



City of Chicago



O2022-3745

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	11/16/2022
Sponsor(s):	Burnett (27)
Type:	Ordinance
Title:	Vacation of public alley(s) in area bounded by W Division St, N Cherry Ave and N North Branch St
Committee(s) Assignment:	Committee on Transportation and Public Way

COMMERCIAL VACATION 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 1124-1164 N. Cherry Avenue and 1168-1194 N. Cherry Avenue are owned by 1087 North Branch Development LLC, the properties at 1119-1155 N. North Branch Street are owned by 1140 North Branch Development LLC, and the properties at 1157-1179 N. North Branch Street are owned by 1071 Division Development LLC (1087 North Branch Development LLC, 1140 North Branch Development LLC and 1071 Division Development LLC, collectively, the "Developers"); and

WHEREAS, the Developers propose to use the portion of the alley remnant to be vacated herein for employee parking; 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 that portion of the public alley described below; now, therefore,

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

SECTION 1:

VACATION of:

THAT PART OF THE NORTHERLY- SOUTHERLY AND EASTERLY-WESTERLY 20.00 FOOT WIDE PUBLIC ALLEY IN BLOCK 77 IN ELSTON'S ADDITION TO CHICAGO IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 11, 1855, IN BOOK 85, PAGE 121 AND 122, AS DOCUMENT NUMBER 59194, ANTE-FIRE, BEGINNING AT THE NORTHEAST CORNER OF LOT "A" (ALSO BEING ON THE SOUTH LINE OF W. DIVISION STREET RIGHT OF WAY) IN HORWEEN'S CONSOLIDATION OF SUNDRY LOTS AND VACATED ALLEY IN BLOCK 77 OF ELSTON'S ADDITION TO CHICAGO RECORDED OCTOBER 3, 1918 DOCUMENT NUMBER 6401205, THENCE NORTH 88 DEGREES 20 MINUTES 44 SECONDS EAST 20.00 FEET TO THE NORTHWEST CORNER OF LOT 33 IN BLOCK 77 IN ELSTON'S ADDITION AFORESAID; THENCE SOUTH 01 DEGREES 39 MINUTES 16 SECONDS EAST ALONG THE WEST LINE LOTS 32 AND 33 IN BLOCK 77 IN ELSTON'S ADDITION AFORESAID 132.98 FEET; THENCE SOUTH 32 DEGREES 17 MINUTES 14 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF LOTS 29 THROUGH 32 IN BLOCK

77 IN ELSTON'S ADDITION AFORESAID 186.64 FEET TO THE SOUTHEAST CORNER OF SAID LOT 29 (ALSO BEING THE NORTHERLY LINE OF AN EASTERLY-WESTERLY 20 FOOT WIDE PUBLIC ALLEY AS DEDICATED BY DOCUMENT RECORDED FEBRUARY 27, 2018 AS DOCUMENT NUMBER 1805815126); THENCE NORTH 57 DEGREES 39 MINUTES 36 SECONDS EAST ALONG THE SOUTHEASTERLY OF LOT 29 AFORESAID 115.26 FEET TO THE NORTHEAST CORNER OF SAID LOT 29 ALSO BEING A POINT ON THE SOUTHWESTERLY LINE OF N. CHERRY STREET RIGHT OF WAY; THENCE SOUTH 32 DEGREES 20 MINUTES 24 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF N. CHERRY STREET 20.00 FEET (ALSO BEING ON THE NORTHERLY LINE OF SAID EASTERLY-WESTERLY 20 FOOT WIDE PUBLIC ALLEY); THENCE SOUTH 57 DEGREES 39 MINUTES 36 SECONDS WEST ALONG A LINE 20 FEET SOUTHEASTERLY AND PARALLEL WITH THE SOUTHEASTERLY LINE OF LOT 29 AFORESAID 135.28 FEET TO A POINT ON THE NORTHEASTERLY LINE OF LOT 9 IN BLOCK 77 IN ELSTON'S ADDITION AFORESAID (ALSO BEING ON THE MOST NORTHERLY TERMINUS OF A NORTHERLY-SOUTHERLY 20 FOOT WIDE VACATED ALLEY PER DOCUMENT RECORDED ON FEBRUARY 27, 2018 AS DOCUMENT NUMBER 1805815125); THENCE NORTH 32 DEGREES 17 MINUTES 14 SECONDS WEST ALONG THE NORTHEASTERLY LINE OF SAID LOTS 5 THROUGH 8 AND THAT PART OF LOT 9 IN BLOCK 77 IN ELSTON'S ADDITION AFORESAID 212.14 FEET; THENCE NORTH 01 DEGREES 39 MINUTES 16 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 5 AND LOT "A" AFORESAID 138.45 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS, THE ABOVE DESCRIBED PARCEL CONTAINING 9,208 SQUARE FEET OR 0.211 ACRES, MORE OR LESS, as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as **EXHIBIT A**, which plat 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 Commonwealth Edison, AT&T/SBC, MCI and 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, and 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 facilities of said utility companies. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without an express written release of easement by the involved utility(ies). Any future relocation of facilities initiated by the Developers, or any of their successors or assigns, and lying within the area being vacated will be accomplished by the involved utility, and be performed at the sole expense of the Developers, their successors or assigns.

SECTION 3. The vacation herein provided for is made upon the express condition that within 180 days of the City Council passage of this ordinance and its related plat, the Developers shall pay to the City Treasury of the City of Chicago, a quoted security deposit equal to the costs of the Developers' work for public paving, curb, and related appurtenances 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. Upon completion of work, a request for final field inspection and approval of the Developers' construction, shall be made to the CDOT Division of Infrastructure Management, Construction Compliance Unit, Room 905 City Hall prior to

return of said security deposit less any service fee.


SECTION 4. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developers shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owners' of the property abutting said part of public alley hereby vacated the sum _____ dollars (\$ _____), which sum in the judgment of this body will be equal to such benefits.

