



# City of Chicago



O2016-4882

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:**

6/22/2016

**Sponsor(s):**

Burnett (27)

**Type:**

Ordinance

**Title:**

Vacation of public alley(s) in area bounded by W Carroll Ave, N Racine Ave, W Fulton Market and N Elizabeth 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 properties at 1236-1248 W. Fulton Street are owned by ELA Associates, L.L.C., an Illinois Limited Liability Company; 1224-1234 W. Fulton Street is owned by 1230 West, LLC; 1219-1226 W. Carroll Avenue is owned by Fulton/Racine Property LLC, an Illinois LLC; and 1227-1249 W. Carroll Avenue is owned by Chicago Title Land Trust as successor to North Star Trust Company as trustee under Trust Number 25948 (together the "Developers"); and

WHEREAS, the Developers propose to use the portion of the alley to be vacated herein as a limited access driveway, for which a permit will be secured; 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 the remainder of the public alley, described in the following ordinance; now therefore,

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

**SECTION 1. THAT PART OF THE EAST-WEST 18-FOOT WIDE PUBLIC ALLEY LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOTS 5 THROUGH 16; LYING NORTH OF AND ADJOINING THE NORTH LINE OF LOTS 17 THROUGH 28; LYING EAST OF AND ADJOINING THE EAST RIGHT OF WAY LINE OF N. ELIZABETH ST.; AND LYING WEST OF AND ADJOINING THE WEST LINE OF THAT PORTION OF THE EAST-WEST 18-FOOT WIDE PUBLIC ALLEY VACATED BY ORDINANCE DATED JANUARY 16, 2016 AND RECORDED ON FEBRUARY 26, 2016 AS DOCUMENT NUMBER 1605718052, ALL INCLUSIVE, IN BLOCK 3 IN MAGIE AND HIGH'S ADDITION TO CHICAGO IN THE SOUTHWEST ¼ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED OCTOBER 24, 1855 (ANTE-FIRE), IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 5,524 SQUARE FEET, OR 0.127 ACRE, MORE OR LESS as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit A, 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 vacation.**

**SECTION 2. The City of Chicago hereby reserves for the benefit of**

Commonwealth Edison and AT&T/SBC, 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 alley herein vacated, with the right of ingress and egress. The grade of the vacated public way shall not be altered in a manner so as to interfere with the operation and maintenance of Commonwealth Edison or AT&T/SBC facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without express written release of easement by the involved utilities. Any future relocation of utility facilities lying within the area being vacated will be accomplished by the involved utility, and be done at the Developers' expense.

SECTION 3. SECTION 3. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the APPLICANT 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 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,

SECTION 4. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developers shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owners of the property abutting said part of public alley hereby vacated the sum Two Hundred Forty-Nine Thousand dollars (\$ 249,000.00 ), which sum in the judgment of this body will be equal to such benefits.

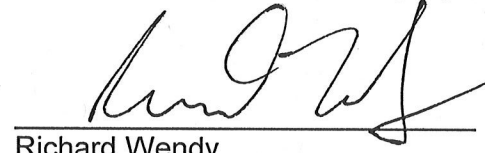
SECTION 5. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developers shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with the associated full sized plat as approved by the Superintendent of Maps and Plats.

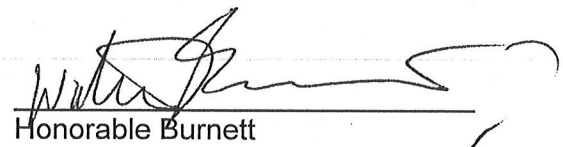
SECTION 6. This ordinance shall take effect and be in force from and after its passage. The vacation shall take effect and be in force from and after its recording.

Vacation Approved:

