

# City of Chicago

# Office of the City Clerk

# **Document Tracking Sheet**



O2018-4028

Meeting Date:

Sponsor(s):

Type:

Title:

**Committee(s)** Assignment:

5/25/2018

Solis (25)

Ordinance

Vacation of portion of S Aberdeen St bounded by S Racine Ave, W Van Buren St, S Morgan St and W Tilden St 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 1101-1113 W. Van Buren Street and 1057-1065 W. Van Buren Street are owned by Pizzuti BP LLC, a Delaware limited liability company ("Developer"); and

WHEREAS, the Developer proposes to use the portion of the street to be vacated herein for construction of a mixed used development; 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 those portions of public street described in the following ordinance; now therefore,

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

SECTION 1. THAT PART OF S. ABERDEEN STREET, 66 FOOT WIDE PUBLIC RIGHT OF WAY, LYING SOUTH OF AND ADJOINING A LINE DRAWN FROM THE NORTHEAST CORNER OF LOT 1 IN CHARLES J. HULLS SUBDIVISION OF BLOCK 27 IN CANAL TRUSTEES' SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MARCH 3, 1854 ANTE-FIRE, TO THE NORTHWEST CORNER OF LOT "A" IN IGNATZ AND SAMUEL HASTERLIK'S CONSOLIDATION OF LOTS 1 TO 5 IN ELY'S SUBDIVISION OF LOTS 13, 14 AND 15 IN EGAN'S SUBDIVISION OF BLOCK 26 IN THE CANAL TRUSTEES' SUBDIVISION OF THE WEST HALF AND THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 17, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 13, 1908 AS DOCUMENT NUMBER 4202501 AND LYING NORTH OF AND ADJOINING A LINE DRAWN FROM THE SOUTHEAST CORNER OF AFORESAID LOT 1 (BEING A POINT, AND AFORESAID LINE, ON THE NORTH LINE OF THAT PART CONDEMNED FOR CONGRESS SUPER HIGHWAY) TO A POINT ON THE EAST LINE OF SOUTH ABERDEEN STREET (ALSO BEING THE WEST LINE OF SAID LOT "A") BEING 67.31 FEET NORTHERLY OF THE SOUTHWEST CORNER OF SAID LOT "A", AS MEASURED ALONG SAID EAST LINE, ALL IN COOK COUNTY, ILLINOIS CONTAINING 6,606 SQUARE FEET OR 0.15 ACRES MORE OR LESS as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit A, which plat 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 Developer acknowledges that the twenty four (24") inch sewer main within the area to be vacated shall become Developer's private property and maintenance responsibility. Any live public sewer or sewer structure lying outside but directed into the area herein vacated (such as in W. Tilden Street)-must be redirected and reconnected to new sewer at the expense of the Developer. In the event that the Developer wishes to abandon, modify, install or redirect new facilities in or to the area herein vacated, plans must be reviewed, approved and permitted by the Department of Water Management, Sewer Design Section prior to work, with asbuilt drawings submitted within 45 days of completion.

SECTION 3. The Developer also acknowledges that the installation of new ten (10") inch, eighteen (18") inch, and twenty four (24") inch combined public sewer mains, as necessitated by the street vacation herein contemplated, will be accepted only upon satisfactory physical and videotaped inspection by the Department of Water, Sewer Section.

SECTION 4. The Developer also acknowledges that a new eight (8") inch water main is to be installed in W. Tilden Street between W. Van Buren Street and S. Aberdeen Street, at the Developer's expense, before the existing eight (8") inch and twelve (12") inch water main in the street being vacated can be abandoned and the vacation recorded.

SECTION 5. The vacation herein provided for is made upon the express condition that the required improvements for City water and sewer and associated water and sewer structures, as memorialized in the Water Department letters dated June 9, 2016 and July 21, 2016, attached as Exhibits B and C respectively, be completed at the Developer's sole cost expense, and upon completion be approved in writing by the Department of Water Management Sewer Section prior to recording of this ordinance with the Office of the Recorder of Deeds of Cook County, Illinois.