SECTION 5. The vacation herein provided for is made under the express condition that the Developers their successors and assigns, shall hold harmless, indemnify and defend the City of Chicago from all claims related to said vacation.

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 Developers shall file or cause to be filed for recordation with the Office of the Cook County Clerk/ Recordings Division a certified copy of this ordinance, together with the associated full-sized plat 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 and publication. The vacation shall take effect and be in force from and after recording of the published ordinance and approved plat.

Alley Vacation Approved:



Gia Biagi
Commissioner of Transportation

Introduced by:

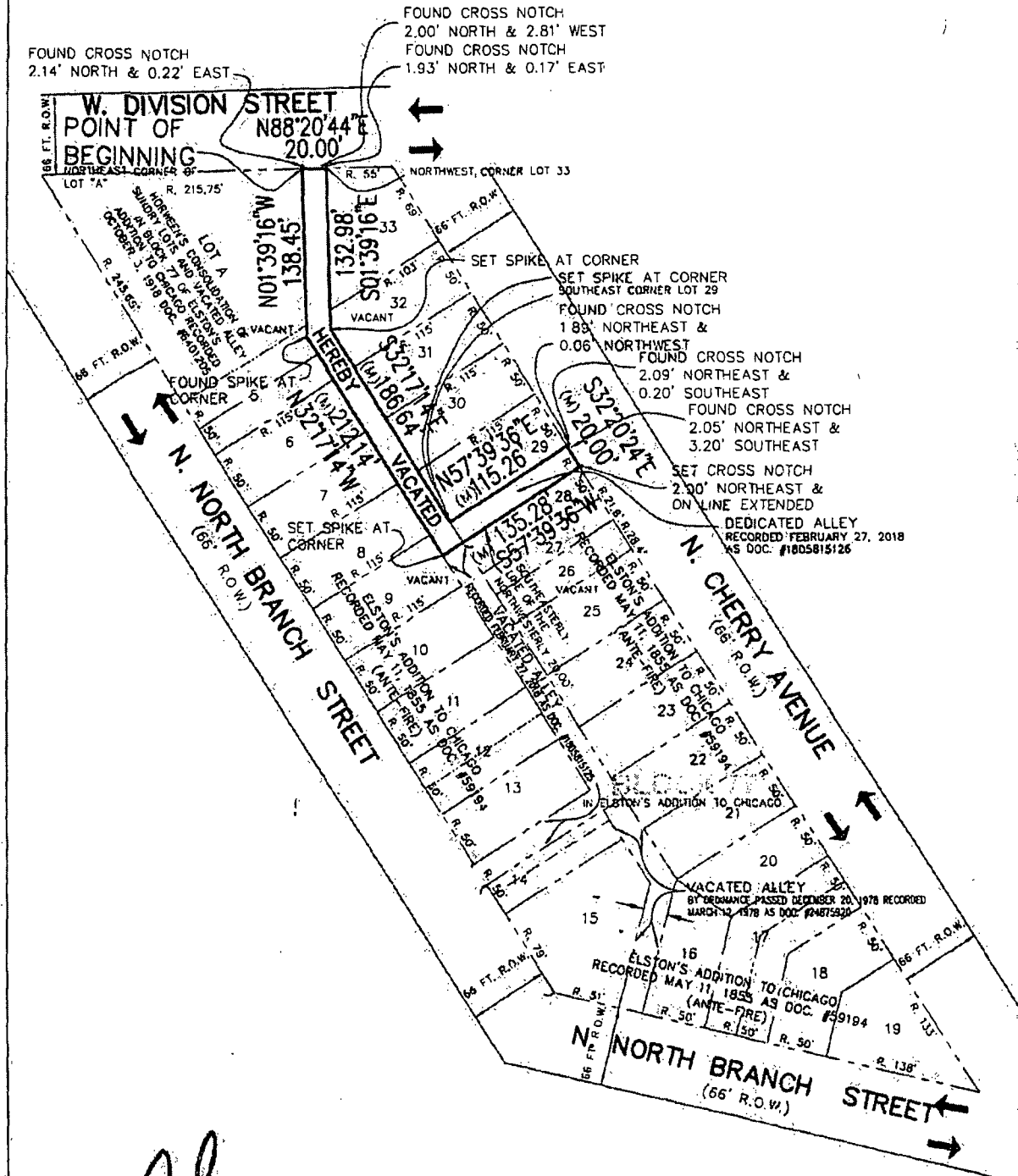


Honorable Walter Burnett
Alderman, 27th Ward

CDOT File Number:

05-27-21-3987

EXHIBIT "A" PLAT OF VACATION



LEGEND



HEREBY VACATED



BUILDING
FOOTPRINT HATCH

RECORD LINES
UNDERLYING LOTS
BOUNDARY LINES
(R) RECORD
(M) MEASURED
R.O.W. - RECORD RIGHT OF WAY



TRAFFIC FLOW

CDOT# 05-27-21-3987

ORDERED BY: LAKESHORE REALTY INVESTORS LLC		CHECKED: GUNDA
ADDRESS: 2007 N. BRANCH STREET		DATE: 08/15/2021
GREINLEY & BIEDERMANN P.L.L.C. CORPORATION LAKESHORE REALTY INVESTORS LLC 1111 N. BRANCH STREET, SUITE 200 CHICAGO, IL 60610 TELEPHONE: 312.647.4400 FAX: 312.647.4401		
ORDER NO. 2021-29115-001	DATE 08/15/2021	PAGE NO. 1 OF 2

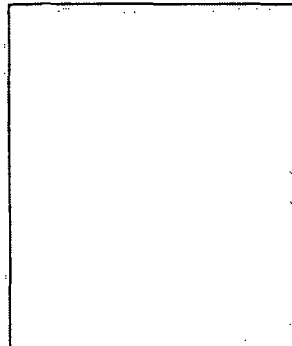
EXHIBIT "A"
PLAT OF VACATION

LEGAL DESCRIPTION:

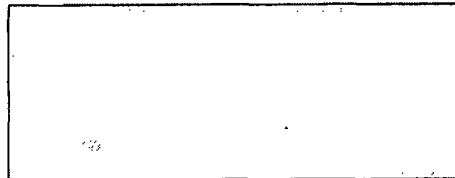
THAT PART OF THE NORTHERLY- SOUTHERLY AND EASTERLY-WESTERLY 20.00 FOOT WIDE PUBLIC ALLEY IN BLOCK 77 IN ELSTON'S ADDITION TO CHICAGO IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 11, 1855, IN BOOK 85, PAGE 121 AND 122, AS DOCUMENT NUMBER 59194, ANTE-FIRE, BEGINNING AT THE NORTHEAST CORNER OF LOT "A" (ALSO BEING ON THE SOUTH LINE OF W. DIVISION STREET RIGHT OF WAY) IN HORWEEN'S CONSOLIDATION OF SUNDRY LOTS AND VACATED ALLEY IN BLOCK 77 OF ELSTON'S ADDITION TO CHICAGO RECORDED OCTOBER 3, 1918 DOCUMENT NUMBER 6401205, THENCE NORTH 88 DEGREES 20 MINUTES 44 SECONDS EAST 20.00 FEET TO THE NORTHWEST CORNER OF LOT 33 IN BLOCK 77 IN ELSTON'S ADDITION AFORESAID; THENCE SOUTH 01 DEGREES 39 MINUTES 16 SECONDS EAST ALONG THE WEST LINE LOTS 32 AND 33 IN BLOCK 77 IN ELSTON'S ADDITION AFORESAID 132.98 FEET; THENCE SOUTH 32 DEGREES 17 MINUTES 14 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF LOTS 29 THROUGH 32 IN BLOCK 77 IN ELSTON'S ADDITION AFORESAID 186.64 FEET TO THE SOUTHEAST CORNER OF SAID LOT 29 (ALSO BEING THE NORTHERLY LINE OF AN EASTERLY-WESTERLY 20 FOOT WIDE PUBLIC ALLEY AS DEDICATED BY DOCUMENT RECORDED FEBRUARY 27, 2018 AS DOCUMENT NUMBER 1805815126); THENCE NORTH 57 DEGREES 39 MINUTES 36 SECONDS EAST ALONG THE SOUTHEASTERLY OF LOT 29 AFORESAID 115.26 FEET TO THE NORTHEAST CORNER OF SAID LOT 29 ALSO BEING A POINT ON THE SOUTHWESTERLY LINE OF N. CHERRY STREET RIGHT OF WAY; THENCE SOUTH 32 DEGREES 20 MINUTES 24 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF N. CHERRY STREET 20.00 FEET (ALSO BEING ON THE NORTHERLY LINE OF SAID EASTERLY-WESTERLY 20 FOOT WIDE PUBLIC ALLEY); THENCE SOUTH 57 DEGREES 39 MINUTES 36 SECONDS WEST ALONG A LINE 20 FEET SOUTHEASTERLY AND PARALLEL WITH THE SOUTHEASTERLY LINE OF LOT 29 AFORESAID 135.28 FEET TO A POINT ON THE NORTHEASTERLY LINE OF LOT 9 IN BLOCK 77 IN ELSTON'S ADDITION AFORESAID (ALSO BEING ON THE MOST NORTHERLY TERMINUS OF A NORTHERLY-SOUTHERLY 20 FOOT WIDE VACATED ALLEY PER DOCUMENT RECORDED ON FEBRUARY 27, 2018 AS DOCUMENT NUMBER 1805815125); THENCE NORTH 32 DEGREES 17 MINUTES 14 SECONDS WEST ALONG THE NORTHEASTERLY LINE OF SAID LOTS 5 THROUGH 8 AND THAT PART OF LOT 9 IN BLOCK 77 IN ELSTON'S ADDITION AFORESAID 212.14 FEET; THENCE NORTH 01 DEGREES 39 MINUTES 16 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 5 AND LOT "A" AFORESAID 138.45 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS, THE ABOVE DESCRIBED PARCEL CONTAINING 9,208 SQUARE FEET OR 0.211 ACRES, MORE OR LESS.

AFFECTED PINS:

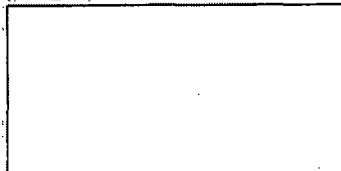
17-05-401-001-0000 - LOT "A"
17-05-401-056-0000 - LOTS 5,6,7,8 & 9
17-05-401-029-0000 - LOT 28
17-05-401-027-0000 - LOT 29 & PART OF LOT 30
17-05-401-026-0000 - PART OF LOT 30 & LOT 31
17-05-401-025-0000 - PART OF LOT 32
17-05-401-024-0000 - PART OF LOT 32
17-05-401-023-0000 - PART OF LOT 33
17-05-401-048-0000 - PART OF LOT 33



CHICAGO DEPARTMENT OF TRANSPORTATION



COOK COUNTY



CHICAGO DEPARTMENT OF FINANCE

SURVEY PREPARED FOR / AND MAIL TO:

Sylvia Michas
701 W. Erie Street
Chicago IL, 60654

SURVEYORS NOTES:

SURVEYOR'S LICENSE EXPIRES November 30, 2024
DESIGN FIRM LICENSE EXPIRES APRIL 30, 2023

ZONING: PMD 3 - PLANNED MANUFACTURING DISTRICT

FIELD MEASUREMENTS COMPLETED ON AUGUST 13, 2021.

Note (R) & (M) denotes Record and Measured distances respectively.

Distances are marked in feet and decimal parts thereof. Compare all points BEFORE building by same and at once report any differences BEFORE damage is done.

For easements, building lines and other restrictions not shown on survey plat refer to your abstract, deed, contract, title policy and local building line regulations.

Except for building foot prints improvements omitted at clients request.

NO dimensions shall be assumed by scale measurement upon this plat.

