



City of Chicago



O2015-5351

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	7/29/2015
Sponsor(s):	Tunney (44)
Type:	Ordinance
Title:	Vacation of public alley(s) in area bounded by W Addison St, N Sheffield Ave and N Clark St
Committee(s) Assignment:	Committee on Transportation and Public Way

COMMERCIAL 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 property at 1015-1025 W. Addison Street is owned by CP Newport Beach Limited Partnership, an Illinois limited partnership and David B. Dahl as Trustee of the Stephen A. Schultz Family Trust I dated October 1, 1990; the property at 1027-1029 W. Addison Street is owned by CP Newport Beach Limited Partnership, an Illinois limited partnership; the property at 1033-1041 W. Addison is owned by Jose Luis Resendiz, Jr.; the property at 3546-3558 N. Sheffield Avenue is owned by 117 LLC, an Illinois limited liability company; the property at 3535-3539 N. Clark Street is owned by Midway Holdings L.L.C., an Illinois limited liability company; and the property at 3541-3551 N. Clark Street is owned by Chicago Title Land Trust Company Trust 119125, an Illinois corporation; (Cumulatively and subsequently known as "The Adjacent Owners"); and

WHEREAS, the Adjacent Owners propose to use the portion of the alleys to be vacated herein for the construction of an eight (8) story, mixed use building containing 148 dwelling units and 169,000 square feet of commercial space; and

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 part of public alleys, described in the following ordinance; now therefore,

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

SECTION 1.

DEDICATION

PARCEL A

THE SOUTH 5.00 FEET OF LOTS 26 AND 27 LYING EAST OF THE EAST LINE OF LOT 8 EXTENDED NORTH ALL IN WEAGE AND HYDES SUBDIVISION OF LOT 1 IN ASSESSOR'S DIVISION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED MAY 13, 1866, ANTE-FIRE, IN COOK COUNTY, ILLINOIS.

Containing 200 Sq. Ft. or 0.004 acres, more or less.

ALSO

PARCEL B

THE SOUTH 20 FEET OF LOT 20 IN WEAGE AND HYDES SUBDIVISION OF LOT 1 IN ASSESSOR'S DIVISION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED MAY 13, 1866, ANTE-FIRE, IN COOK COUNTY, ILLINOIS.

Containing 2,500 Sq. Ft. or 0.057 acres, more or less. both aforementioned dedication areas as shaded and legally described by the words "HEREBY DEDICATED FOR PUBLIC ALLEY" on the plat hereto attached as Exhibit A, which drawing for greater clarity, is hereby made a part of this ordinance.

VACATION:

ALL OF THE NORTH/SOUTH 15 FOOT WIDE PUBLIC ALLEY LYING EAST OF THE EAST LINE OF LOTS 1 TO 7 AND WEST OF THE WEST LINE OF LOT 31 EXTENDED SOUTH TO THE NORTH LINE OF LOT 8, ALL IN WEAGE AND HYDES SUBDIVISION OF BLOCK 1 IN ASSESSOR'S DIVISION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED MAY 13, 1866, ANTE-FIRE, IN COOK COUNTY, ILLINOIS.

Containing 2,367 Sq. Ft. or 0.054 acres, more or less.

ALSO

ALL OF THE EAST/WEST 28.5 FOOT WIDE PUBLIC ALLEY LYING NORTH OF THE NORTH LINE OF LOT 8, WEST OF THE EAST LINE OF LOT 8 EXTENDED NORTH TO THE SOUTH LINE OF LOT 27 AND EAST OF THE WEST LINE OF LOT 31 EXTENDED SOUTH TO THE NORTH LINE OF LOT 8, ALL IN WEAGE AND HYDES SUBDIVISION OF BLOCK 1 IN ASSESSOR'S DIVISION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED MAY 13, 1866, ANTE-FIRE, IN COOK COUNTY, ILLINOIS.

Containing 3,268 Sq. Ft. or 0.075 acres, more or less.

ALSO

ALL OF THE NORTH/SOUTH 15 FOOT WIDE PUBLIC ALLEY LYING EAST OF THE EAST LINE OF LOT 26, NORTH OF A LINE 5.00 FEET NORTH AND PARALLEL WITH THE SOUTH LINE OF LOT 26 EXTENDED EAST TO THE WEST LINE OF LOT 20 AND SOUTH OF THE SOUTH LINE OF WEST ADDISON STREET, IN WEAGE AND HYDES SUBDIVISION OF LOT 1 IN ASSESSOR'S DIVISION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED MAY 13, 1866, ANTE-FIRE, IN COOK COUNTY, ILLINOIS.