SECTION 6. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, but prior to the recordation of the certified copy of this ordinance together with the associated full sized plats, as approved by the Acting Superintendent of Maps and Plats, with the Office of the Recorder of Deeds of Cook County, Illinois, the Developer shall deposit or cause to be deposited with the City of Chicago, Department of Water Management, the estimated sum of Two Million Two Hundred Seventy One Thousand Eight Hundred Thirty and no/100 Dollars (\$2,271,830), as security for the Developer's completion of the water and sewer work set forth herein and as memorialized in the Water Department letters dated June 9, 2016 and July 21, 2016, attached as Exhibits B and C respectively. The Developer shall be responsible for the actual costs and expenses for the Developer's completion of the water and sewer work set forth herein, as memorialized in Exhibits B and C respectively. In the event that the ordinance is recorded without successful written approval by the Department of Water, the ordinance will be invalidated, and all vacation/dedication approvals revoked.

SECTION 7. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer 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 in accordance with the most current version of the Chicago Department of Transportation's <u>Regulations for Opening</u>, <u>Repair and Construction in the Public Way</u> and its appendices,

SECTION 8. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the Developer as owner of abutting part street the property said of / public hereby vacated the sum Two million and two hundred thousand dollars (\$2.2 million dollars ), which sum in the judgment of this body will be equal to such benefits.

SECTION 9. The vacation herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developer shall file or cause to be filed for recordation with the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with the associated full sized plats as approved by the Acting Superintendent of Maps and Plats.

SECTION 10. 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 recording of the approved plat.

Vacation Approved:

Rebekah Scheinfeld Commissioner of Transportation

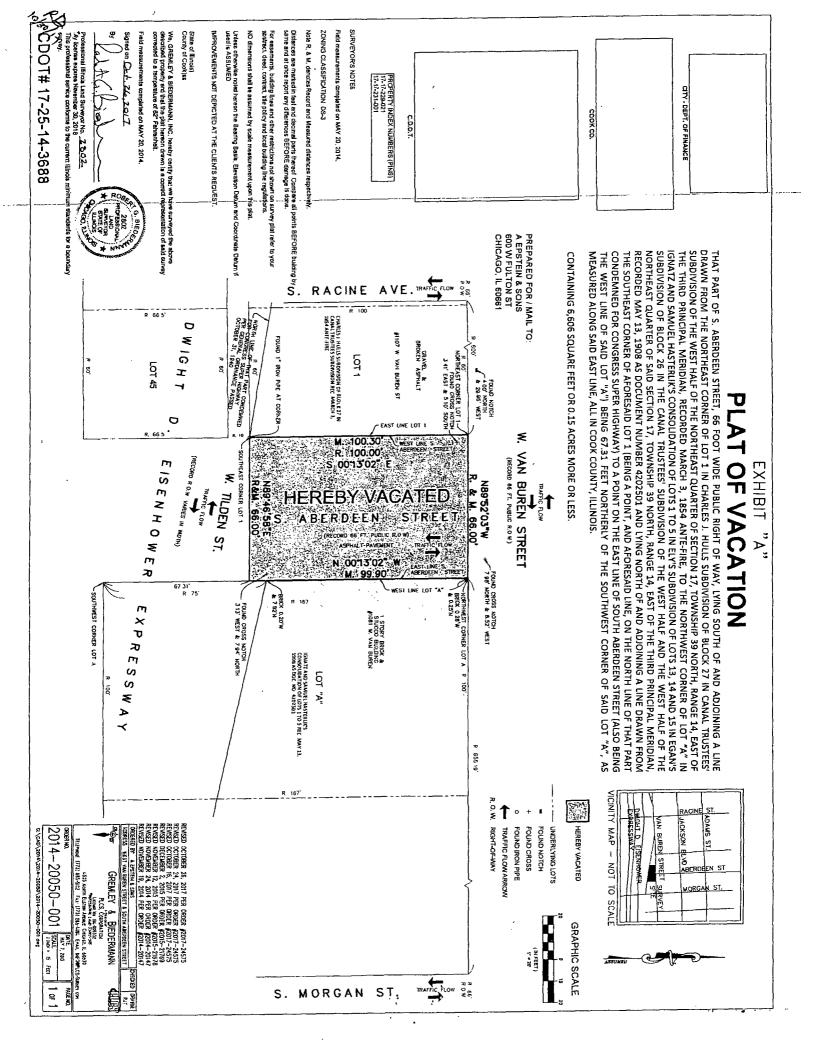
Approved as to Form and Legality

Lisa Misher Chief Assistant Corporation Counsel

iorable Daniel Solis

Alderman, 25<sup>th</sup> Ward

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# DEPARTMENT OF WATER MANAGEMENT

