



Office of the Chicago City
Clerk



SO2011-4555

Office of the City Clerk

Tracking Sheet

Meeting Date:	6/8/2011
Sponsor(s):	Solis, Daniel (25)
Type:	Ordinance
Title:	Amendment of Vacation of Public Way and Recordation of Restrictive Covenant
Committee(s) Assignment:	Committee on Transportation and Public Way



CITY COUNCIL

CITY OF CHICAGO

COUNCIL CHAMBER
CITY HALL—SECOND FLOOR
121 NORTH LA SALLE STREET
CHICAGO, ILLINOIS 60602
TELEPHONE: 312-744-4096
FAX: 312-744-8155

COMMITTEE MEMBERSHIPS

TRANSPORTATION & PUBLIC WAY
(CHAIRMAN)

BUDGET AND GOVERNMENT OPERATIONS

ENERGY, ENVIRONMENTAL PROTECTION
& PUBLIC UTILITIES

EDUCATION AND CHILD DEVELOPMENT

FINANCE

POLICE AND FIRE

RULES AND ETHICS

ANTHONY A. BEALE

ALDERMAN, 9TH WARD
34 EAST 112TH PLACE
CHICAGO, ILLINOIS 60628
TELEPHONE: (773) 785-1100
FAX: (773) 785-2790

E-MAIL: WARD09@CITYOFCHICAGO.ORG

June 30, 2011

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body pass A substitute ordinance, amending a vacation ordinance for the release of parts of public streets and alleys passed on March 9, 2011 (C.J.P. 114049-114052). The original ordinance authorized approval of a Restrictive Covenant, restricting the use and improvement of the vacated public way of the Ordinance to industrial uses for 40 years in lieu of paying the appraised Fair Market Value for the land being vacated. The City of Chicago has determined that the City no longer requires the recordation of the Restrictive Covenant. This ordinance was referred to the Committee on June 8, 2011.

This recommendation was concurred unanimously by a viva voce vote of the members of the Committee with no dissenting vote.

(Ward 25)

Respectfully submitted,

Anthony Beale,
Chairman



**A SUBSTITUTE ORDINANCE
AMENDING AN ORDINANCE
THAT AUTHORIZED THE VACATION OF PUBLIC WAY
AND RECORDATION OF A RESTRICTIVE COVENANT**

WHEREAS, the City of Chicago ("City") is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, pursuant to an Ordinance adopted on March 9, 2011, and published at pages 114049 through 114052 in the Journal of the Proceedings of the City Council of the City at such date (the "Ordinance"), the Commissioner of the City's Department of Transportation ("Commissioner") authorized the vacation of parts of public streets and alleys ("Public Ways") to Halsted-Lumber Street, LLC; and

WHEREAS, the Ordinance also authorized the Commissioner to accept and approve a restrictive covenant (the "Restrictive Covenant") restricting the use and improvement of the vacated public way described in Section 1 of the Ordinance to industrial uses for 40 years in lieu of paying the appraised Fair Market Value for the land being vacated, and required a recordation of the Restrictive Covenant as an express condition for the vacation; and

WHEREAS, the Commissioner has determined that the Developer paid the full appraised Fair Market Value for the Property on December 23, 2010, prior to the adoption of the Ordinance, thus rendering the Restrictive Covenant unnecessary and inapplicable; and

WHEREAS, the City seeks to amend the Ordinance to no longer require the recordation of the Restrictive Covenant; now, therefore,

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

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. That part of the Ordinance restricting the use and improvement of the vacated public way to industrial uses for 40 years is hereby struck from the Ordinance.

SECTION 3. That part of the Ordinance requiring the Developer to record the Restrictive Covenant with the Office of the Recorder of Deeds of Cook County is hereby struck from the Ordinance.


SECTION 4. That all of the other terms and conditions of the Ordinance remain unchanged.

SECTION 5. If any provision of this ordinance shall be held to be invalid or

unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 6. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. This ordinance shall be in full force and effect immediately upon its passage and approval.



Alderman Daniel S. Solis,
25th Ward