



City of Chicago



O2016-683

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	2/10/2016
Sponsor(s):	Arena (45)
Type:	Ordinance
Title:	Vacation and dedication of public alley(s) in area bounded W Irving Park Rd, W Dakin St, N Lamon Ave and N Lavergne 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 4901-4927 W. Irving Park Road, and 4900-4954 W. Dakin Street are owned by Irving Park Properties, LLC, an Illinois Limited Liability Company, and Irving Park Properties II, LLC, an Illinois Limited Liability Company (collectively the "Developer"); and

WHEREAS, the Developer proposes to use the portion of the alley to be vacated herein for access for parking to serve a new, adjacent, multiuse commercial 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 and dedication of the parts 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.

DEDICATION FOR PUBLIC ALLEY:

THE EAST 16.00 FEET OF LOT 160 IN GRAYLAND PARK ADDITION TO CHICAGO, A SUBDIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1891, AS DOCUMENT 1504986, IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINING 1969 SQUARE FEET, 0.045 ACRE (MORE OR LESS) as shaded and legally described by the words "HEREBY DEDICATED FOR PUBLIC ALLEY" on the plat hereto attached as Exhibit A, which drawing for greater clarity, is hereby made a part of this ordinance.

VACATION:

THAT PART OF AN EAST-WEST 16 FOOT WIDE PUBLIC ALLEY MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 30 IN GRAYLAND PARK ADDITION TO CHICAGO, A SUBDIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1891, AS DOCUMENT 1504986; THENCE SOUTH 1°27'23" EAST, ALONG THE WEST LINE OF LAMON AVENUE, 16.00 FEET TO THE NORTHEAST CORNER OF LOT 171 IN SAID SUBDIVISION; THENCE SOUTH 88°40'09" WEST, ALONG THE NORTH LINE OF LOTS 161 TO 171 (ALSO BEING THE SOUTH LINE OF SAID EAST-WEST 16 FOOT WIDE PUBLIC ALLEY) IN SAID SUBDIVISION, 279.12 FEET THE NORTHWEST CORNER OF SAID LOT 161; THENCE NORTH 1°27'23" WEST 16.00 FEET TO THE SOUTHWEST CORNER OF LOT 40 IN SAID SUBDIVISION; THENCE NORTH 88°40'09" EAST, ALONG THE SOUTH LINE OF LOTS 30 TO 40 (ALSO BEING THE NORTH LINE OF SAID EAST-WEST 16 FOOT WIDE PUBLIC ALLEY) IN

SAID SUBDIVISION, 279.11 FEET TO THE POINT OF BEGINNING; IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINING 4466 SQUARE FEET, 0.1025 ACRE (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 vacation.

SECTION 2. The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Co. an easement to operate, maintain, repair, renew and replace existing underground facilities and to construct new facilities in all of the area to be vacated, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas Light and Coke Co. or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal, or replacement of said facilities, or the construction of additional facilities. Any future vacation-beneficiary prompted relocation of Peoples Gas facilities lying within the area herein vacated will be accomplished by Peoples Gas, and done at the expense of beneficiary of the vacation.

SECTION 3. The City of Chicago hereby also reserves for the benefit of Commonwealth Edison, AT&T/SBC, Comcast and 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, AT&T/SBC and/or Comcast facilities. No buildings, permanent structures or obstructions shall be placed over Commonwealth Edison, AT&T/SBC and/or Comcast facilities without express written release of easement by the involved utility. Any future vacation-beneficiary prompted relocation of Commonwealth Edison, AT&T/SBC and/or Comcast facilities lying within the area herein vacated will be accomplished by the involved utility, and be done at the expense of beneficiary of the vacation.


SECTION 4. The vacation 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, constructing sidewalk and curb at the entrance to that part of the alley hereby vacated, and constructing the 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 agreement with the executed Duty to Build Agreement attached herein and made a part of this ordinance as Exhibit C.

SECTION 5. The vacation and dedication herein provided for are 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 Developer of the property abutting said part of public alley hereby vacated the sum One Hundred-Forty Thousand dollars (\$ 140,000.00), which sum in the judgment of this body will be equal to such benefits.

SECTION 6. 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 applicant shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with an associated oversized plats as approved by the Superintendent of Maps and Plats.

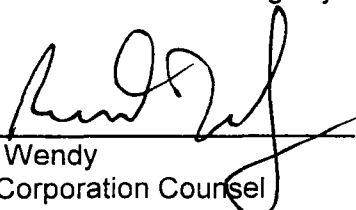
SECTION 7. This ordinance shall take effect and be in force from and after its passage. The vacation shall take effect and be in force from and after its recording.