  
Rebekah Scheinfeld  
Commissioner of Transportation

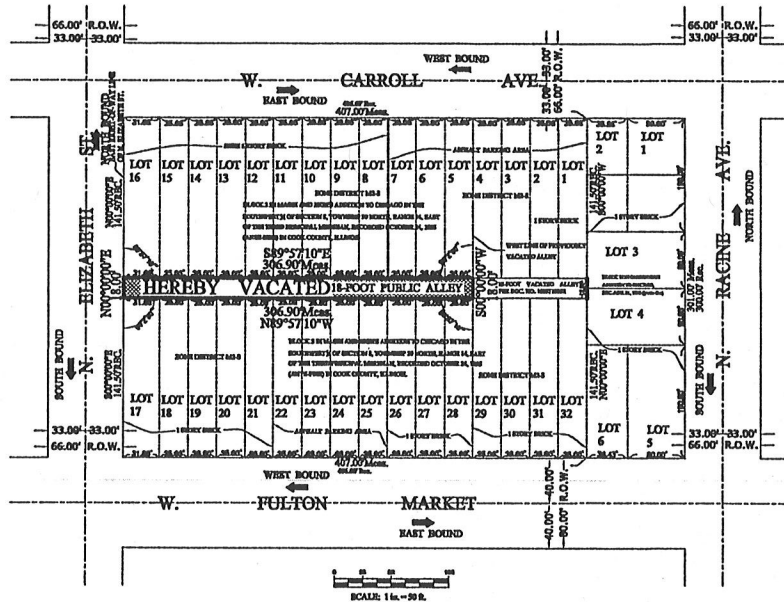
Approved as to Form and Legality

  
Richard Wendy  
Deputy Corporation Counsel

  
Honorable Burnett  
Alderman, 27th Ward

## PLAT OF VACATION

THAT PART OF THE EAST-WEST 18-FOOT WIDE PUBLIC ALLEY LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOTS 5 THROUGH 16; LYING NORTH OF AND ADJOINING THE NORTH LINE OF LOTS 17 THROUGH 28; LYING EAST OF AND ADJOINING THE EAST RIGHT OF WAY LINE OF N. ELIZABETH ST.; AND LYING WEST OF AND ADJOINING THE WEST LINE OF THAT PORTION OF THE EAST-WEST 18-FOOT WIDE PUBLIC ALLEY VACATED BY ORDINANCE DATED JANUARY 16, 2016 AND RECORDED ON FEBRUARY 25, 2016 AS DOCUMENT NUMBER 1605718052, ALL INCLUSIVE, IN BLOCK 3 IN MAGIE AND HIGH'S ADDITION TO CHICAGO IN THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED OCTOBER 24, 1855 (AUTO-FIRE), IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 5,524 SQUARE FEET, OR 0.127 ACRE, MORE OR LESS.



## LIST OF OWNERSHIP:

FULTON RACINE PROPERTY, LLC  
P.L.N. 17-08-314-004 to 007 (Parts of Lots 1 and 2), 17-08-314-008 & -009 (Lot 3), 17-08-314-024 & -025 (Lot 4), 17-08-314-027 (Lot 5) and 17-08-314-026 (Lot 6) in Block 10 in Carpenter's Addition to Chicago Rec. Aug. 31, 1836 (Auto-fire).  
P.L.N. 17-08-314-031 (Lot 1), 17-08-314-029 (Lots 2 through 6 and Part of Lot 7), 17-08-314-022 (Lots 29 & 30) and 17-08-314-023 (Lots 31 & 32) in Block 3 in Magie and High's Addition to Chicago, Rec. Oct. 24, 1855 (Auto-fire)

CT LAND TRUST COMPANY  
P.L.N. 17-08-314-030 (Lots 8 through 16 and Part of Lot 7) in Block 3 in Magie and High's Addition to Chicago Rec. Oct. 24, 1855 (Auto-fire).

ELA ASSOCIATES, LLC  
P.L.N. 17-08-314-010 (Lot 17), 17-08-314-011 (Lot 18), 17-08-314-012 (Lot 19), 17-08-314-013 (Lot 20) and 17-08-314-014 (Lot 21) in Block 3 in Magie and High's Addition to Chicago Rec. Oct. 24, 1855 (Auto-fire).

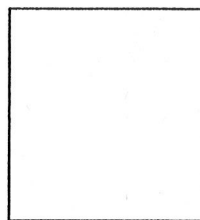
1230 WEST, LLC  
P.L.N. 17-08-314-015 (Lot 22), 17-08-314-016 (Lot 23), 17-08-314-017 (Lot 24), 17-08-314-028 (Lots 25 through 28) and 17-08-314-022 (Lots 29 & 30) in Magie and High's Addition to Chicago Rec. Oct. 24, 1855 (Auto-fire).

## SURVEY NOTES:

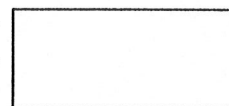
All dimensions and angles are measured on the field.  
Dimensions are shown in feet and decimal parts thereof.  
(Rec.-Record) are dimensions found in the recorded subdivision.  
(Meas.-Measured) are dimensions found on the field.  
No dimensions should be assumed by scale measurements upon this plat.  
For building lines, easements and other restrictions not shown hereon, refer to your Deed, Title Policy and Local Zoning ordinance, etc.  
Unless otherwise noted hereon, the bearing, distance, elevation datum and coordinate datum, if used, is assumed.

The Zoning Classification of the property shown hereon is M2-3 as delineated on the City of Chicago Department of Zoning website.  
The surveyor has not researched the applicable zoning, building codes, setback or specific uses allowed within this zoning classification. Contact the City of Chicago, Department of Zoning, City Hall, 121 N. LaSalle St., Room 905, Chicago, Illinois, (312)744-5777, for certification, verification and specific matters pertaining to the above noted zoning classification.

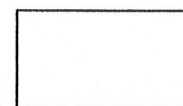
Monuments (Crosses and/or pipes) shall be set at the corners or on off-sets upon approval of the plat. The latest date of fieldwork shall be added when the monuments are set on the field.



C.D.O.T.