Unless otherwise noted hereon the Bearing Basis, Elevation Datum and Coordinate Datum if used is ASSUMED.

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CDOT# 05-27-21-3987

SURVEYOR'S CERTIFICATE

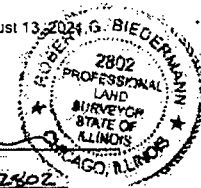
State of Illinois)
County of Cook)ss

We, GREMLEY & BIEDERMANN, INC. hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey corrected to a temperature of 62° Fahrenheit. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Field measurements completed on August 13, 2021, G. BIEDERMANN

Signed on November 7, 2022.

By: *[Signature]*
Professional Illinois Land Surveyor No. 2802



ORDERED BY: LAURENCE REALTY INVESTORS LLC	ORDERED: 08/11/2021
ADDRESS: 1817 N. BRANCH STREET	DATE: 08/11/2021
GREMLEY & BIEDERMANN	
PLAT CORPORATION	
1000 N. BRANCH STREET	
CHICAGO, ILLINOIS 60614	
TEL: (773) 462-4444 FAX: (773) 462-4444	
ORDER NO. 2021-29115-001	DATE: AUGUST 13, 2021
SCALE: 1" = 60' PER	PAGES: 2 OF 2

**CITY OF CHICAGO
ECONOMIC DISCLOSURE STATEMENT
AND AFFIDAVIT**

SECTION I -- GENERAL INFORMATION

A. Legal name of the Disclosing Party submitting this EDS. Include d/b/a/ if applicable:

1087 North Branch Development LLC

Check ONE of the following three boxes:

Indicate whether the Disclosing Party submitting this EDS is:

1. ☒ the Applicant

OR

2. ☐ a legal entity currently holding, or anticipated to hold within six months after City action on the contract, transaction or other undertaking to which this EDS pertains (referred to below as the "Matter"), a direct or indirect interest in excess of 7.5% in the Applicant. State the Applicant's legal name: _____

OR

3. ☐ a legal entity with a direct or indirect right of control of the Applicant (see Section II(B)(1)) State the legal name of the entity in which the Disclosing Party holds a right of control: _____

B. Business address of the Disclosing Party: 701 West Erie Street

Chicago, IL 60654

C. Telephone: 312-651-6262 ext. 803 Fax: _____ Email: franks@lriproperties.com

D. Name of contact person: Frank Sciackitano

E. Federal Employer Identification No. (if you have one): _____

F. Brief description of the Matter to which this EDS pertains. (Include project number and location of property, if applicable):

Proposed alley vacation adjacent to property located at 1087 North Branch St. Chicago, IL

G. Which City agency or department is requesting this EDS? Chicago Department of Transportation

If the Matter is a contract being handled by the City's Department of Procurement Services, please complete the following:

Specification # _____ and Contract # _____

SECTION II -- DISCLOSURE OF OWNERSHIP INTERESTS

A. NATURE OF THE DISCLOSING PARTY

1. Indicate the nature of the Disclosing Party:

- | | |
|---|---|
| <input type="checkbox"/> Person | <input checked="" type="checkbox"/> Limited liability company |
| <input type="checkbox"/> Publicly registered business corporation | <input type="checkbox"/> Limited liability partnership |
| <input type="checkbox"/> Privately held business corporation | <input type="checkbox"/> Joint venture |
| <input type="checkbox"/> Sole proprietorship | <input type="checkbox"/> Not-for-profit corporation |
| <input type="checkbox"/> General partnership | (Is the not-for-profit corporation also a 501(c)(3))? |
| <input type="checkbox"/> Limited partnership | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Trust | <input type="checkbox"/> Other (please specify) |
-

2. For legal entities, the state (or foreign country) of incorporation or organization, if applicable:

Illinois

3. For legal entities not organized in the State of Illinois: Has the organization registered to do business in the State of Illinois as a foreign entity?

☐ Yes ☐ No ☒ Organized in Illinois

B. IF THE DISCLOSING PARTY IS A LEGAL ENTITY:

1. List below the full names and titles, if applicable, of: (i) all executive officers and all directors of the entity; (ii) **for not-for-profit corporations**, all members, if any, which are legal entities (if there are no such members, write "no members which are legal entities"); (iii) **for trusts, estates or other similar entities**, the trustee, executor, administrator, or similarly situated party; (iv) **for general or limited partnerships, limited liability companies, limited liability partnerships or joint ventures**, each general partner, managing member, manager or any other person or legal entity that directly or indirectly controls the day-to-day management of the Applicant.

NOTE: Each legal entity listed below must submit an EDS on its own behalf.

Name

Title

Steven Kersten

Manager

2. Please provide the following information concerning each person or legal entity having a direct or indirect, current or prospective (i.e. within 6 months after City action) beneficial interest (including ownership) in excess of 7.5% of the Applicant. Examples of such an interest include shares in a corporation, partnership interest in a partnership or joint venture, interest of a member or manager in a

limited liability company, or interest of a beneficiary of a trust, estate or other similar entity. If none, state "None."

NOTE: Each legal entity listed below may be required to submit an EDS on its own behalf.

Name	Business Address	Percentage Interest in the Applicant
Steven Kersten	701 West Erie Avenue Chicago, IL 60654	100%

SECTION III -- INCOME OR COMPENSATION TO, OR OWNERSHIP BY, CITY ELECTED OFFICIALS

Has the Disclosing Party provided any income or compensation to any City elected official during the 12-month period preceding the date of this EDS? ☐ Yes ☒ No

Does the Disclosing Party reasonably expect to provide any income or compensation to any City elected official during the 12-month period following the date of this EDS? ☐ Yes ☒ No

If "yes" to either of the above, please identify below the name(s) of such City elected official(s) and describe such income or compensation:

Does any City elected official or, to the best of the Disclosing Party's knowledge after reasonable inquiry, any City elected official's spouse or domestic partner, have a financial interest (as defined in Chapter 2-156 of the Municipal Code of Chicago ("MCC")) in the Disclosing Party?

