



Office of Chicago City Clerk



O2011-3113

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date:	4/13/2011
Sponsor(s):	Fioretti, Bob (2)
Type:	Ordinance
Title:	Release of Public Way Easement
Committee(s) Assignment:	Committee on Transportation and Public Way

**ORDINANCE FOR RELEASE OF
PUBLIC WAY EASEMENT**

WHEREAS, on April 23, 1986, the City Council of the City of Chicago ("City") passed a certain ordinance (referred to herein as the "Original Ordinance"), attached hereto as Exhibit A, vacating a certain north-south public alley referred to herein as the "Subject Property" and described in the Original Ordinance as:

"all of the north-south 20-foot public alley lying west of the west line of Lots 1 to 16, both inclusive; lying east of the east line of Lots 17 and 22; lying east of the east line of the 40-foot public alley vacated by Document No. 20386525, being a line drawn from the southeast corner of Lot 17 to the northeast corner of Lot 22, lying south of a line drawn from the northwest corner of Lot 1 to the northeast corner of Lot 17, and lying north of a line drawn from the southwest corner of Lot 16 to the southeast corner of Lot 22 all in Subdivision of the W. 1/2 of Block 24 in Canal Trustee's Subdivision of the W. 1/2 and the W. 1/2 of the N.E. 1/4 of Section 17, Township 39 North, Range 14 East of the Third Principal Meridian; said public alley herein vacated being further described as all of the first north-south 20-foot public alley lying west of S. Aberdeen Street in the block bounded by W. Jackson Boulevard, W. Van Buren Street, S. Racine Avenue and S. Aberdeen Street"; and

WHEREAS, in the third paragraph of Section 2 of the Original Ordinance, a true and correct copy of which is set forth below, the City of Chicago made a reservation of rights as follows:

"The City of Chicago hereby reserves an easement over all of the public alley herein vacated, as a right of way for existing City electrical facilities and for maintenance, renewal and reconstruction of said facilities or the construction of additional municipally-owned electrical facilities."

WHEREAS, the City, upon due investigation and consideration, has determined there are no existing City electrical facilities within the Subject Property and no need for construction of additional municipally-owned electrical facilities within the Subject Property; and

WHEREAS, the City, upon due investigation and consideration, has determined the public interest now warrants a release of the easement rights reserved in the third paragraph of Section 2 of the Original Ordinance; now, therefore,

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

SECTION 1. The recitals above are incorporated herein.

SECTION 2. The third paragraph of Section 2 of the Original Ordinance is hereby deleted in its entirety, and the easement rights reserved by the City of Chicago in said third paragraph of Section 2 are hereby released in their entirety.

SECTION 3. Except as expressly set forth herein, the Original Ordinance remains in full force and effect.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication.



Alderman Bob Fioretti, 2nd Ward

**EXHIBIT A TO
ORDINANCE
RELEASING
REMAINING CITY
EASEMENT RIGHTS
IN VACATED ALLEY
(2 PAGES)**

ki, Aiello, Cullerton, Laurino,
McCutcheon, Fifielski, Ker-
46.

reads as follows:

City Comptroller be and he is
to issue a permit to Illinois
temporary use of sixty (60)
venue in front of the premises
4 N. Harding Avenue, and the
insurance coverage for the
property damage in amounts
ty Comptroller; for a period
from and after January 10,
compensation of one hundred
\$100.00) payable annually in
t to be subject to revocation
thirty (30) days' notice in
revoked by the Mayor at any
n.

ning Permission and Author-
g Co. to Maintain and Use
Track Over and Across
of W. 48th St.

Local Industries, Streets and
port recommending that the
following proposed repealing
therewith (which was referred
cember 12, 1967):

he City Council of the City of

the ordinance passed by the
tember 16, 1959, appearing on
rnal of the Proceedings of said
l permission and authority to
pany to maintain and use a
ck over and across W. 48th
on the south line thereof two
feet west of the west line of S.
point on the north line thereof
) feet west of the west line of
thence across private property
t-west alley between W. 47th
street at a point three hundred
eet east of the east line of S.
md the same is hereby repealed

oller is hereby authorized to
g Warrants for Collection sub-
1967.

ordinance shall take effect and
i after its passage.

ian Sain the foregoing proposed
as Passed, by yeas and nays

rrillo, Harvey, Metcalfe, Hol-
s, Bohling, Cousins, Lupo,
Swinarski, Staszczuk, Burke,
non, Hines, Fitzpatrick, Camp-
Kuta, Collins, Marzullo, Zydlo,
gs, McMahan, Keane, Sulski,
vski, Aiello, Cullerton, Laurino,
rg, McCutcheon, Fifielski, Ker-
—46.