## CITY OF CHICAGO

June 9, 2016

Pizzuti 2001 Butterfield Road, Suite 440 Downers Grove, IL 60515

- Attention: Bob Baziuk Project Coordinator
- SUBJECT: Proposed Street Vacation Water Main Abandonment and Relocation 1061 W Van Buren Street S Aberdeen Street – W Van Buren Street to W Tilden Street W Tilden Street – S Aberdeen Street to W Van Buren Street BES Project No. 15-12:055 OUC Permit No. 2015-67321 (Vacation)

Mr. Baziuk:

This correspondence is in response to an Office of Underground Coordination transmittal dated October 14, 2015, regarding the subject street vacation. DWM must review and approve full building plans prior to construction.

#### The Department of Water Management - Water Section

The Department of Water Management will allow the private contractor of Pizzuti to install approximately 585 feet of proposed 8-inch water main in W Tilden Street from S Aberdeen Street to W Van Buren Street as well as abandon approximately 153 feet of the existing 12-inch water main in S Aberdeen Street from W Van Buren Street to W Tilden Street. This Department will perform the final connections to the existing 12-inch water main in W Van Buren and 8-inch water main W Tilden Street. Street, as well as provide resident engineering services, valve operations, and water quality testing for the above-mentioned work.

The estimated cost for the DWM to provide the above mentioned services is **\$57,200.00** based on premium time. This estimate is based on current rates for labor, material, equipment and overhead charges, but actual costs will be billed to the developer upon completion. Pizutti will be responsible for all restoration.

Page 2 Pizzuti June 9, 2016

A certified check in the amount of *\$57,200.00,* payable to the City of Chicago, must be hand delivered to the Department of Buildings, Plumbing Permit and Plan Section, 121 North LaSalle Street, Room 906, Chicago, Illinois, 60602, with a copy of this letter.

Please forward all the CAD files and any resource/reference files to Brian McGahan at Brian.McGahan@ctrwater.net such that they can be utilized to create the water main adjustment plans. Once these plans have been completed, a copy will be forwarded to CDOT. The private contractor installing the water main shall perform the following:

- Submit a complete list of the shop drawings (submittals) for all water main materials to be used to complete the water main installation at least 60 days prior to starting the work. Once the list is approved, the shop drawings (submittals) shall be sent to Brian McGahan at Brian.McGahan@ctrwater.net for review.
- It is required that John Barbaro be contacted at John.Barbaro@ctrwater.net two weeks prior to the anticipated construction date so a resident engineer can be assigned to the project.
- Obtain a "B-Permit" prior to construction from the City of Chicago, Department of Buildings, Plumbing Permit and Plan Section, City Hall, 121 North LaSalle Street, Room 906, Chicago, Illinois 60602.
- Contact John Flynn of the Department of Buildings, Plumbing Permit and Plan Section at (312) 744-7063 regarding the proposed water service installations. Per the Municipal Code, meters shall be installed at the time the building is connected to the water system.
- Submit as-built drawings within two (2) weeks of completion of the work. The asbuilt drawings should be submitted to the Department of Water Management, Bureau of Engineering Services, Jardine Water Purification Plant, 1000 E. Ohio Street, Room 306, Chicago, Illinois 60611 attention to Rolando Villalon.

# Failure to comply with these requirements may result in additional expenses to the project to verify that all work conforms to the DWM's standards.

This Department's utility separation requirements are as follows: The minimum vertical clearance (edge-to-edge) from all water mains is 18-inches. For feeder mains (water mains 16-inches and larger), the minimum horizontal clearance (edge-to-edge) is five (5) feet, and for grid mains (water mains less than 16-inches), the minimum horizontal clearance (edge-to-edge) is three (3) feet. No proposed above ground facility (tree, planter box, light pole, etc.) can be closer than five (5) feet (edge-to-edge) from a water main, water service, or water structure.

