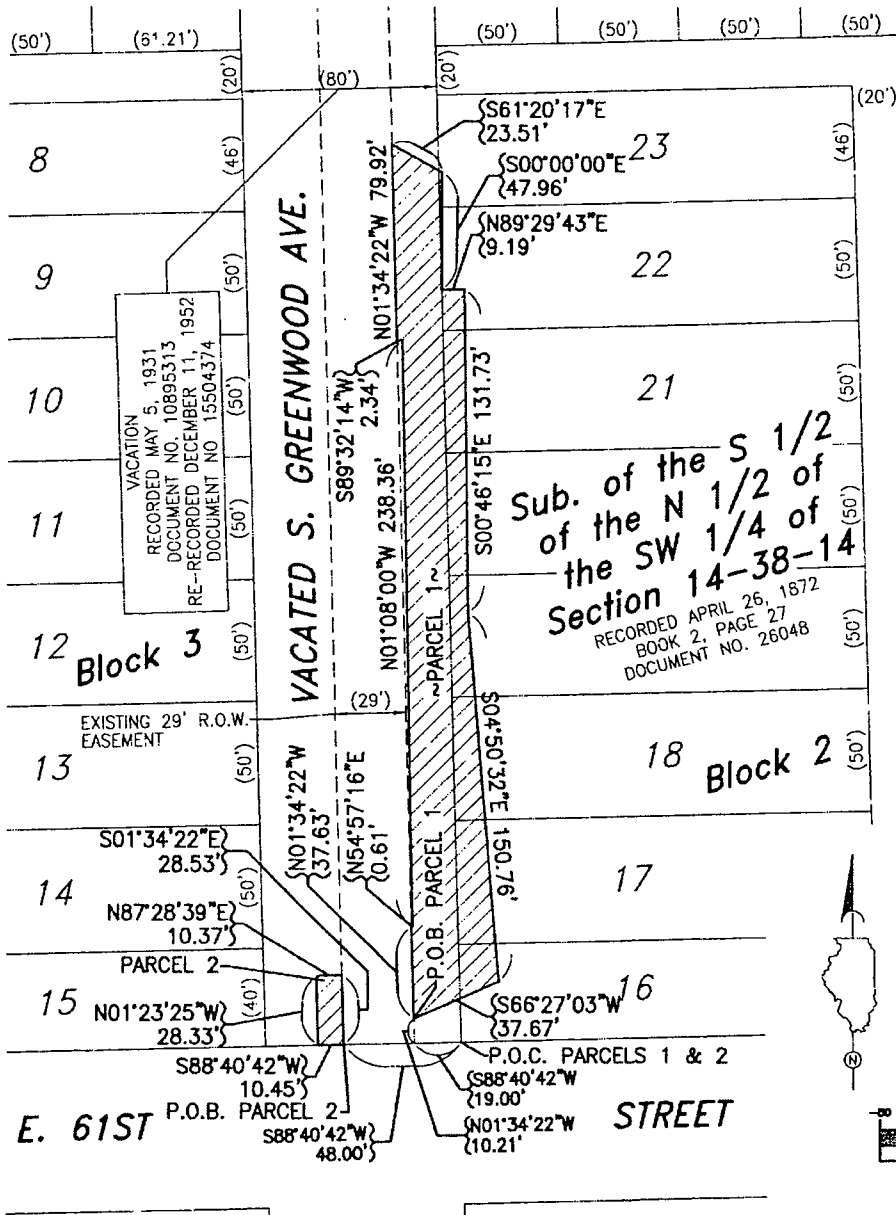
PARCEL 1: That part of Lots 16 through 23, in Block 2, of the Subdivision of the South Half of the North Half of the Southwest Quarter of Section 14, Township 38 North, Range 14 East of the Third Principal Meridian, according to the plat thereof recorded April 26, 1872 as Document Number 26048, more particularly described as follows; Commencing at the Southwest corner of said Lot 16 in said Block 2; thence North 88 degrees 40 minutes 42 seconds West along the North line of East 61st Street, 19.00 feet; thence North 01 degree 34 minutes 22 seconds West 10.21 feet to the Point of Beginning; thence North 01 degree 34 minutes 22 seconds West 37.63 feet; thence North 54 degrees 57 minutes 16 seconds East 0.61 feet; thence North 01 degrees 08 minutes 00 seconds West 238.36 feet; thence South 89 degrees 32 minutes 14 seconds West 2.34 feet to a point 19.00 feet West of the West line of said Block 2; thence North 01 degrees 34 minutes 22 seconds West parallel to the West line of said Block 2, 79.92 feet; thence South 61 degrees 20 minutes 17 seconds East 23.51 feet; thence South 00 degrees 00 minutes 00 seconds East 47.96 feet; thence North 89 degrees 29 minutes 43 seconds East 9.19 feet; thence South 00 degrees 46 minutes 15 seconds East 131.73 feet; thence South 04 degrees 50 minutes 32 seconds East 150.76 feet; thence South 66 degrees 27 minutes 03 seconds West 37.67 feet, to the Point of Beginning, in Cook County, Illinois.