☐ Yes ☒ No

If "yes," please identify below the name(s) of such City elected official(s) and/or spouse(s)/domestic partner(s) and describe the financial interest(s).

SECTION IV -- DISCLOSURE OF SUBCONTRACTORS AND OTHER RETAINED PARTIES

The Disclosing Party must disclose the name and business address of each subcontractor, attorney, lobbyist (as defined in MCC Chapter 2-156), accountant, consultant and any other person or entity whom the Disclosing Party has retained or expects to retain in connection with the Matter, as well as the nature of the relationship, and the total amount of the fees paid or estimated to be paid. The Disclosing Party is not required to disclose employees who are paid solely through the Disclosing Party's regular payroll. If the Disclosing Party is uncertain whether a disclosure is required under this Section, the Disclosing Party must either ask the City whether disclosure is required or make the disclosure.

Name (indicate whether retained or anticipated to be retained)	Business Address	Relationship to Disclosing Party (subcontractor, attorney, lobbyist, etc.)	Fees (<u>indicate whether paid or estimated.</u>) NOTE: "hourly rate" or "t.b.d." is not an acceptable response.
Taft, Stettinius & Hollister LLP	111 W. Wacker Dr. #2800 Chicago, IL 60601	Attorney	\$7,500 (estimated)

(Add sheets if necessary)

☐ Check here if the Disclosing Party has not retained, nor expects to retain, any such persons or entities.

SECTION V -- CERTIFICATIONS

A. COURT-ORDERED CHILD SUPPORT COMPLIANCE

Under MCC Section 2-92-415, substantial owners of business entities that contract with the City must remain in compliance with their child support obligations throughout the contract's term.

Has any person who directly or indirectly owns 10% or more of the Disclosing Party been declared in arrearage on any child support obligations by any Illinois court of competent jurisdiction?

☐ Yes ☒ No ☐ No person directly or indirectly owns 10% or more of the Disclosing Party.

If "Yes," has the person entered into a court-approved agreement for payment of all support owed and is the person in compliance with that agreement?

☐ Yes ☐ No

B. FURTHER CERTIFICATIONS

1. [This paragraph 1 applies only if the Matter is a contract being handled by the City's Department of Procurement Services.] In the 5-year period preceding the date of this EDS, neither the Disclosing Party nor any Affiliated Entity [see definition in (5) below] has engaged, in connection with the performance of any public contract, the services of an integrity monitor, independent private sector inspector general, or integrity compliance consultant (i.e., an individual or entity with legal, auditing, investigative, or other similar skills, designated by a public agency to help the agency monitor the activity of specified agency vendors as well as help the vendors reform their business practices so they can be considered for agency contracts in the future, or continue with a contract in progress).

2. The Disclosing Party and its Affiliated Entities are not delinquent in the payment of any fine, fee, tax or other source of indebtedness owed to the City of Chicago, including, but not limited to, water and sewer charges, license fees, parking tickets, property taxes and sales taxes, nor is the Disclosing Party delinquent in the payment of any tax administered by the Illinois Department of Revenue.

3. The Disclosing Party and, if the Disclosing Party is a legal entity, all of those persons or entities identified in Section II(B)(1) of this EDS:

- a. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
- b. have not, during the 5 years before the date of this EDS, been convicted of a criminal offense, adjudged guilty, or had a civil judgment rendered against them in connection with: obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; a violation of federal or state antitrust statutes; fraud; embezzlement; theft; forgery; bribery; falsification or destruction of records; making false statements; or receiving stolen property;
- c. are not presently indicted for, or criminally or civilly charged by, a governmental entity (federal, state or local) with committing any of the offenses set forth in subparagraph (b) above;
- d. have not, during the 5 years before the date of this EDS, had one or more public transactions (federal, state or local) terminated for cause or default; and
- e. have not, during the 5 years before the date of this EDS, been convicted, adjudged guilty, or found liable in a civil proceeding, or in any criminal or civil action, including actions concerning environmental violations, instituted by the City or by the federal government, any state, or any other unit of local government.

4. The Disclosing Party understands and shall comply with the applicable requirements of MCC Chapters 2-56 (Inspector General) and 2-156 (Governmental Ethics).

5. Certifications (5), (6) and (7) concern:

- the Disclosing Party;
- any "Contractor" (meaning any contractor or subcontractor used by the Disclosing Party in connection with the Matter, including but not limited to all persons or legal entities disclosed under Section IV, "Disclosure of Subcontractors and Other Retained Parties");
- any "Affiliated Entity" (meaning a person or entity that, directly or indirectly: controls the Disclosing Party, is controlled by the Disclosing Party, or is, with the Disclosing Party, under common control of another person or entity). Indicia of control include, without limitation: interlocking management or ownership; identity of interests among family members, shared facilities and equipment; common use of employees; or organization of a business entity following the ineligibility of a business entity to do business with federal or state or local government, including the City, using substantially the same management, ownership, or principals as the ineligible entity. With respect to Contractors, the term Affiliated Entity means a person or entity that directly or indirectly controls the Contractor, is controlled by it, or, with the Contractor, is under common control of another person or entity;
- any responsible official of the Disclosing Party, any Contractor or any Affiliated Entity or any other official, agent or employee of the Disclosing Party, any Contractor or any Affiliated Entity, acting pursuant to the direction or authorization of a responsible official of the Disclosing Party, any Contractor or any Affiliated Entity (collectively "Agents").