Vacation & Dedication Approved:

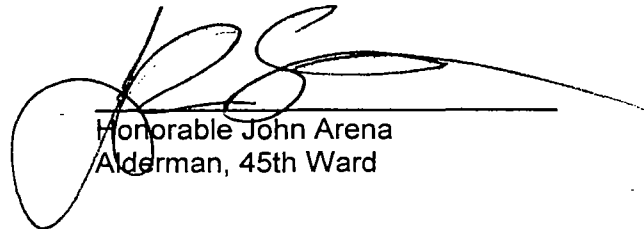


Rebekah Scheinfeld
Commissioner of Transportation

Approved as to Form and Legality



Richard Wendy
Deputy Corporation Counsel



Honorable John Arena
Alderman, 45th Ward

EXHIBIT C

Instructions: This below document must be reproduced on the applicant's letterhead, executed by same, and notarized:

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. Please initial:

C.C. 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.

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

C.C. 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 sub par or that do not adhere to the City's standards.

Signed: Charles H. Cui Date: 11/12/2015

Printed name: Charles H. Cui Title: Manager

Organization: Irving park property Holdings, LLC

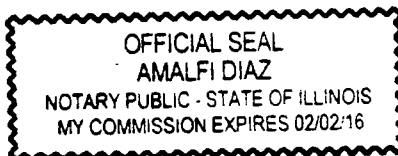
Address: 5519 N. Cumberland Ave. #1008 Zip: 60656

Phone/fax: 773-775-1717 / 773-775-1771

Email: charlescui111@yahoo.com

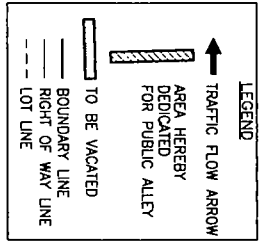
Notary:

Amalfi Diaz



PLAT OF DEDICATION

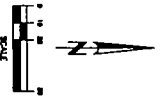
THE EAST 16.00 FEET OF LOT 160 IN GRAYLAND PARK ADDITION TO CHICAGO, A SUBDIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1891, AS DOCUMENT 1504986, IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINING 1969 SQUARE FEET, 0.045 ACRE (MORE OR LESS).



AREA HEREBY DEDICATED 1969 SQ. FT. 0.045 AC. (more or less)

PIN: 13-21-203-050

NOTE
THE AREA TO BE HEREBY DEDICATED FOR PUBLIC ALLEY IS CURRENTLY A PORTION OF A PARKING LOT.



FOUND CROSS
1.97' NORTH
1.95' WEST
66.00' R.O.W.

OWNERS CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) ss
IRVING PARK PROPERTY HOLDINGS, LLC, HEREBY CERTIFIES THAT IT IS THE OWNER OF THE PROPERTY DESCRIBED HEREON AND THAT AS SUCH OWNER, IT HAS CAUSED THE PROPERTY TO BE SURVEYED FOR THE PURPOSE OF DEDICATING A PUBLIC ALLEY AS SHOWN AND DEPICTED ON PLAT HEREON. IN WITNESS WHEREOF, SAID IRVING PARK PROPERTY HOLDINGS, LLC, HAS CAUSED THIS CERTIFICATE TO BE SIGNED BY ITS DULY AUTHORIZED MANAGING MEMBER ON ITS BEHALF.

SIGNATURE

PRINTED NAME

AD. 2016.

DATE UNDER MY HAND AND NOTARIAL SEAL, THIS ____ DAY OF

AD. 2016.

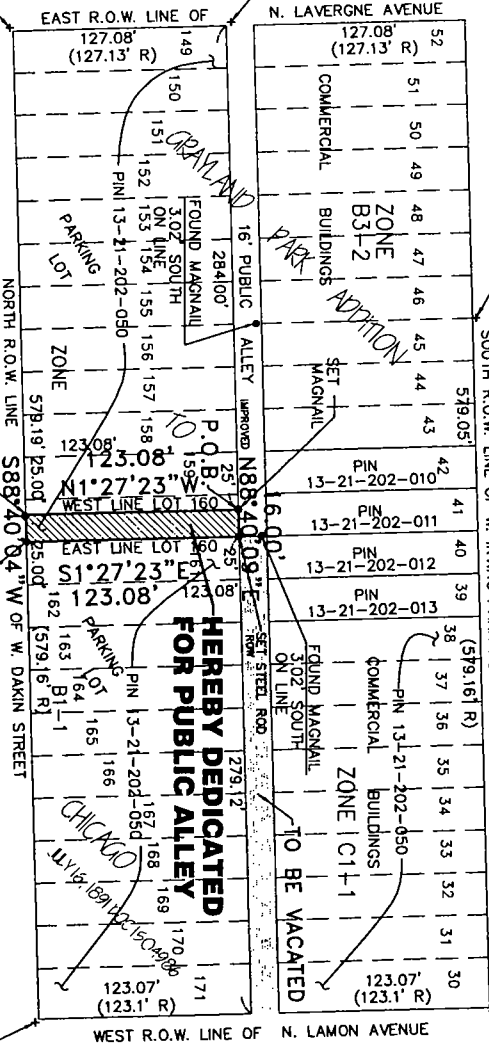
NOTARY PUBLIC

W. DAKIN STREET

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) ss
THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DOES HEREBY CERTIFY THAT
TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AS MANAGING MEMBER, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE/SHE SIGNED, SEALED AND DELIVERED THE SAID INSTRUMENT AS HIS/HER FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH.

