



# City of Chicago



O2014-4980

Office of the City Clerk

## Document Tracking Sheet

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| <b>Meeting Date:</b>            | 6/25/2014  |
| <b>Sponsor(s):</b>              | Emanuel (Mayor)  |
| <b>Type:</b>                    | Ordinance  |
| <b>Title:</b>                   | Acquisition of property at 1163 East 43rd St for reconstruction of pedestrian bridge |
| <b>Committee(s) Assignment:</b> | Committee on Housing and Real Estate   |



OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

June 25, 2014

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

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith an ordinance authorizing an acquisition of property in conjunction with a pedestrian bridge.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

## ORDINANCE

**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**, the City Council of the City finds that it is useful, necessary and advantageous for the City to acquire certain improved real property located at 1163 East 43<sup>rd</sup> Street, Chicago, Illinois 60653 and assigned Permanent Index Number 20-02-401-025-0000, as legally described on Exhibit A attached hereto, (the "Property"), for municipal purposes and public ownership and control, namely, for the reconstruction of the 43<sup>rd</sup> Street Pedestrian Bridge (the "Project") by the Department of Transportation, which such Project shall provide a safe and ADA accessible pedestrian crossing over Lake Shore Drive linking a new neighborhood park on the west to the Lakefront on the east; and

**WHEREAS**, the Department of Transportation and its Commissioner ("Commissioner") have determined that the acquisition of the Property is useful, desirable and necessary for a public purpose, public ownership and use thereof by the City; and

**WHEREAS**, pursuant to a Resolution adopted by the Chicago Plan Commission (the "Commission") on June 19, 2014, the Commission approved the acquisition of the Property for the Project; now, therefore,

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

**SECTION 1.** The foregoing recitals, findings and statements of fact are hereby adopted as the findings of the City Council.

**SECTION 2.** It is hereby determined, declared and found that it is useful, desirable and necessary that the City of Chicago acquire the Property for the public ownership and control for the municipal purpose of providing the reconstruction of the 43<sup>rd</sup> Street Pedestrian Bridge for the Project, or any other lawful municipal purpose.

**SECTION 3.** The Corporation Counsel is hereby authorized to negotiate, on behalf of the City, the acquisition of the Property with the property owner(s) (the "Owner").

**SECTION 4.** If the Corporation Counsel is able to agree with the Owner upon the price to be paid for such Property, or a portion thereof, the Corporation Counsel is authorized to purchase the Property, or a portion thereof, in the name of and on behalf of the City of Chicago for the agreed price with such purchase price to be paid out of any legally available funds of the City, including, without limitation, proceeds of any grants or other funds received by the City. If the Corporation Counsel is unable to agree with the Owner of the Property on the purchase price, or if the Owner is incapable of consenting to the sale, or if the Owner cannot be located, or cannot deliver fee simple title, then the Corporation Counsel may institute and prosecute condemnation proceedings in the name of and on behalf of the City for the purpose of acquiring fee simple title or other

property interests in the Property, or a portion thereof, under the City's power of eminent domain.

**SECTION 5.** The Commissioner, or a designee of the Commissioner, is authorized to execute such documentation as may be necessary to implement the provisions of this Ordinance, and determine whether the acquisition of the Property, or a portion thereof, or less than fee simple title is necessary to implement the Project, all subject to the approval of the Corporation Counsel.

**SECTION 6.** 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 7.** All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 8.** This ordinance shall take effect upon its passage and approval.

Attachments:

Exhibit A – Property Legal Description

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**(Subject to Final Title and Survey)**

THAT PART OF LOTS 77, 78, 79, 80 AND THE NORTH 4 FEET OF LOT 81 TAKEN AS A TRACT IN HIGGINS RESUBDIVISION OF NOTT'S LAKE SHORE SUBDIVISION OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 77; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 77, A DISTANCE OF 94.08 FEET TO THE PLACE OF BEGINNING OF THE FOLLOWING DESCRIBED TRACT; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 61 DEGREES 05 MINUTES 00 SECONDS FROM EAST TO SOUTHEAST, WITH THE NORTH LINE OF SAID LOT 77, A DISTANCE OF 68.86 FEET; THENCE EASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 57 DEGREES 49 MINUTES 30 SECONDS FROM THE SOUTHEAST TO EAST WITH PROLONGATION OF THE LAST DESCRIBED LINE, A DISTANCE OF 64.55 FEET MORE OR LESS TO THE WEST LINE OF THE ILLINOIS CENTRAL RAILROAD RIGHT-OF-WAY AS OCCUPIED; THENCE NORTHWESTERLY ALONG THE WEST LINE OF SAID RIGHT-OF-WAY 73.72 FEET MORE OR LESS TO A POINT ON THE NORTH LINE OF LOT 77; THENCE WEST ALONG SAID NORTH LINE 62.06 FEET MORE OR LESS TO THE HEREIN DESIGNATED PLACE OF BEGINNING.

Property Index No: 20-02-401-025-0000

Common Address: 1163 East 43<sup>rd</sup> Street, Chicago, Illinois