



Office of the Chicago City
Clerk



O2011-8230

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date:	10/5/2011
Sponsor(s):	Emanuel, Rahm (Mayor)
Type:	Ordinance
Title:	Acquisition of property for library purposes
Committee(s) Assignment:	Committee on Housing and Real Estate

HSG-



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

October 5, 2011

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen

At the request of the Public Building Commission, I transmit herewith an ordinance authorizing an acquisition of property for library purposes

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor



ORDINANCE

WHEREAS, pursuant to the provisions of an Act to Authorize the Creation of public building commissions and to define their rights, powers and duties, as amended, presently codified at 50 ILCS 20/1 et seq. (the "Act"), the City Council (the "City Council") of the City of Chicago (the "City") created the Public Building Commission of Chicago (the "Commission") for the purpose of facilitating the construction of public buildings and improvements, and

WHEREAS, pursuant to the Act, the Commission is a municipal corporation and constitutes a body both corporate and politic separate and apart from the City, and

WHEREAS, at the request of the City, the Commission has heretofore undertaken a program involving the acquisition, construction, alteration, repair, renovation, rehabilitation, enlargement and improvement of branch library facilities for use by the Chicago Public Library (the "Library"), and

WHEREAS, on July 30, 1997, the City Council of the City, at pages 49658 through 49721 of the Journal of Proceedings of the City Council, authorized the execution of an interagency agreement between the Commission and the City which provides for the implementation of various branch library projects, and

WHEREAS, pursuant to such City Council authority, the Commission and the City have entered into that certain Master Intergovernmental Agreement (Branch Library Projects), dated as of October 1, 1997 (such agreement, the "Intergovernmental Agreement"), and

WHEREAS, the Library has requested that the Commission acquire the property commonly known as 3415 W Foster Avenue, Chicago, Illinois and legally described in Exhibit A to this ordinance (the "Property") for the purpose of acquiring and constructing a new Albany Park Branch Library and ancillary improvements in the Albany Park area of the City (the "Project"), and

WHEREAS, the City, as owner of that portion of the Property commonly known as 5150 N Kimball Avenue and legally described on Exhibit B to this ordinance (the "City Owned Property"), will convey such property to the Commission for demolition of the existing improvements and, thereafter, construction of the Project, and

WHEREAS, following construction of the Project, the Commission will convey the Property including the City-owned Property to the City pursuant to the provisions of the Intergovernmental Agreement; and

WHEREAS, the Board of Commissioners (the "Board") of the Commission, by resolution adopted on September 13, 2011, selected, located and designated the Property for acquisition and construction for the aforesaid purposes; and

WHEREAS, the Property lies wholly within the territorial limits of the City, is conveniently located and of sufficient size to accomplish and effectuate the aforesaid purposes and provide appropriate architectural settings and adequate landscaping for such purposes, and

WHEREAS, the Property, upon being acquired by and conveyed to the Commission and at all times thereafter, shall be under public ownership and control; and

WHEREAS, pursuant to the requirements of Section 14 of the Act, the Board has requested that the City Council approve the Property, so selected, located and designated by the Commission, as a site to be acquired for construction of a new Albany Park Branch Library and ancillary improvements; and

WHEREAS, pursuant to Section 14(b) of the Act, the Commission has the authority to acquire fee simple title to the Property, including, if necessary, through the exercise of the power of eminent domain, and

WHEREAS, the 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; now, therefore,

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

SECTION 1. The foregoing findings and recitals are hereby adopted as the findings of the City Council and incorporated herein by reference.

SECTION 2. It is hereby determined and declared that it is useful, desirable and necessary for the Commission to acquire the Property for the public use and public purpose set forth in the recitals. *The City hereby approves the selection, location and designation of the Property for acquisition, development and construction of branch library and ancillary improvements for a new Albany Park Branch Library and related facilities by the Commission*

SECTION 3. The City approves the Commission's authority to negotiate with the owner(s) for the purchase of the Property. If the Commission and the owner(s) are able to agree on the terms of the purchase, the Commission is authorized to purchase the Property on behalf of the City for the agreed price. If the Commission is unable to agree with the owner(s) of the Property on the terms of the purchase, or if the owner(s) is or are incapable of entering into such a transaction with the Commission, or if the owner(s) cannot be located, the City consents to the Commission's institution and prosecution of condemnation proceedings for the purpose of the Commission's acquiring fee simple title to the Property under the Commission's power of eminent domain.

SECTION 4. The City approves the conveyance of the City-Owned Property to the Commission and the demolition by the Commission of the existing improvements and, thereafter, the construction of the Project by the Commission, provided, however, that upon completion of the Project, the Property including the City-Owned Property will be conveyed by the Commission to the City pursuant to the provisions of the Intergovernmental Agreement. The Mayor or his proxy is authorized to execute, and the City Clerk or Deputy City Clerk is authorized to attest, a quitclaim deed conveying the City-Owned Property to the Commission.

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 effective upon its passage and approval.

EXHIBIT A

**Albany Park Branch Library
3415 W. Foster Avenue
Chicago, Illinois 60625**

Legal Description

PARCEL 1:

THAT PART OF THE EAST ½ OF BLOCK 7 IN JACKSONS SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 11 AND THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF THE SOUTH LINE OF FOSTER AVENUE 108 FEET EAST OF THE WEST LINE OF THE EAST ½ OF SAID BLOCK, THENCE SOUTH 150 FEET ON A LINE PARALLEL TO THE WEST LINE OF THE EAST ½ OF SAID BLOCK; THENCE EAST 50 FEET ON A LINE PARALLEL WITH THE SOUTH LINE OF FOSTER AVENUE, THENCE NORTH 150 FEET ON A LINE PARALLEL WITH THE WEST LINE OF THE EAST ½ OF SAID BLOCK TO SOUTH LINE OF FOSTER AVENUE; THENCE WEST 50 FEET OF THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOTS 4 AND 5 IN KRON'S SUBDIVISION OF THE EAST ½ OF BLOCK 7 AND THE EAST ½ OF BLOCK 10 IN JACKSON'S SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 11 AND THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE EAST 50 FEET OF THE WEST 158 FEET OF THE NORTH 183 FEET OF THE EAST ½ OF BLOCK 7 AFORESAID) AND (EXCEPT STREETS HERETOFORE DEDICATED) IN COOK COUNTY, ILLINOIS.

Permanent Index No 13-11-403-002
 13-11-403-003
 13-11-403-058

EXHIBIT B

**Albany Park Branch Library
5150 N. Kimball Avenue
Chicago, Illinois 60625**

City-Owned Property

Legal Description

LOTS 1, 2 AND 3 IN KRON'S SUBDIVISION OF THE EAST ½ OF BLOCK 7 AND THE EAST ½ OF BLOCK 10 IN JACKSON'S SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 11 AND THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index No.: 13-11-403-059

APPROVED
Michael P. Attkin
CORPORATION COUNSEL

APPROVED
Kathleen Emmert
11/14/11
Mayor