



Office of the Chicago City  
Clerk



O2012-1351

Office of the City Clerk

City Council Document Tracking Sheet

<b>Meeting Date:</b>	3/14/2012
<b>Sponsor(s):</b>	Emanuel, Rahm (Mayor)
<b>Type:</b>	Ordinance
<b>Title:</b>	Acquisition of parcels for Midway Runway Protection Zone
<b>Committee(s) Assignment:</b>	Committee on Aviation



OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

March 14, 2012

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

Ladies and Gentlemen:

At the request of the Commissioner of Aviation, I transmit herewith an ordinance authorizing acquisition of parcels for the Midway Runway Protection Zone.

Your favorable consideration of this ordinance 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 local 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 owns and, through its Department of Aviation ("DOA"), operates the airport known as Chicago Midway International Airport ("Midway Airport"); and

**WHEREAS**, the City has determined that it is useful, desirable and necessary that the City acquire for fair market value that certain parcel of real property located in the vicinity of Midway Airport that has been identified by the DOA as follows: Midway Parcel 150, commonly known as 6238-42 South Central Avenue, identified by Cook County as Permanent Index Number(s) 19-17-431-030, 19-17-431-031, and 19-17-431-032 (collectively the "Parcel"); and

**WHEREAS**, the Parcel is depicted on Exhibit A to this ordinance; and

**WHEREAS**, the Parcel is being acquired by the City for public purpose and use, namely, as a Runway Protection Zone or a Runway Safety Area, or both, as recognized by the Federal Aviation Administration ("FAA"); now, therefore,

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

**Section 1.** The above recitals are hereby incorporated 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 Parcel for public purpose and use in furtherance of the City's ownership and operation of Midway Airport.

**Section 3.** The Corporation Counsel is authorized to negotiate with the owner(s) of the Parcel for the purchase of the Parcel.

**Section 4.** If the Corporation Counsel is able to agree with the owner(s) of the Parcel upon the price to be paid for such Parcel, the Corporation Counsel is authorized to purchase the Parcel 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 general airport revenue bonds previously issued, or grants or other funds received by the City. If the Corporation Counsel is unable to agree with the owner(s) of a Parcel on the purchase price, or if an owner is incapable of consenting to the sale, or if an owner cannot be located, then the Corporation Counsel may institute and prosecute condemnation proceedings in the

name of and on behalf of the City for the purpose of acquiring fee simple title to the Parcel under the City's power of eminent domain.

**Section 5.** The Commissioner of DOA is authorized to execute such documentation as may be necessary to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel.

**Section 6.** If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or enforceability of such provision shall not affect any of the other provisions of this ordinance.

**Section 7.** All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 8.** This ordinance shall be effective upon its passage and approval.

**EXHIBIT A**

**LEGAL DESCRIPTION**  
(Subject to Title Commitment and Survey)

**PARCEL 150**

**PARKING LOT NORTH OF AND ADJACENT TO  
5600-5608 W. 63rd ST., CHICAGO, ILLINOIS**

Lots 16, 17 and 18 in Block 8 in Third Addition to Clearing a subdivision of the South East  $\frac{1}{4}$  of the South East  $\frac{1}{4}$  of Section 17, Township 38 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

PIN NOs.: 19-17-431-030, -031 and -032

Common Address: 6238-42 South Central Avenue, Chicago, Illinois