Containing 1,865 Sq. Ft. or 0.042 acres, more or less, all three of the aforementioned vacation areas as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit B, which drawing for greater clarity, is hereby made a part of this

ordinance, be and the same 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 vacations.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, and/or, ComCast and their successors or assigns, a non-exclusive utility easement to operate, maintain, construct, replace and renew overhead wires, poles, and associated equipment and underground conduit, cables, and associated equipment for the transmission and distribution of electrical energy, telephonic and associated services under, over and along the alleys herein vacated, with the right of ingress and egress. The grade of the vacated public ways shall not be altered in a manner so as to interfere with the operation and maintenance of Commonwealth Edison, and/or Comcast facilities. No buildings, permanent structures or obstructions shall be placed over Commonwealth Edison, and/or Comcast facilities without express written release of easement by Commonwealth Edison, and/or Comcast. Any future Adjacent Owner-prompted relocation of Commonwealth Edison, and/or Comcast facilities lying within the area being vacated will be accomplished by Commonwealth Edison, and/or Comcast and be done at the expense of the Adjacent Owners.

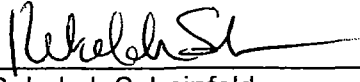
SECTION 3. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Adjacent Owners shall deposit in the City Treasury of the City of Chicago, a sum sufficient to defray the costs of removing paving and curb returns, constructing sidewalk and curb at the entrance to that part of the alley hereby vacated, and constructing newly dedicated public alley, in accordance with the most current version of the Chicago Department of Transportation's Regulations for Opening, Repair and Construction in the Public Way and its appendices, and in agreement with the executed Duty to Build Agreement attached herein and made a part of this ordinance as Exhibit C.

SECTION 4. The vacations herein provided for are made upon the express condition that within 180 days after the passage of this ordinance, the Adjacent Owners shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owner of the property abutting said part of public alleys hereby vacated the sum one million one hundred ninety thousand dollars (\$ 1,090,000), which sum in the judgment of this body will be equal to such benefits.

SECTION 5. The vacations and dedications herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Adjacent Owners 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 the corresponding full- sized plats as approved by the Superintendent of Maps and Plats.

SECTION 6. This ordinance shall take effect and be in force from and after its passage. The vacations and dedications shall take effect and be in force from and the recording of the ordinance and associated plats.

Vacations and Dedications Approved:



Rebekah Scheinfeld
Commissioner of Transportation

Approved as to Form and Legality



Richard Wendy
Deputy Corporation Counsel



Honorable Tom Tunney
Alderman, 44th Ward

PLAT OF DEDICATION

GRAPHIC SCALE



PARCEL A

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(RECORD 66 FT. PUBLIC R.O.W.)