Said parcel containing 9,175 sq. ft., more or less. Commonly known as PIN No. 20-14-305-001

PARCEL 2: That part of Vacated S. Greenwood Ave., in the Southwest Quarter of Section 14, Township 38 North, Range 14 East of the Third Principal Meridian, vacation re-recorded December 11, 1952 as Document Number 15504374, more particularly described as follows;

Commencing at the Southeast corner of said Vacated S. Greenwood Ave., along the North line of E. 61st St.; thence South 88 degrees 40 minutes 42 seconds West along the said North line of E. 61st St., 48.00 feet to the Point of Beginning; thence continuing South 88 degrees 40 minutes 42 seconds West along the North line of said E. 61st St. 10.45 feet; thence North 01 degree 23 minutes 25 seconds West 28.33 feet; thence North 87 degrees 28 minutes 39 seconds East 10.37 feet; thence South 01 degree 34 minutes 22 seconds East 28.53 feet to the Point of Beginning, in Cook County, Illinois.

Said parcel containing 296 sq. ft., more or less. Commonly known as PIN No. 20-14-304-001



Bearings are based on the North line of E. 61st Street which is assumed to bear S88°36'46"W

Firm Registration No. 184.003610

Dimensions are shown in feet and decimal parts thereof.

No dimensions should be assumed by scale measurements upon the plat.

Zoning is PD 43.

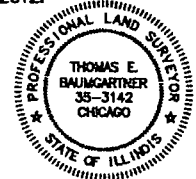
Property corners were not staked as a part of this plat.

STATE OF ILLINOIS
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Given under my hand and seal in Chicago, Illinois, this 28th day of August, 2013.

THOMAS E. BAUMGARTNER,
 ILLINOIS LAND SURVEYOR NO. 3142
 LICENSE EXPIRATION 11-30-2014
 Field work completed
 December 21, 2012.



LEGEND

(10.00') RECORD
 10.00' MEASURED

GRAPHIC SCALE



(IN FEET)
 1 inch = 60 ft.

Exhibit C

Form of No-Build Easement / Covenant

[Attached]

DECLARATION OF “NO-BUILD” COVENANT

(The Above Space For Recorder's Use Only)

THE UNIVERSITY OF CHICAGO, an Illinois not-for-profit corporation having its principal office at _____, Chicago, Illinois, 606__ (“**Grantor**”), certifies that it is the owner of certain real property located in the County of Cook, State of Illinois, and legally described in Exhibit A attached hereto (such property, the “Replacement Easement Area”).

Grantor covenants to the City of Chicago, an Illinois municipal corporation and home rule unit of local government, having its principal office at 121 N. LaSalle Street, Chicago, Illinois 60602 (“**City**”), that Grantor shall not construct, develop or erect any buildings or other structures (including, but not limited to, driveways and parking lots) in the Replacement Easement Area, unless the applicable City official(s) determines that such buildings or other structures would not interfere with the use, maintenance, renewal or reconstruction of any City sewers, water mains or other municipal service facilities or the construction of additional service facilities in the Replacement Easement Area.

Grantor acknowledges that the City has provided valuable consideration for this easement, including the City’s release of a “reservation of rights” with respect to certain property adjacent to the Replacement Easement Area.

This easement shall be a covenant running with the land in perpetuity, binding upon the Grantor and the Grantor’s successors and assigns, and enforceable by the City.

(Signatures Appear on the Following Page)

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed in its name and behalf and its seal to be hereunto affixed, on or as of the ____ day of _____, 2014.

THE UNIVERSITY OF CHICAGO,
an Illinois not-for-profit corporation

By: _____

Name: _____

Its: _____

State of Illinois)
) SS
County of Cook)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that _____, personally known to me to be the _____ of The University of Chicago, an Illinois not-for-profit corporation (the "University"), and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and being first duly sworn by me acknowledged that s/he executed this easement pursuant to authority given by the University, as her/his free and voluntary act, and as the free and voluntary act and deed of said University, for the uses and purposes therein set forth.