Supt. of Maps Directed to Approve Plat of
Dedication.

The Committee on Local Industries, Streets and
Alleys submitted a report recommending that the
City Codncil pass the following proposed ordinance
transmitted therewith (which was referred to the
committee on December 4, 1967):

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

SECTION 1. That the Superintendent of Maps,
Ex Officio Examiner of Subdivisions, is hereby au-
thorized and directed to approve a plat of dedica-
tion of S. Racine Avenue between W. Pershing
Road and the smth line of W. 40th Street; S. Mor-
gan Street between W. Pershing Road and W.
Exchange Avenue; S. Pemia Street between W. 40th
Street and W. Exchange Avenue; and W. 40th
Street between S. Racine Avenue and the east line
of S. Peoria Street, also providing for the dedica-
tion and widening of W. Pershing Road between S.
Racine Avenue and a line approximately 450 feet
east thereof, as shown colored in yellow on the
attached plat, when the necessary certificates are
shown on said plat.

SECTION 2. This ordinance shall be in full force
and effect from and after its passage.

On motion of Alderman Sain the foregoing pro-
posed ordinance was Passed, by yeas and nays as
follows:

Yeas—Aldermen Parrillo, Harvey, Metcalfe, Hol-
man, Despres, Rayner, Bohling, Cousins, Lupo,
Buchanan, Danaher, Swinarski, Staszczuk, Burke,
Krska, Sheridan, Shannon, Hines, Fitzpatrick, Camp-
bell, Frost, Janousek, Kuta, Collins, Marzullo, Zydlo,
Sain, Jambrone, Biggs, McMahan, Keane, Sulski,
Brandt, Sande, Laskowski, Aiello, Cullerton, Laurino,
Simon, Scholl, Goldberg, McCutcheon, Fifielski, Ker-
win, Wigoda, Sperling—46.

Nays—None.

East-West Public Alley Vacated in Block Bounded
by W. Jackson Blvd., W. Van Buren St., S.
Aberdeen St. and S. Racine Av.

The Committee on Local Industries, Streets and
Alleys submitted a report recommending that the
City Council pass a proposed ordinance (which was
drafted and submitted in compliance with an order
passed on November 28, 1967, page 1308) for the
vacation of all of the east-west forty-foot public alley
in the block bounded by W. Jackson Boulevard, W.
Van Buren Street, S. Aberdeen Street and S. Racine
Avenue.

On motion of Alderman Sain said proposed ordi-
nance was Passed, by yeas and nays as follows:

Yeas—Aldermen Parrillo, Harvey, Metcalfe, Hol-
man, Despres, Rayner, Bohling, Cousins, Lupo,
Buchanan, Danaher, Swinarski, Staszczuk, Burke,
Krska, Sheridan, Shannon, Hines, Fitzpatrick, Camp-
bell, Frost, Janousek, Kuta, Collins, Marzullo, Zydlo,
Sain, Jambrone, Biggs, McMahan, Keane, Sulski,
Brandt, Sande, Laskowski, Aiello, Cullerton, Laurino,
Simon, Scholl, Goldberg, McCutcheon, Fifielski, Ker-
win, Wigoda, Sperling—46.

Nays—None.

← ORIGINAL
ORDINANCE

The following is said ordinance as passed:

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 public alley described in the following ordinance; therefore,