COOK COUNTY



CITY DEPT. OF FINANCE



## SURVEYOR'S CERTIFICATE

State of Illinois) )SS  
County of Cook)

The above described property was surveyed by MM Surveying Company, Inc., under the supervision of Zbigniew Domozych, an Illinois Professional Land Surveyor, and the plat hereon drawn is a correct representation of said survey, all distances are shown in feet and decimal parts thereof.

Containing 5,524 sq. ft. - 0.127 acre, more or less.

This professional service conforms to the current Illinois Minimum Standard for Boundary Survey. Given under my hand and seal at Chicago, Illinois, this 09 day of MAY A.D. 2016.

By: *Zbigniew Domozych*  
Illinois Professional Land Surveyor No. 35-3758  
Lic. Exp. 11/30/2016

## LEGEND:

LEGEND:	DESCRIPTION:
ACAD. BOUNDARY	SOLID LINE (Property Line, Right of Way Line)
CENTERLINE	SOLID DASH LINE (Center Line)
CHUTE	SOLID DASH LINE (Chute Line)
DOVE	DOVE (SQ) (Land Area)
BLANK	NOT (Property Blank)
ACAD. BOUNDARY	SOLID LINE (Theoretical Area)

## Prepared for:

ACOSTA EGGOR, LLC  
1030 W. Chicago Ave.  
Chicago, Illinois 60642

## Mail to:

ACOSTA EGGOR, LLC  
1030 W. Chicago Ave.  
Chicago, Illinois 60642

CDOT # 08-27-16-3747

## MM SURVEYING CO., INC.

5812 W. HUGGINS AVENUE  
CHICAGO, ILLINOIS 60630

PROFESSIONAL FIRM NO. 184-003235

Registration Expires April 30, 2017

mmcsurvey1285@mmcsurvey.com

PHONE: 773/282-5900  
FAX: 773/282-9424

DRAWING NO. E3975

SCALE 1 in. = 50 ft.

FILE/FATH/NAME

AutoCAD Land Desktop (Project: E3975) [C:\XRD\UN\E3975.dwg (E3975.dwg)]



CHICAGO DEPARTMENT OF TRANSP

Ward: 27

CITY OF CHICAGO

June 1, 2015

Mr. Stephen Patton  
Corporation Counsel  
Room 600 - City Hall  
Chicago, IL 60602-1289

Introduction Date: 6/22/16

Committee Date: 09/08/2016

City Council Date: 09/14/2016

Compensation Amount: \$249,000.00

Attention: Mr. Richard Wendy  
Deputy Corporation Counsel

**Re: Proposed Vacation for ELA Associates, Fulton/Racine Property, 1230 W. & CTLT 25948**  
**Commercial File: 08-27-16-3747**

Dear Mr. Patton:

Pursuant to a request from Mr. Thomas Comfote, we are transmitting herewith for your review and approval as to form and legality an original and three (3) copies of a proposed vacation of all of the remaining 16' wide east-west public alley in the block bounded by W. Carroll Avenue, W. Fulton Street, N. Racine Avenue and N. Elizabeth Street. This property is located in the 27th Ward.

ELA Associates LLC, Fulton/Racine Property LLC, 1230 W. LLC & Chicago Title Land Trust 25948 are the owners of record to the properties adjoining the public alley to be vacated. The person to contact in connection with this proposed ordinance is Attorney Michael Ezgur at 312-617-8900 or Mr. Thomas Comfote at 630-261-3700.

An easement has been reserved for Commonwealth Edison and AT&T/SBC in Section 2 of the ordinance. Section 3 of the ordinance provides for a deposit to be made to the Department of Transportation to ensure completion of curb and walk work. All other underground utility agencies are either not involved or have made suitable arrangements. Section 4 of the ordinance provides for compensation to the City. Sections 5 & 6 are standard language regarding the ordinance.

Sincerely,

*Rebekah Scheinfeld*  
Rebekah Scheinfeld  
Commissioner

Originated by:

*Luann Hamilton*  
Luann Hamilton  
Deputy Commissioner

RS: LH: MW: RD

cc: Alderman Burnett

Alderman Anthony Beale

Sandra Foreman/w Attach. Dwg.-s.f. & Ord. (3) file copies

30 NORTH LA SALLE STREET, SUITE 1100, CHICAGO, ILLINOIS 60602

**received**  
*F. Sullivan 6/22/16*



## 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

COMMITTEES, RULES AND ETHICS

EDUCATION AND CHILD DEVELOPMENT

FINANCE

PUBLIC SAFETY

WORKFORCE DEVELOPMENT AND AUDIT

### 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

September 8, 2016

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 proposed vacation of all of the remaining 16 foot wide east-west public alley in the block bounded by West Carroll Avenue, West Fulton Street, North Racine Avenue and North Elizabeth Street. This ordinance was referred to the Committee on June 22, 2016.

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

(Ward 27)

Respectfully submitted,

Anthony Beale,  
Chairman