All curb installation adjacent to fire hydrants must be painted 'safety yellow' for 15 feet on each side of the fire hydrant except where the 15 foot dimension intersects a crosswalk, driveway or similar feature. In no case shall the installation of any proposed facility be closer than five (5) feet from a fire hydrant or fire hydrant lead. Page 3 Pizzuti June 9, 2016

Any traffic and pedestrian protection structures such as canopies, scaffolding, jersey walls, construction barricades, etc., which are located within 10 feet of water main facilities will restrict this Department's continuous access to its facilities for maintenance or repair work. Therefore, should this Department require access to its existing facilities, Pizzuti will be responsible for either removing the traffic and pedestrian protection structures or performing any necessary excavation required to provide this Department safe access to its existing facilities. Traffic and pedestrian protection structures must be installed to allow for complete accessibility to all DWM facilities, including fire hydrants, valve basins, sewer manholes, and catch basins.

Proposed trees must not be planted within 5 feet of the exterior pipe wall for all water mains 24-inch in diameter and larger. This 5-foot rule excludes mains that are separated from the tree by a hardscape feature or other root growth limiting conditions such as water mains located in the street.

This Department discourages tree planting over water mains that are less than 24inches in diameter located in the parkway, but if necessary will allow trees with a maximum mature height of 30 feet and a maximum mature root depth of 2½ feet. Potential plantings that meet this requirement include the following:

- 1. Ornamental shrubs or bushes meeting the mature height and mature root depth discussed above.
- 2. Flowers or other non-woody herbaceous plants.
- 3. Above ground, movable planting containers that can be relocated by the owner of the plantings in the event that access to the water main is required.

Existing trees planted above water mains that do not meet these requirements do not need to be removed. However, if such existing trees are removed, all proposed trees installed in their place must meet the above-mentioned requirements. Should it be necessary for the DWM to access any of its facilities, the Department shall only be responsible for typical pavement, concrete sidewalk, and hydroseed restoration.

#### The Department of Water Management - Sewer Section

The DWM Sewer Section is in the process of reviewing the subject project and will forward their response when completed.

If there are house drains which enter the proposed site of construction, they will have to be sealed and bulkheaded at the property line under direct supervision of the Sewer Section. If the developer intends to re-use any existing drains, they must be televised and the video tape(s) submitted to the Sewer Section prior to approval. In addition, all existing sewers adjacent to the project site must be televised before the start of construction activities and after the completion of construction activities. Refer to "existing facility protection" requirements for sewers. Page 4 Pizzuti June 9, 2016

If construction requires the use of water from a City fire hydrant, or adjustments or repairs are required to any City sewer facilities in proximity to the project site, permits must be obtained from the Department of Water Management, Water and Sewer Sections

If barricades, catwalks or canopies are erected for pedestrian protection, they must be installed in such a manner so that complete accessibility to all fire hydrants, valve basins, sewer manholes, and catch basins is maintained.

Extreme caution is to be taken to ensure that no facility owned and maintained by this Department is damaged during construction. If damage occurs to any facilities, Pizzuti will be held responsible for the cost of repairing or replacing them.

Please note that the details described above are valid for 90 days from the date of this letter, after which time, Pizzuti will be responsible for re-submitting plans to this Department for review and revision of the estimate of cost, as needed.

If there are any questions regarding the water facilities, please contact Brian McGahan at Brian.McGahan@ctrwater.net, and for any questions regarding sewer facilities, contact Sid Osakada at Sid.Osakada@cityofchicago.org.

Sincerely,

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-*≠*-Barrett B. Murphy Commissioner

KP

cc: John Flynn, DOB - Plumbing Permit and Plan Section



# DEPARTMENT OF WATER MANAGEMENT

#### CITY OF CHICAGO

July 21, 2016

City of Chicago Department of Transportation Division of Infrastructure Management Office of Underground Coordination 30 North LaSalle Street, 3<sup>rd</sup> Floor Chicago, Illinois 60602

## Attn: Jai Kalayil, Coordinator of Street Permit Division of Infrastructure Management Office of Underground Coordination/Digger

### Re: Proposed Commercial Street Vacation Ordinance OUC File No. 2015 - 67321 Project No.: 17-25-14-3688 In South Aberdeen Street between West Tilden Street and West Van Buren Street.

