



City of Chicago



O2022-2726

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	9/21/2022
Sponsor(s):	Mitts (37)
Type:	Ordinance
Title:	Vacation of public alley(s) in area bounded by 5441-5461 W Lake St and 332-346 N Lotus Ave
Committee(s) Assignment:	Committee on Transportation and Public Way

NOT FOR PROFIT 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 City wishes to support the charitable, educational and philanthropic activities of established Not for Profit Corporations and encourage the continued viability and growth of such activities; and

WHEREAS, many Not For Profit Corporations own property that adjoins streets and alleys that are no longer required for public use and might more productively be used in furtherance of such activities; and

WHEREAS, the City would benefit from the vacation of these streets and alleys by reducing City expenditures on maintenance, repair and replacement; by reducing fly-dumping, vandalism and other criminal activity; and by providing support for such charitable, educational and philanthropic activities; and

WHEREAS, The City benefits from the vacation of these little used or unused streets and alleys by reducing City costs; it decreases City expenditures on maintenance, repair and replacement, as well as reducing fly-dumping, vandalism and other criminal activity that cost the City money in prosecutions and reduced tax base; and

WHEREAS, In addition, when it vacates streets and alleys that revert to ownership by not-for-profit corporations engaged in charitable, educational and philanthropic activities, the City obtains additional financial benefits by building stronger, more productive communities and by being relieved of the cost of social services that it might otherwise have to support with public monies; and

WHEREAS, Because the City obtains a net benefit from supporting and facilitating the activities of not for profit organizations in local communities, the City Council has determined it to be in the public interest to vacate the public way without compensation, where the abutting owner is a not-for-profit corporation engaged in charitable activities; and

WHEREAS, the properties at 5441-5461 W. Lake Street and 332-346 N. Lotus Avenue, are owned by PCC Wellness Center, an Illinois not for profit corporation ("Developer"); and

WHEREAS, Developer proposes to use the portion of the public alley herein vacated for construction of a new primary care medical center with support services and accessory parking, to benefit the local, medically underserved community; 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 the part 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. Legal Description

AWAITING

as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as **EXHIBIT A**, 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 Commissioner of Transportation is hereby authorized to accept and approve a redevelopment agreement or similar instrument restricting the use and improvement of the public way vacated in Section 1 of this ordinance to social service purposes which includes, but shall not be limited to the provision of medical care and associated support services and for such use and improvements that are accessory, as that term is defined in the Chicago Zoning Ordinance, to such social service purposes, such uses and improvements to be owned and operated by a non-profit corporation, subject to the approval of the Corporation Counsel as to form and legality.

The reversion restriction on use and improvement in the covenant agreement or instrument shall be for a term of 40 years and upon breach of such restriction the public way herein vacated shall revert to the City and be subject to the terms and conditions of the dedication by which it has been heretofore held by the City. The use restriction shall be in place into perpetuity unless released subject to payment of appraised compensation to the City.

SECTION 3. The vacation herein provided for is made under the express condition that the Developer, its successors and assigns, shall hold harmless, indemnify and defend the City of Chicago from all claims related to said vacation.

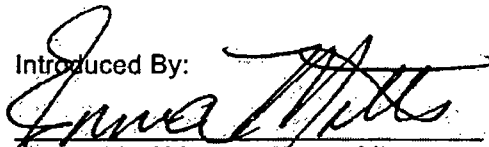
SECTION 4. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance the Developer shall file or cause to be filed for record in the Office of the Cook County Clerk / Recordings Division, a certified copy of this ordinance, together with a redevelopment agreement complying with Section 2 of this ordinance and as approved by the Corporation Counsel, and the attached plat as approved by the Department of Transportation's Superintendent of Maps and Plats.

SECTION 5. 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 the recording of the published ordinance, redevelopment agreement, and the approved plat.

[SIGNATURE PAGE FOLLOWS BELOW]

Vacation Approved:

Gia Biagi
Commissioner of Transportation

Introduced By: 
Honorable Alderman Emma Mitts
Alderman, 37th Ward

CDOT File Number:

09-37-22-4013