Neither the Disclosing Party, nor any Contractor, nor any Affiliated Entity of either the Disclosing Party or any Contractor, nor any Agents have, during the 5 years before the date of this EDS, or, with respect to a Contractor, an Affiliated Entity, or an Affiliated Entity of a Contractor during the 5 years before the date of such Contractor's or Affiliated Entity's contract or engagement in connection with the Matter:

- a. bribed or attempted to bribe, or been convicted or adjudged guilty of bribery or attempting to bribe, a public officer or employee of the City, the State of Illinois, or any agency of the federal government or of any state or local government in the United States of America, in that officer's or employee's official capacity;
- b. agreed or colluded with other bidders or prospective bidders, or been a party to any such agreement, or been convicted or adjudged guilty of agreement or collusion among bidders or prospective bidders, in restraint of freedom of competition by agreement to bid a fixed price or otherwise; or
- c. made an admission of such conduct described in subparagraph (a) or (b) above that is a matter of record, but have not been prosecuted for such conduct; or
- d. violated the provisions referenced in MCC Subsection 2-92-320(a)(4)(Contracts Requiring a Base Wage); (a)(5)(Debarment Regulations); or (a)(6)(Minimum Wage Ordinance).

6. Neither the Disclosing Party, nor any Affiliated Entity or Contractor, or any of their employees, officials, agents or partners, is barred from contracting with any unit of state or local government as a result of engaging in or being convicted of (1) bid-rigging in violation of 720 ILCS 5/33E-3; (2) bid-rotating in violation of 720 ILCS 5/33E-4; or (3) any similar offense of any state or of the United States of America that contains the same elements as the offense of bid-rigging or bid-rotating.

7. Neither the Disclosing Party nor any Affiliated Entity is listed on a Sanctions List maintained by the United States Department of Commerce, State, or Treasury, or any successor federal agency.

8. [FOR APPLICANT ONLY] (i) Neither the Applicant nor any "controlling person" [see MCC Chapter 1-23, Article I for applicability and defined terms] of the Applicant is currently indicted or charged with, or has admitted guilt of, or has ever been convicted of, or placed under supervision for, any criminal offense involving actual, attempted, or conspiracy to commit bribery, theft, fraud, forgery, perjury, dishonesty or deceit against an officer or employee of the City or any "sister agency"; and (ii) the Applicant understands and acknowledges that compliance with Article I is a continuing requirement for doing business with the City. NOTE: If MCC Chapter 1-23, Article I applies to the Applicant, that Article's permanent compliance timeframe supersedes 5-year compliance timeframes in this Section V.

9. [FOR APPLICANT ONLY] The Applicant and its Affiliated Entities will not use, nor permit their subcontractors to use, any facility listed as having an active exclusion by the U.S. EPA on the federal System for Award Management ("SAM").

10. [FOR APPLICANT ONLY] The Applicant will obtain from any contractors/subcontractors hired or to be hired in connection with the Matter certifications equal in form and substance to those in Certifications (2) and (9) above and will not, without the prior written consent of the City, use any such

contractor/subcontractor that does not provide such certifications or that the Applicant has reason to believe has not provided or cannot provide truthful certifications.

11. If the Disclosing Party is unable to certify to any of the above statements in this Part B (Further Certifications), the Disclosing Party must explain below:

NA

If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Disclosing Party certified to the above statements.

12. To the best of the Disclosing Party's knowledge after reasonable inquiry, the following is a complete list of all current employees of the Disclosing Party who were, at any time during the 12-month period preceding the date of this EDS, an employee, or elected or appointed official, of the City of Chicago (if none, indicate with "N/A" or "none").

None

13. To the best of the Disclosing Party's knowledge after reasonable inquiry, the following is a complete list of all gifts that the Disclosing Party has given or caused to be given, at any time during the 12-month period preceding the execution date of this EDS, to an employee, or elected or appointed official, of the City of Chicago. For purposes of this statement, a "gift" does not include: (i) anything made generally available to City employees or to the general public, or (ii) food or drink provided in the course of official City business and having a retail value of less than \$25 per recipient, or (iii) a political contribution otherwise duly reported as required by law (if none, indicate with "N/A" or "none"). As to any gift listed below, please also list the name of the City recipient.

None

C. CERTIFICATION OF STATUS AS FINANCIAL INSTITUTION

1. The Disclosing Party certifies that the Disclosing Party (check one)

☐ is ☒ is not

a "financial institution" as defined in MCC Section 2-32-455(b).

2. If the Disclosing Party IS a financial institution, then the Disclosing Party pledges:

"We are not and will not become a predatory lender as defined in MCC Chapter 2-32. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in MCC Chapter 2-32. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of the privilege of doing business with the City."

If the Disclosing Party is unable to make this pledge because it or any of its affiliates (as defined in MCC Section 2-32-455(b)) is a predatory lender within the meaning of MCC Chapter 2-32, explain here (attach additional pages if necessary):

If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Disclosing Party certified to the above statements.

D. CERTIFICATION REGARDING FINANCIAL INTEREST IN CITY BUSINESS

Any words or terms defined in MCC Chapter 2-156 have the same meanings if used in this Part D.

1. In accordance with MCC Section 2-156-110: To the best of the Disclosing Party's knowledge after reasonable inquiry, does any official or employee of the City have a financial interest in his or her own name or in the name of any other person or entity in the Matter?

☐ Yes

☒ No

NOTE: If you checked "Yes" to Item D(1), proceed to Items D(2) and D(3). If you checked "No" to Item D(1), skip Items D(2) and D(3) and proceed to Part E.

2. Unless sold pursuant to a process of competitive bidding, or otherwise permitted, no City elected official or employee shall have a financial interest in his or her own name or in the name of any other person or entity in the purchase of any property that (i) belongs to the City, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the City (collectively, "City Property Sale"). Compensation for property taken pursuant to the City's eminent domain power does not constitute a financial interest within the meaning of this Part D.

Does the Matter involve a City Property Sale?

☐ Yes

☐ No

3. If you checked "Yes" to Item D(1), provide the names and business addresses of the City officials or employees having such financial interest and identify the nature of the financial interest:

Name	Business Address	Nature of Financial Interest
------	------------------	------------------------------

4. The Disclosing Party further certifies that no prohibited financial interest in the Matter will be acquired by any City official or employee.

E. CERTIFICATION REGARDING SLAVERY ERA BUSINESS

Please check either (1) or (2) below. If the Disclosing Party checks (2), the Disclosing Party must disclose below or in an attachment to this EDS all information required by (2). Failure to comply with these disclosure requirements may make any contract entered into with the City in connection with the Matter voidable by the City.

