



City of Chicago



SO2016-4813

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	6/22/2016
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	Sale of City-owned property at 400 E 107th St to NBT Partners, LLC
Committee(s) Assignment:	Committee on Housing and Real Estate

SUBSTITUTE 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 is the owner of the vacant parcel of property located at 400 East 107th Street, Chicago, Illinois, which is legally described on **Exhibit A** attached hereto ("Property"); and

WHEREAS, public notice advertising the City's intent to sell the Property appeared in the *Chicago Sun-Times*, a newspaper of general circulation, on March 3, 10, and 17, 2016, at a listing price of Twelve Thousand and No/100 Dollars (\$12,000.00), which is equal to the Property's appraised fair market value; and

WHEREAS, the City received one bid for the Property; and

WHEREAS, the one bid for the Property was submitted by NBT Partners, LLC ("Grantee"), 3201 Edwards Mill Road, Suite 141, PMB #128, Raleigh, North Carolina 27612, in the amount of Twelve Thousand Five Hundred and No/100 Dollars (\$12,500.00) (the "Purchase Price"), such amount being greater than the aforementioned appraised fair market value of the Property; and

WHEREAS, the City, acting through its Department of Planning and Development ("DPD"), desires to sell the Property to the Grantee for the Purchase Price; and

WHEREAS, Trileaf conducted a Phase I Environmental Site Assessment of the Property due to the Property's prior development as a filling station; and

WHEREAS, the Phase I Environmental Site Assessment Report ("Phase I Report"), dated March 27, 2015, recommended further investigation be conducted; and

WHEREAS, Trileaf conducted a Phase II Environmental Site Assessment based on the conclusions and recommendations of the Phase I Report; and

WHEREAS, the Phase II Environmental Site Assessment Report ("Phase II Report"), dated August 15, 2016, recommended that a soil management plan for the Property ("SMP") be drafted to aid in the proper management of soils anticipated to be disturbed by Purchaser; and

WHEREAS, pursuant to Resolution No. 16-036-21 adopted on May 19, 2016, by the Plan Commission of the City of Chicago (the "Commission"), the Commission approved the sale of the Property; now, therefore,

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

SECTION 1. The above recitals are expressly incorporated in and made a part of this ordinance as though fully set forth herein.

SECTION 2. The City Council of the City hereby approves the sale of the Property to the Grantee in the amount of the Purchase Price, subject to the satisfaction of the following conditions:

- (a) The Grantee shall have provided to DPD the balance of the Purchase Price in accordance with DPD's standard procedures.
- (b) The City's Department of Fleet and Facility Management ("2FM") shall have reviewed and approved the sufficiency of the Phase II Report.
- (c) The Grantee shall have delivered to 2FM a Phase I Environmental Site Assessment ("Phase I ESA") completed within 180 days prior to closing and compliant with ATSM E1527-13. The City shall be an authorized user and be given permission from the Grantee and the Phase I ESA preparer to rely on the Phase I ESA. 2FM shall have the right to review and approve the sufficiency of the Phase I ESA prior to closing.
- (d) The Grantee shall have delivered to 2FM the SMP. 2FM shall have the right to review and approve the sufficiency of the SMP prior to closing.

SECTION 3. 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 Property to the Purchaser, or to a land trust of which the Purchaser is the sole beneficiary, or to a business entity of which the Purchaser is the sole controlling party. The quitclaim deed shall include the following language, or language substantially similar and acceptable to the Corporation Counsel:

This conveyance is subject to the following conditions and covenants which are part of the consideration for the Property and which are to be taken and construed as running with the land and binding on Grantee and Grantee's successors and assigns.

First: Any material encountered during construction not meeting the requirements of Title 35 Illinois Administrative Code Part 742.305 shall be removed. If underground storage tanks ("USTs") are present on the Property, Grantee shall remove the USTs and close any leaking underground storage tank incidents in accordance with the requirements of the Illinois Office of the State Fire Marshal and the Illinois Environmental Protection Agency.

Second: Grantee, on behalf of itself and its officers, directors, employees, successors and assigns, shall release, relinquish and forever discharge the City and its officers, employees, agencies, departments and officials, from and against any and all claims, causes of action, demands, legal or administrative proceedings, losses, damages, liabilities, judgments, amounts paid in settlement, interest, fines, penalties, costs and expenses (including, without limitation, reasonable attorney's fees and expenses and court costs) based upon, arising out of or in any way connected with, directly or indirectly, the structural, physical or environmental condition of the Property or any improvements thereon. Grantee acknowledges and agrees that the Property and improvements are being conveyed in their "as is," "where is" and "with all faults" condition without any covenant, representation or warranty, express or implied, of any kind, as to the structural, physical or environmental condition of the Property or improvements or the suitability of the Property or improvements for any purpose whatsoever. Grantee acknowledges and agrees that it is Grantee's sole responsibility

and obligation to perform any environmental remediation work and take such other action, as either such work or action is necessary, to put the Property and improvements in a condition which are suitable for their intended use.

SECTION 4. 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 5. All ordinances, resolutions, motions or orders inconsistent with this ordinance are hereby repealed or amended to the extent of such conflict.

SECTION 6. This ordinance shall take effect upon its passage and approval.

EXHIBIT A

PURCHASER: NBT Partners, LLC

PURCHASER'S ADDRESS: 3201 Edwards Mill Road, Suite 141
PMB #128
Raleigh, North Carolina 27612

PURCHASE AMOUNT: \$12,500.00

APPRAISED VALUE: \$12,000.00

**LEGAL DESCRIPTION
(SUBJECT TO TITLE COMMITMENT AND SURVEY)**

LOTS 2178 AND 2179 IN FREDERICK H. BARTLETT'S GREATER CHICAGO SUBDIVISION NUMBER.5, BEING A SUBDIVISION OF THAT PART LYING WEST OF THE RIGHT OF WAY OF THE ILLINOIS CENTRAL RAILROAD OF THE EAST $\frac{3}{4}$ OF THE SOUTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ADDRESS: 400 EAST 107TH STREET
CHICAGO, ILLINOIS 60628

PIN: 25-15-223-039-0000



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**CITY COUNCIL
CITY OF CHICAGO**

COUNCIL CHAMBER

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121 NORTH LA SALLE STREET
CHICAGO, ILLINOIS 60602
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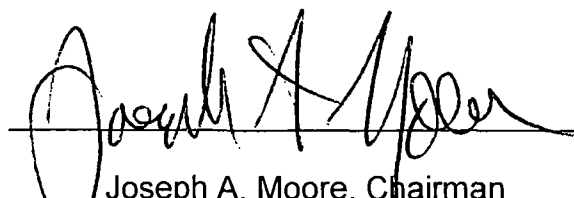
January 25, 2017

To the President and Members of the City Council:

Your Committee on Housing and Real Estate, for which a meeting was held on January 17, 2017, having had under consideration the substitute ordinance introduced by Mayor Rahm Emanuel on January 17, 2017, this being sealed bid sale of City-owned property at 400 E. 107th St., begs leave to recommend that Your Honorable Body Approve said ordinance transmitted herewith.

This recommendation was concurred in by a voice vote of all committee members present with no dissenting votes.

Respectfully submitted,


Joseph A. Moore, Chairman
Committee on Housing and Real Estate