SET STEEL ROD - 16.00'



FOUND CROSS
2.12' NORTH
0.02' EAST
W. IRVING PARK ROAD
100.00' NORTH
100.00' EAST

N. LAMON AVENUE

FOUND CROSS
1.99' NORTH
2.00' EAST

FOUND CROSS
2.05' SOUTH
1.96' EAST
66.00' R.O.W.

NOTES

1. DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE MEASURED VALUES, UNLESS OTHERWISE INDICATED AS RECORD BY (R).
2. BEARINGS SHOWN ARE BASED ON TRUE NORTH DETERMINED BY GPS MEASUREMENT.
3. NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENTS UPON THE PLAT.

STATE OF ILLINOIS) ss
COUNTY OF COOK)

FIELD WORK COMPLETED: 9/25/15

THIS PROFESSIONAL SURVEY CONFORMS TO THE CURRENT ILLINOIS STANDARDS FOR A BOUNDARY SURVEY.

DATE: 1/22/16

LANDMARK

ENGINEERING LLC

DESIGN FIRM REGISTRATION NO. 18-005577

EXPIRATION DATE: 4/30/2017

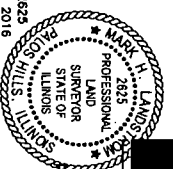
7808 WEST 103RD STREET

ALOS HILLS, ILLINOIS 60465-1529

Phone (708) 599-3737

PROJECT NO. 15-05-047-DED-R3

MARK H. LANDSTROM I.P.L.S. No. 2623
LICENSE RENEWAL DATE: NOVEMBER 30, 2016



CDOT# 21-45-15-3714

PREPARED BY & MAIL TO:
IRVING PARK PROPERTY HOLDINGS, LLC
5519 NORTH CUMBERLAND AVENUE
SUITE 1008
CHICAGO, ILLINOIS 60656

COOK CO.

CITY/DEPT. OF FINANCE

PLAT OF VACATION

PINS:
13-21-202-012
13-21-202-013
13-21-202-050

THAT PART OF AN EAST-WEST 16 FOOT WIDE PUBLIC ALLEY MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 30 IN GRAYLAND PARK ADDITION TO CHICAGO, A SUBDIVISION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1891, AS DOCUMENT 1504886; THENCE SOUTH 127°23' EAST, ALONG THE WEST LINE OF LAMON AVENUE, 16.00 FEET TO THE NORTHEAST CORNER OF LOT 171 IN SAID SUBDIVISION; THENCE SOUTH 88°40' WEST, ALONG THE NORTH LINE OF LOTS 161 TO 171 (ALSO BEING THE SOUTH LINE OF SAID EAST-WEST 16 FOOT WIDE PUBLIC ALLEY) IN SAID SUBDIVISION, 279.12 FEET THE NORTHEAST CORNER OF SAID LOT 161; THENCE NORTH 127°23' WEST 16.00 FEET TO THE SOUTHWEST CORNER OF LOT 40 IN SAID SUBDIVISION; THENCE NORTH 88°40' EAST, ALONG THE SOUTH LINE OF LOTS 30 TO 40 (ALSO BEING THE NORTH LINE OF SAID EAST-WEST 16 FOOT WIDE PUBLIC ALLEY) IN SAID SUBDIVISION, 279.11 FEET TO THE POINT OF BEGINNING; IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINING 4466 SQUARE FEET, 0.1025 ACRE (MORE OR LESS).

N. LAVERGNE AVENUE

W. DAKIN STREET

W. IRVING PARK ROAD

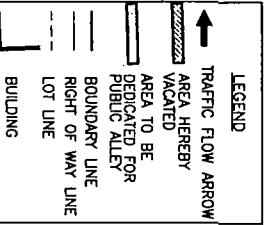
N. LAMON AVENUE

C.D.O.T.

COOK CO.

CITY/DEPT. OF FINANCE

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STATE OF ILLINOIS
COUNTY OF COOK
FIELD WORK COMPLETED: 9/25/15
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS STANDARDS FOR A BOUNDARY SURVEY.
DATED: 1/27/16

MARK A. LANSTROM, ILL. S. No. 2625
LICENSE RENEWAL DATE: NOVEMBER 30, 2016

PREPARED FOR:
IRVING PARK PROPERTY HOLDINGS, LLC
5519 NORTH CUMBERLAND AVENUE
SUITE 1008
CHICAGO, ILLINOIS 60656

ENGINEERING LLC

DESIGN FIRM REGISTRATION NO. 184-005577
EXPIRATION DATE: 4/30/2017
7808 WEST 103RD STREET
PALOS HILLS, ILLINOIS 60465-1529
Phone (708) 599-3737
PROJECT NO. 15-05-047-VAC-R4

CDOT# 21-45-15-3714