 X 1. The Disclosing Party verifies that the Disclosing Party has searched any and all records of the Disclosing Party and any and all predecessor entities regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery era (including insurance policies issued to slaveholders that provided coverage for damage to or injury or death of their slaves), and the Disclosing Party has found no such records.

 2. The Disclosing Party verifies that, as a result of conducting the search in step (1) above, the Disclosing Party has found records of investments or profits from slavery or slaveholder insurance policies. The Disclosing Party verifies that the following constitutes full disclosure of all such records, including the names of any and all slaves or slaveholders described in those records:

SECTION VI -- CERTIFICATIONS FOR FEDERALLY FUNDED MATTERS

NOTE: If the Matter is federally funded, complete this Section VI. If the Matter is not federally funded, proceed to Section VII. For purposes of this Section VI, tax credits allocated by the City and proceeds of debt obligations of the City are not federal funding.

A. CERTIFICATION REGARDING LOBBYING

1. List below the names of all persons or entities registered under the federal Lobbying Disclosure Act of 1995, as amended, who have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter: (Add sheets if necessary):

(If no explanation appears or begins on the lines above, or if the letters "NA" or if the word "None" appear, it will be conclusively presumed that the Disclosing Party means that NO persons or entities registered under the Lobbying Disclosure Act of 1995, as amended, have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter.)

2. The Disclosing Party has not spent and will not expend any federally appropriated funds to pay any person or entity listed in paragraph A(1) above for his or her lobbying activities or to pay any person or entity to influence or attempt to influence an officer or employee of any agency, as defined by applicable federal law, a member of Congress, an officer or employee of Congress, or an employee

of a member of Congress, in connection with the award of any federally funded contract, making any federally funded grant or loan, entering into any cooperative agreement, or to extend, continue, renew, amend, or modify any federally funded contract, grant, loan, or cooperative agreement.

3. The Disclosing Party will submit an updated certification at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the statements and information set forth in paragraphs A(1) and A(2) above.

4. The Disclosing Party certifies that either: (i) it is not an organization described in section 501(c)(4) of the Internal Revenue Code of 1986; or (ii) it is an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 but has not engaged and will not engage in "Lobbying Activities," as that term is defined in the Lobbying Disclosure Act of 1995, as amended.

5. If the Disclosing Party is the Applicant, the Disclosing Party must obtain certifications equal in form and substance to paragraphs A(1) through A(4) above from all subcontractors before it awards any subcontract and the Disclosing Party must maintain all such subcontractors' certifications for the duration of the Matter and must make such certifications promptly available to the City upon request.

B. CERTIFICATION REGARDING EQUAL EMPLOYMENT OPPORTUNITY

If the Matter is federally funded, federal regulations require the Applicant and all proposed subcontractors to submit the following information with their bids or in writing at the outset of negotiations.

Is the Disclosing Party the Applicant?

☐ Yes ☐ No

If "Yes," answer the three questions below:

1. Have you developed and do you have on file affirmative action programs pursuant to applicable federal regulations? (See 41 CFR Part 60-2.)

☐ Yes ☐ No

2. Have you filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance Programs, or the Equal Employment Opportunity Commission all reports due under the applicable filing requirements?

☐ Yes ☐ No ☐ Reports not required

3. Have you participated in any previous contracts or subcontracts subject to the equal opportunity clause?

☐ Yes ☐ No

If you checked "No" to question (1) or (2) above, please provide an explanation:

SECTION VII -- FURTHER ACKNOWLEDGMENTS AND CERTIFICATION

The Disclosing Party understands and agrees that:

- A. The certifications, disclosures, and acknowledgments contained in this EDS will become part of any contract or other agreement between the Applicant and the City in connection with the Matter, whether procurement, City assistance, or other City action, and are material inducements to the City's execution of any contract or taking other action with respect to the Matter. The Disclosing Party understands that it must comply with all statutes, ordinances, and regulations on which this EDS is based.
- B. The City's Governmental Ethics Ordinance, MCC Chapter 2-156, imposes certain duties and obligations on persons or entities seeking City contracts, work, business, or transactions. The full text of this ordinance and a training program is available on line at www.cityofchicago.org/Ethics, and may also be obtained from the City's Board of Ethics, 740 N. Sedgwick St., Suite 500, Chicago, IL 60610, (312) 744-9660. The Disclosing Party must comply fully with this ordinance.
- C. If the City determines that any information provided in this EDS is false, incomplete or inaccurate, any contract or other agreement in connection with which it is submitted may be rescinded or be void or voidable, and the City may pursue any remedies under the contract or agreement (if not rescinded or void), at law, or in equity, including terminating the Disclosing Party's participation in the Matter and/or declining to allow the Disclosing Party to participate in other City transactions. Remedies at law for a false statement of material fact may include incarceration and an award to the City of treble damages.
- D. It is the City's policy to make this document available to the public on its Internet site and/or upon request. Some or all of the information provided in, and appended to, this EDS may be made publicly available on the Internet, in response to a Freedom of Information Act request, or otherwise. By completing and signing this EDS, the Disclosing Party waives and releases any possible rights or claims which it may have against the City in connection with the public release of information contained in this EDS and also authorizes the City to verify the accuracy of any information submitted in this EDS.
- E. The information provided in this EDS must be kept current. In the event of changes, the Disclosing Party must supplement this EDS up to the time the City takes action on the Matter. If the Matter is a contract being handled by the City's Department of Procurement Services, the Disclosing Party must update this EDS as the contract requires. **NOTE:** With respect to Matters subject to MCC Chapter 1-23, Article I (imposing **PERMANENT INELIGIBILITY** for certain specified offenses), the information provided herein regarding eligibility must be kept current for a longer period, as required by MCC Chapter 1-23 and Section 2-154-020.