Dear Mr. Kalayil:

The Department of Water Management, Bureau of Engineering Services, Sewer Section has no objections to the proposed commercial street vacation in South Aberdeen Street between West Tilden Street and West Van Buren Street in the 25th Ward for 1061 West Van Buren, LLC. provided the following are part of the vacation ordinance:

For the City's 10, 18 and 24 inch proposed main sewer in the street.

- 1. The existing 24 inch public main sewer and appurtenances in S Aberdeen Street will become a private sewer maintained by the beneficiary.
- 2. If and when the existing 24 inch main sewer and appurtenances in S Aberdeen Street are abandoned, the abandonment plans must meet the Department of Water Management, Sewer Design Section requirements.
- 3. Any public sewer or sewer structure outside and entering the proposed area to be vacated must be redirected at the expense of the beneficiary.
- 4. Sewer redirection plans on W Tilden Street must meet the Department of Water Management sewer's requirements based upon the approval of proposed new sewer in Tilden Street dated June 3. 2016. In addition, live sewer drains must be re-connected to new re-directed sewer on W Tilden Street at the expense of the beneficiary.

5. Please be advised the maintenance of the new 10",18" and 24" combined public main sewer to be installed in West Tilden Street will be accepted by the Department of Water Management only, after physical and videotape inspection has been approved by Department of Water Management.

Please be advised, the beneficiary transmitted supporting documents on June 3, 2016 regarding the ownership of-both-sides-of-the-street-to-be-vacated, the-use-of-the-land, and the-nature-of-the-development of the area propose to be vacated.

For questions regarding sewer facilities, please contact Mr. Israel Perez at (312) 742-7103 or Mr. Sid Osakada at (312) 744-0344.

Very truly yours,

B-CAto

-Barrett B. Murphy Commissioner

cc: Israel Perez Sid Osakada

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# CHICAGO DEPARTMENT OF TRANSPORTATION

# CITY OF CHICAGO

03/22/18

Mr. Edward Siskel Corporation Counsel Room 600 - City Hall Chicago, IL 60602-1289

Attention: Ms. Lisa Misher Chief Assistant Corporation Counsel

# Re: Vacation for Pizzuti BP LLC Commercial Vacation File: 17-25-14-3688

Dear Mr. Siskel:

Pursuant to a request from Mr. Robert Baziuk, 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 S. Aberdeen Street between W. Van Buren Street and W. Tilden Street. Note that this site is adjacent the Eisenhower Expressway, but does not appear in the list of proposed digital sign locations. This property is located in the 25th Ward.

Pizzuti BP LLC, a Delaware limited liability company is the owner of record to the properties adjoining the public street to be vacated. The people to contact in connection with this proposed ordinance are Attorney Joe Gattuso at 312-836-4097 and Mr. Robert Baziuk at 630-981-3802.

Terms for the Department of Water Management have been reserved in Sections 2, 3, 4,5 and 6 of the ordinance. Section 7 requires a deposit to be made to the Department of Transportation to ensure curb and walk work. Compensation for the area being vacated is due to the City under Section 7 of the ordinance. All other underground utility agencies are either not involved or have made suitable arrangements. Sections 9 & 10 are standard language regarding the ordinance.

Sincerely heinfeld Commissioner

Originated by: inn Hamilton

**Deputy Commissioner** 

RS: LH: RD cc: Alderman Daniel Solis Alderman Anthony Beale Sandra Foreman/w Attach. Dwg.-s.f. & Ord. (3) file copies (2) Maps & Plats



#### 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

# **CITY COUNCIL**

#### CITY OF CHICAGO

COUNCIL CHAMBER CITY HALL-SECOND FLOOR 121 NORTH LASALLE 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

June 27, 2018

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 the proposed ordinance transmitted herewith for a VACATIONS to PIZZUTI BP, LLC - O2018-4028 A proposed vacation of South Aberdeen Street between West Van Buren Street and West Tilden Street. This ordinance was referred to Committee on May 25, 2018.

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

(Ward 25)

Respectfully submitted,

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Anthony Beale, Chairman