



# Office of Chicago City Clerk



SO2011-64

Office of the City Clerk

## Tracking Sheet

<b>Meeting Date:</b>	1/13/2011
<b>Sponsor(s):</b>	Suarez, Ray (31)
<b>Type:</b>	Ordinance
<b>Title:</b>	Vacation of public alley(s) and street(s)
<b>Committee(s) Assignment:</b>	Committee on Transportation and Public Way

## SUBSTITUTE 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 has experienced a significant loss of industry and jobs in recent years, accompanied by a corresponding erosion of its tax base, due in part to industrial firms' inability to acquire additional property needed for their continued viability and growth; and

WHEREAS, many industrial firms adjoin streets and alleys that are no longer required for public use and might more productively be used for plant expansion and modernization, employee parking, improved security, truck loading areas or other industrial uses; and

WHEREAS, the City can strengthen established industrial areas and expand the city's jobs base by encouraging the growth and modernization of existing industrial facilities through the vacation of public streets and alleys for reduced compensation; and

WHEREAS, the properties at 4501-4561 W. Lyndale St., 4500-4560 W. Palmer St. and 2214-2226 N. Kilbourn Ave. are owned by Chicago Title Land Trusts 109044 & 109028; and

WHEREAS, Chicago Title Land Trusts 109044 & 109028 lease the property to Alpha Baking Company which employs two hundred fifty (250) full time employees; and

WHEREAS, Alpha Baking Company proposes to use the portion of the street and alley to be vacated herein for the parking and truck staging; and

WHEREAS, The City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of public use and the public interest to be subserved is such as to warrant the vacation of part of public street and alley described in the following ordinance; now, therefore,

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

SECTION 1. To Chicago Title Land Trusts 109044 & 109028: All that part of W. Lyndale Street lying northerly of and adjacent to Block 2 (except the North 13.00 feet thereof), and that part of the public alley lying East of the West line of Lot 13 and West of the East line of Lot 7, in Patterson's Subdivision of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 34, Township 40 North, Range East of the Third Principal Meridian, in Cook County, Illinois as shaded and indicated by the words "TO BE VACATED" on the drawing hereto attached, which drawing for greater certainty 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.

To the Chicago Park District: All that part of the North 13.00 feet of that part of W. Lyndale Street lying northerly of and adjacent to Block 2, in Patterson's Subdivision of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 34, Township 40 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois as shaded and indicated by the words "TO BE VACATED" on the drawing hereto attached, which drawing for greater

certainty 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 restrictive covenant or similar instrument restricting the use and improvement of the public way vacated in Section 1 of this ordinance to industrial uses and for such use and improvements that are accessory as that term is defined in the Chicago Zoning Ordinance. The 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.

SECTION 3. The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Co., and its successor or assigns, an easement to operate, maintain, repair, renew and replace existing underground facilities in that portion of East Kensington Avenue as herein 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 Company or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal, or replacement of said facilities.

SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and Comcast, their successors or assigns, an easement 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 electrical energy and telephonic\* and associated services under, over, and along the alleys as herein vacated, with the right of ingress and egress.

SECTION 5. The City of Chicago hereby reserves the street and alley as herein vacated, as a right of way for an existing water main and appurtenances thereto, and for the installation of any additional water mains or other municipally-owned service facilities now located or which in the future may be located in the street and alley as herein vacated, and for the maintenance, renewal, and reconstruction of such facilities, with the right of ingress and egress at all times upon reasonable notice. It is further provided that no buildings or other structures shall be erected on the said right of way herein reserved or other use made of said area, which in the judgment of the municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities.

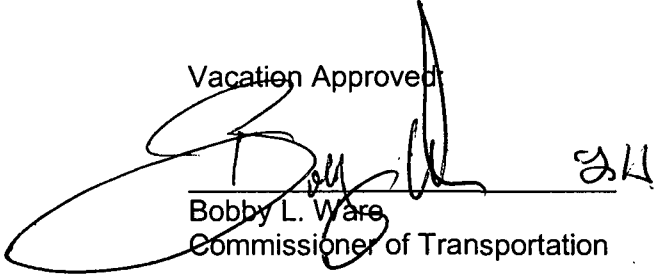
SECTION 6. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Chicago Title Land Trust 109044 & 109028, shall deposit in the City Treasury of the City of Chicago, a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb across the entrance to that part of the public street and alley hereby vacated, similar to the sidewalk and curb at 2214-2226 N. Kilbourn.

SECTION 7. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Chicago Title Land Trusts 109044 & 109028 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 a

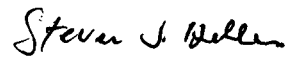
restrictive covenant, complying with Section 2 of this ordinance and approved by the Corporation Counsel, and the attached drawing.

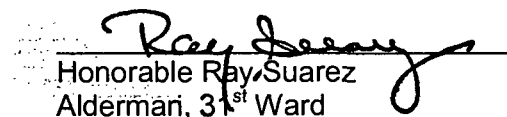
SECTION 8. This ordinance shall take effect and be in force from and after its passage and publication. The vacation shall take effect and be in force from and after its recording.

Vacation Approved

 SK  
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Bobby L. Ware  
Commissioner of Transportation

Approved as to Form and Legality

  
\_\_\_\_\_  
Steven J. Heller  
Deputy Corporation Counsel

  
\_\_\_\_\_  
Honorable Ray Suarez  
Alderman, 3<sup>rd</sup> Ward



FILE NO. 34-31-10-3181

Chicago Park District:

TOTAL AREA of STREET TO BE VACATED = 8,200.66 Sq. Ft.

CTLTs 109044 & 109026:

TOTAL AREA of STREET TO BE VACATED = 31,096.25 Sq. Ft.

TOTAL AREA of ALLEY TO BE VACATED = 2,631.45 Sq. Ft.