CERTIFICATION

Under penalty of perjury, the person signing below: (1) warrants that he/she is authorized to execute this EDS, and all applicable Appendices, on behalf of the Disclosing Party, and (2) warrants that all certifications and statements contained in this EDS, and all applicable Appendices, are true, accurate and complete as of the date furnished to the City.

1087 North Branch Development LLC

(Print or type exact legal name of Disclosing Party)

By: Steven Kersten

(Sign here)

Steven Kersten
(Print or type name of person signing)

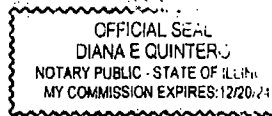
Manager
(Print or type title of person signing)

Signed and sworn to before me on (date) June 17, 2021

at Cook County, IL (state).

Diana E. Quintero
Notary Public

Commission expires: 12/20/2024



**CITY OF CHICAGO
ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT
APPENDIX A**

**FAMILIAL RELATIONSHIPS WITH ELECTED CITY OFFICIALS
AND DEPARTMENT HEADS**

This Appendix is to be completed only by (a) the Applicant, and (b) any legal entity which has a direct ownership interest in the Applicant exceeding 7.5%. It is not to be completed by any legal entity which has only an indirect ownership interest in the Applicant.

Under MCC Section 2-154-015, the Disclosing Party must disclose whether such Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof currently has a "familial relationship" with any elected city official or department head. A "familial relationship" exists if, as of the date this EDS is signed, the Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof is related to the mayor, any alderman, the city clerk, the city treasurer or any city department head as spouse or domestic partner or as any of the following, whether by blood or adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister or half-brother or half-sister.

"Applicable Party" means (1) all executive officers of the Disclosing Party listed in Section II.B.1.a., if the Disclosing Party is a corporation; all partners of the Disclosing Party, if the Disclosing Party is a general partnership; all general partners and limited partners of the Disclosing Party, if the Disclosing Party is a limited partnership; all managers, managing members and members of the Disclosing Party, if the Disclosing Party is a limited liability company; (2) all principal officers of the Disclosing Party; and (3) any person having more than a 7.5% ownership interest in the Disclosing Party. "Principal officers" means the president, chief operating officer, executive director, chief financial officer, treasurer or secretary of a legal entity or any person exercising similar authority.

Does the Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof currently have a "familial relationship" with an elected city official or department head?

☐ Yes

☒ No

If yes, please identify below (1) the name and title of such person, (2) the name of the legal entity to which such person is connected; (3) the name and title of the elected city official or department head to whom such person has a familial relationship, and (4) the precise nature of such familial relationship.

**CITY OF CHICAGO
ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT
APPENDIX B**

BUILDING CODE SCOFFLAW/PROBLEM LANDLORD CERTIFICATION

This Appendix is to be completed only by (a) the Applicant, and (b) any legal entity which has a direct ownership interest in the Applicant exceeding 7.5% (an "Owner"). It is not to be completed by any legal entity which has only an indirect ownership interest in the Applicant.

1. Pursuant to MCC Section 2-154-010, is the Applicant or any Owner identified as a building code scofflaw or problem landlord pursuant to MCC Section 2-92-416?

☐ Yes ☒ No

2. If the Applicant is a legal entity publicly traded on any exchange, is any officer or director of the Applicant identified as a building code scofflaw or problem landlord pursuant to MCC Section 2-92-416?

☐ Yes ☐ No ☒ The Applicant is not publicly traded on any exchange.

3. If yes to (1) or (2) above, please identify below the name of each person or legal entity identified as a building code scofflaw or problem landlord and the address of each building or buildings to which the pertinent code violations apply.

**CITY OF CHICAGO
ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT
APPENDIX C**

PROHIBITION ON WAGE & SALARY HISTORY SCREENING - CERTIFICATION

This Appendix is to be completed only by an Applicant that is completing this EDS as a “contractor” as defined in MCC Section 2-92-385. That section, which should be consulted (www.amlegal.com), generally covers a party to any agreement pursuant to which they: (i) receive City of Chicago funds in consideration for services, work or goods provided (including for legal or other professional services), or (ii) pay the City money for a license, grant or concession allowing them to conduct a business on City premises.

On behalf of an Applicant that is a contractor pursuant to MCC Section 2-92-385, I hereby certify that the Applicant is in compliance with MCC Section 2-92-385(b)(1) and (2), which prohibit: (i) screening job applicants based on their wage or salary history, or (ii) seeking job applicants’ wage or salary history from current or former employers. I also certify that the Applicant has adopted a policy that includes those prohibitions.

☐ Yes

☐ No

☒ N/A – I am not an Applicant that is a “contractor” as defined in MCC Section 2-92-385.

This certification shall serve as the affidavit required by MCC Section 2-92-385(c)(1).

If you checked “no” to the above, please explain.

(DO NOT SUBMIT THIS PAGE WITH YOUR EDS. The purpose of this page is for you to recertify your EDS prior to submission to City Council or on the date of closing. If unable to recertify truthfully, the Disclosing Party must complete a new EDS with correct or corrected information)

RECERTIFICATION


Generally, for use with City Council matters. Not for City procurements unless requested.

This recertification is being submitted in connection with Alley vacation for the property located adjacent to 1087 N. North Branch Street Chicago, IL [identify the Matter]. Under penalty of perjury, the person signing below: (1) warrants that he/she is authorized to execute this EDS recertification on behalf of the Disclosing Party, (2) warrants that all certifications and statements contained in the Disclosing Party's original EDS are true, accurate and complete as of the date furnished to the City and continue to be true, accurate and complete as of the date of this recertification, and (3) reaffirms its acknowledgments.

1087 N. North Branch Development LLC
(Print or type legal name of Disclosing Party)

Date: 10/18/22

By:


(sign here)

Print or type name of signatory:

Steven Kersten

Title of signatory:

Manager

Signed and sworn to before me on [date] 10/18/22, by Frank Sciacitano, at Cook County, IL [state].

 Notary Public.

Commission expires: April 9 2025