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

SECTION 1. That all of the East-West Forty (40) foot public alley lying South of and adjoining the South line of Lots Seventeen (17) to Twenty-one (21), both inclusive, and lying North of and adjoining the North line of Lots Twenty-two (22) to Twenty-six (26), both inclusive, in Subdivision of the East Half (E.½) of Block Twenty-four (24) in Canal Trustees' Subdivision of the West Half (W.½) and the West Half (W.½) of the Northeast Quarter (N.E.¼) of Section Seventeen (17), Township Thirty-nine (39) North, Range Fourteen (14) East of the Third Principal Meridian; lying South of and adjoining the South line of Lots Seventeen (17) to Twenty-one (21), both inclusive, and lying North of and adjoining the North line of Lots Twenty-two (22) to Twenty-six (26), both inclusive, in Subdivision of the West Half (W.½) of Block Twenty-four (24) in Canal Trustees' Subdivision aforementioned; said public alley herein vacated being further described as all of the East-West public alley in the block bounded by W. Jackson Boulevard, W. Van Buren Street, S. Aberdeen Street and S. Racine Avenue, as colored in red and indicated by the words "TO BE VACATED" on the plat hereto attached, which plat for greater certainty is hereby made a part of this ordinance, be and the same is hereby vacated and closed, except for such rights as are reserved to Commonwealth Edison Company and Illinois Bell Telephone Company by Section Two (2) hereof, inasmuch as the same with the exception of the reservations contained in Section Two (2) hereof, 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 Company and Illinois Bell Telephone Company, their successors or assigns, easements to operate, maintain, construct, replace and renew overhead poles, wires and associated equipment, and underground conduit, cables and associated equipment, for the transmission and distribution of electric energy and telephonic and associated services under, over and along the East-West public alley as herein vacated, with the right of ingress and egress.

SECTION 3. The vacation herein provided for is made upon the express condition that within ninety (90) days after the passage of this ordinance, Kolar Building Corporation, Archibald Candy Corporation and Fannie May Candy Shops, Inc. 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 public alley hereby vacated, the sum of twelve thousand, six hundred four and no/100 dollars (\$12,604.00), which sum in the judgment of this body will be equal to such benefits.

SECTION 4. This ordinance shall take effect and be in force from and after its passage subject to the condition of Section Three (3) hereof, provided that the said Kolar Building Corporation, Archibald Candy Corporation and Fannie May Candy Shops, Inc. shall within ninety (90) days after the passage of this ordinance, 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.

← END OF
ORIGINAL
ORDINANCE

Board of Local Improvements Requested to Institute Special-Assessments Proceedings for Paving of Designated Streets.

The Committee on Local Industries, Streets and Alleys submitted a report recommending that the City Council pass the following proposed order transmitted therewith (as a substitute for proposed orders referred to the committee on December 12/1967):

Ordered, That the Board of Local Improvements is hereby requested to institute the necessary proceedings for the paving with concrete, by special assessment, of the roadways of the following described streets:

S. Lawndale Avenue between W. 50th Street and W. 51st Street;

W. 51st Street from the Grand Trunk Western Railroad (approximately S. Central Park Avenue) to S. Harding Avenue;

W. 59th Street between S. New England and S. Harlem Avenues;

S. Kolin Avenue between W. 31st Street and W. 33rd Streets;

S. Kostner Avenue between W. 31st and W. 33rd Street; and

W. 32nd Street between S. Kolin and S. Kostner Avenues.

On motion of Alderman Sain the foregoing substitute proposed order was Passed.

Ordinance Repealed for Construction of Tile Pipe Sewer, Etc. and Grading, Paving and Improving of Alley between E. 89th St., E. 89th Pl., S. South Park Av. and S. Calumet Av.

The Committee on Local Industries, Streets and Alleys submitted a report recommending that the City Council pass a proposed ordinance transmitted therewith, recommended by the Board of Local Improvements (which was referred to the committee on December 12, 1967) for repeal of an ordinance passed on December 19, 1966, as is noted on page 8272 of the Journal of the Proceedings of said date, for constructing a tile pipe sewer with new concrete catchbasin complete, and for grading, paving and otherwise improving the roadway of the alley between E. 89th Street, B. 89th Place, S. South Park Avenue and S. Calumet Avenue.

On motion of Alderman Sain said proposed repealing ordinance was Passed, by yeas and nays as follows:

Yeas—Aldermen Parrillo, Harvey, Metcalfe, Holman, Despres, Rayner, Bohling, Cousins, Lupo, Buchanan, Danaher, Swinarski, Staszczuk, Burke, Kraska, Sheridan, Shannon, Hines, Fitzpatrick, Campbell, Frost, Janousek, Kuta, Collins, Marzullo, Zydlo, Sain, Jambrone, Biggs, McMahon, Keane, Sulski, Brandt, Sande, Laskowski, Aiello, Cullerton, Laurino, Simon, Scholl, Goldberg, McCutcheon, Fifielski, Kerwin, Wigoda, Sperling—46.

Nays—None.