Given under my hand and official seal, this ____ day of _____, 2014.

Notary Public

THIS INSTRUMENT WAS PREPARED BY,
AND AFTER RECORDING, RETURN TO:
Arthur Dolinsky, Senior Counsel
City of Chicago, Law Department
121 North LaSalle Street, Suite 600
Chicago, Illinois 60602
(312) 744-0200

(sub) EXHIBIT A to “No-Build” Covenant

REPLACEMENT EASEMENT AREA

(DEPICTED AND LEGALLY DESCRIBED IN
THE ATTACHED PLAT OF EASEMENT DEDICATION)

PLAT OF EASEMENT DEDICATION

LEGAL DESCRIPTION

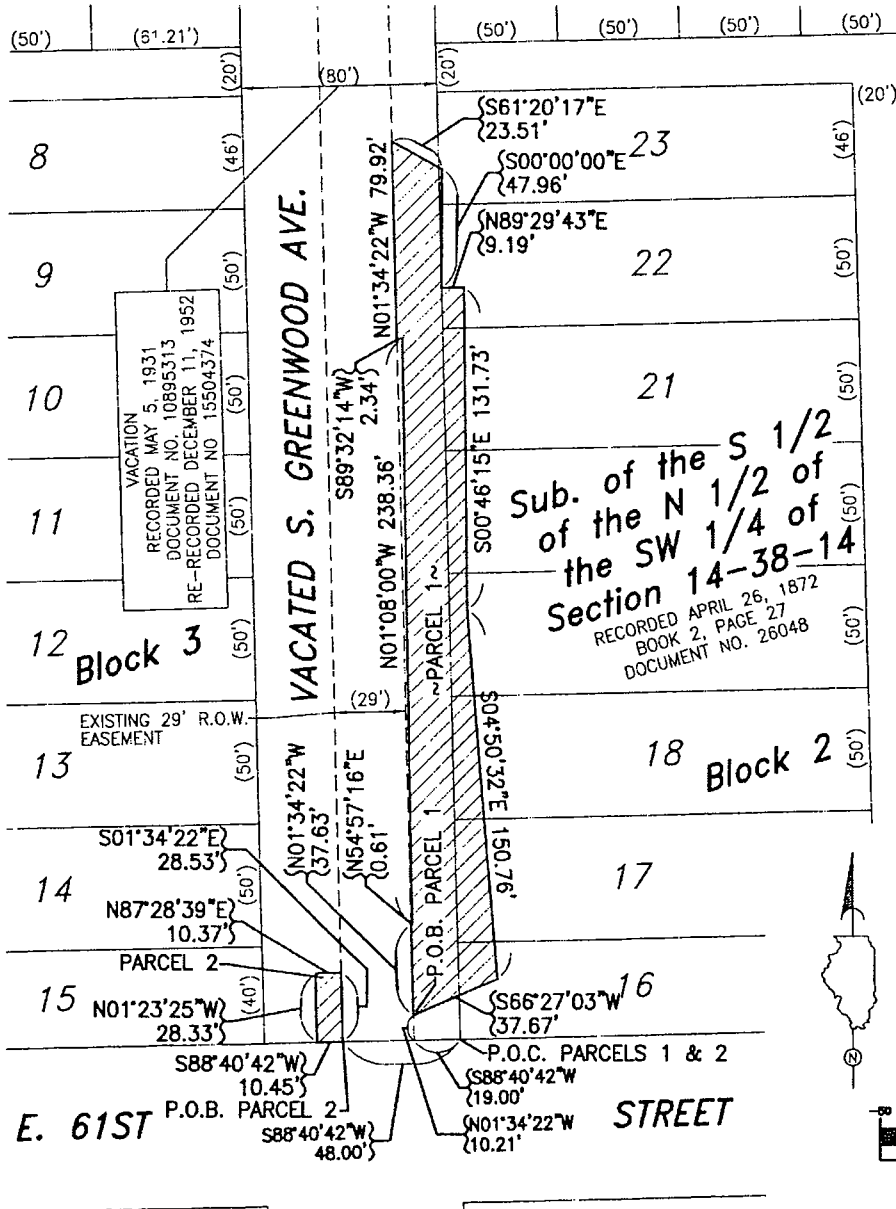
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Thomas E. Baumgartner
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ILLINOIS LAND SURVEYOR NO. 3142
LICENSE EXPIRATION 11-30-2014
Field work completed
December 21, 2012.



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GRAPHIC SCALE



(IN FEET)
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