W. ADDISON STREET

TRAFFIC FLOW

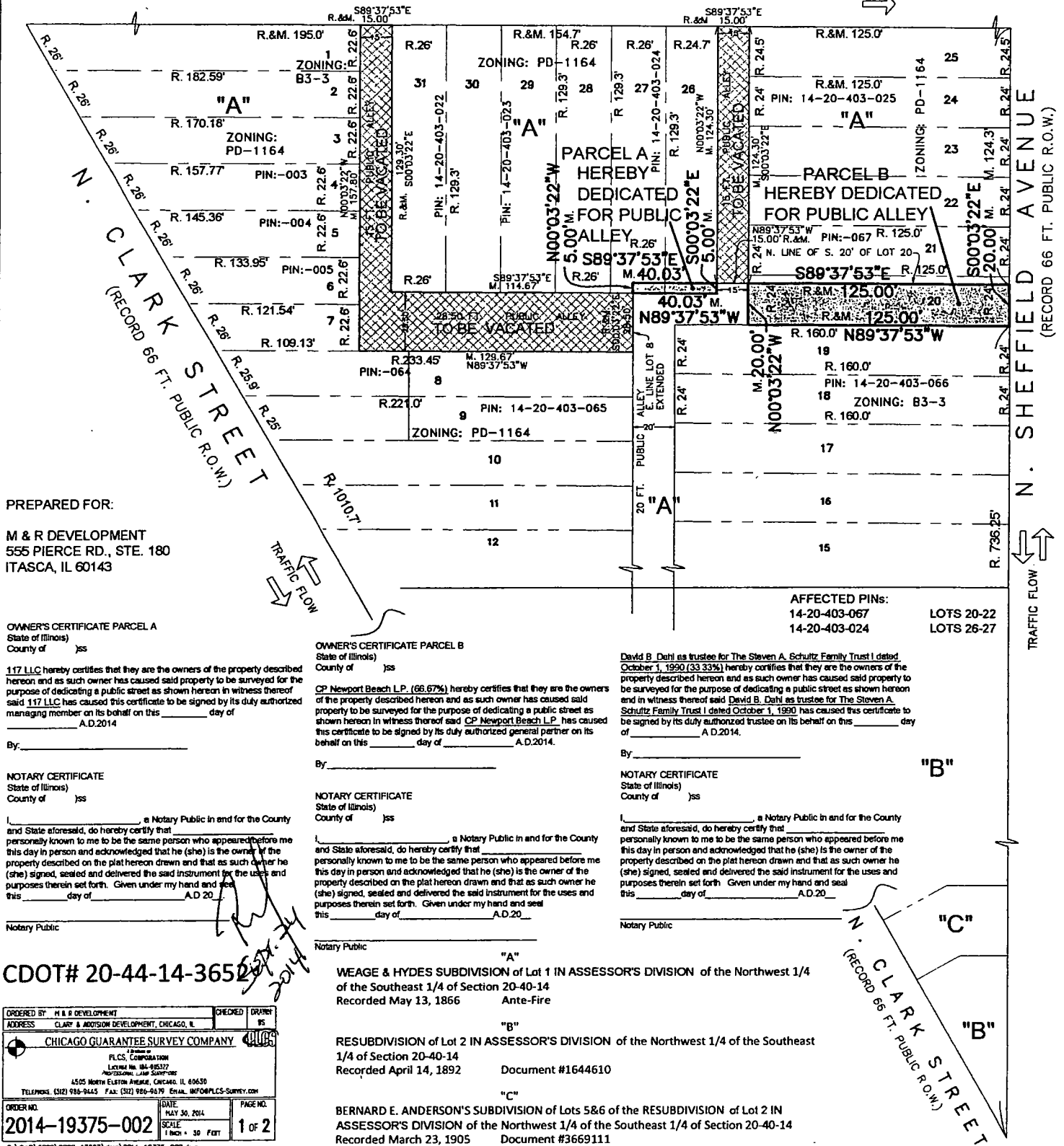


EXHIBIT C

IF YOUR SUBDIVISION INCLUDES THE DEDICATION OF A NEW STREET/ALLEY, PLEASE COMPLETE THE BELOW FORM

The below document must be reproduced on the applicant's letterhead, executed by same, and notarized:

DUTY TO BUILD AGREEMENT FOR CREATION OF A NEW ALLEY/STREET

In support of my current application with the Chicago Department of Transportation's Maps and Plats unit, for a subdivision/dedication of my private property, I hereby state that I am the applicant or the company agent for the applicant company involved in the project, and that I have the authority to agree to the below terms of the subdivision/dedication. Please initial:

AS *Q*

I am aware that I am responsible for the construction of all new public and private rights of way (streets, alleys, etc.) described on the Plat of Subdivision/Dedication.

AS *Q*

I further understand that all rights of way (both public and private) must be built to City specifications as detailed in CDOT's Regulation for Openings, Construction and Repair in the Public Way.

AS *Q*

Lastly, I understand that construction deposits will be required to assure that the work is done correctly. An inspection will be conducted by the City upon completion of the work. The City of Chicago reserves the right to require demolition and reinstallation of any facilities that are judged to be sub par or that do not adhere to the City's standards.

Signed: *[Signature]*

Dated: 3-24-14

Printed name: Steven A. Schultz

Title: Member of Preferred Equities, LLC (Member and Partner)

Signed: *[Signature]*

David B. Dahl, Trustee

Organization: 117, LLC, CP Newport Beach, L.P., The Steven A. Shultz Trust I, 10/01/1990

Address: 1025 W. Addison St., Chicago, IL

Zip: 60613

Phone/fax: 773-868-3789 / 773-868-0059

Email: preferredequities@aol.com

Notary: *Charmaine M. Leonetti*

