



City of Chicago



O2019-5745

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	7/24/2019
Sponsor(s):	Sigcho-Lopez (25)
Type:	Ordinance
Title:	Vacation of S Aberdeen St bounded by W Van Buren St, S Racine Ave and W Tilden 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 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. General Sewers Easement. The City of Chicago hereby reserves an easement over the area herein vacated for existing Department of Water Management sewer and associated sewer structures, and for the installation of any additional sewers, as now located, or which in the future may be located in the street herein vacated, and for the maintenance, renewal and reconstruction of such facilities. It is also provided that, the City shall have 24 hour access to the

area to be vacated, that no buildings, permanent structures, or trees (within 10 feet of the sewer structure) shall be erected upon or over said easement herein reserved, or other use made of said area, which in the sole discretion of the respective municipal officials having control of the aforesaid service facilities, would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities. It is further provided that the expenses related to any Developer prompted adjustments to City sewer facilities within the area herein vacated be borne by the Developer, its successors or assigns, and said proposed adjustments be submitted to the Department of Water Management for review and express written approval prior to construction. Any repair, renewal or replacement of private improvements, or private property damaged within the vacation area as a result of the City exercising its easement rights shall be repaired/replaced at the sole cost and expense of the Developer, its successors or assigns.

SECTION 3. General Water Easement. The City of Chicago hereby reserves the street as herein vacated, as a right of way for an existing Water Department main and appurtenances thereto, and for the installation of any additional water mains and appurtenances which in the future may be located in the street as herein vacated, and for the maintenance, renewal, and reconstruction of such facilities, with the right of ingress and egress at all times upon reasonable notice. It is further provided that the City shall have 24 hour access and that no buildings or other structures shall be erected upon or above the said right of way herein reserved, or other use made of said area, which in the judgment of the municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities. It is further provided that any Developer prompted adjustments to water facilities in the area to be vacated, and the repair, renewal or replacement of any private materials, or private property damaged in the area to be vacated as a result of the City exercising its easement rights shall be done at the sole cost and expense of the Developer, its successors or assigns.

SECTION 4. The vacation herein provided for is made upon the express condition that the Developer shall construct and install a new ten (10") inch, eighteen (18") inch, and twenty-four (24") inch combined public sewer mains, at the Developer's sole cost and expense, before the existing sewer facilities in the street being vacated can be abandoned, and as necessitated by the street vacation herein contemplated.

SECTION 5. The vacation herein provided for is made upon the express condition that the Developer shall construct and install a new eight (8") inch water main to be installed in W. Tilden Street between W. Van Buren Street and S. Aberdeen Street, at the Developer's sole cost and expense, before the existing eight (8") inch and twelve (12") inch water main in the street being vacated can be abandoned.

SECTION 6. The vacation herein provided for is made upon the express condition that the Water Department must review and approve the Developer's final construction and installation plans ("Final Plans") prior to the Developer constructing and installing the new water and sewer improvements and associated water and sewer structures, as set forth in Sections 4 and 5 herein, and further as memorialized in the Water Department letter dated May 28, 2019, attached as Exhibit B. The Final Plans shall be subject to further Water Department comments and costs for the Water Department's involvement in the overall project.

Once the new water and sewer facilities are installed and approved in writing for service by the Water Department, the existing water and sewer facilities in S. Aberdeen Street can be abandoned and the City of Chicago, at the written request of the Developer, shall issue a written release of the easements reserved in Sections 2 and 3 herein, and as shall be recorded with the Office of the Cook County Recorder of Deeds at Developer's sole cost and expense.

SECTION 7. The vacation herein provided for is made upon the express condition that within ninety (90) days from the date of the May 28, 2019 Water Department letter, Exhibit B, 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 Buildings, Plumbing Permit and Plan Section, the estimated sum of Two Million Six Hundred Seven Thousand Six Hundred Seventy Seven and 86/100 Dollars (\$2,607,677.86), as security ("Developer Deposit") for the Developer's completion of the water and sewer work set forth herein and as memorialized in the Water Department letter dated May 28, 2019, attached as Exhibit B. 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 Exhibit B. Upon completion, written approval by the Department of Water Management Water and Sewer Sections, and abandonment of the water main and sewers reserved in Sections 2 and 3 herein, the City of Chicago shall refund any unused funds to the Developer.

In the event that the ordinance is recorded prior to the payment of the Developer Deposit and without written approval by the Acting Superintendent of Maps and Plats, the ordinance will be invalidated, and all vacation/dedication approvals revoked.

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 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 Regulations for Opening, Repair and Construction in the Public Way and its appendices,

SECTION 9. 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 the property abutting said part of public street hereby vacated the sum Two Million Seven Hundred Eighty Thousand dollars (\$ 2,780,000.00), which sum in the judgment of this body will be equal to such benefits.

SECTION 10. 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 11. This ordinance shall take effect and be in force from and after its publication. The vacation shall take effect and be in force from and after recording of the approved ordinance and associated plat.

Vacation Approved:

A handwritten signature in black ink, appearing to read "Thomas Carney", written over a horizontal line.

Thomas Carney
Acting Commissioner of Transportation

Approved as to Form and Legality:

Arthur Dolinsky
Senior Counsel

Introduced By:

Honorable Byron Sigcho Lopez
Alderman, 25th Ward

EXHIBIT B



DEPARTMENT OF WATER MANAGEMENT CITY OF CHICAGO

May 28, 2019

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

Attention: John Kenney
Vice President of Construction

**SUBJECT: Proposed Street Vacation
Water Main and Sewer 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. Kenney:

This correspondence is in response to a meeting between representatives of Pizzuti and the Department of Water Management (DWM) on May 6, 2019, regarding the proposed vacation of S Aberdeen Street, and supersedes the previously issued DWM correspondence dated October 26, 2018. The DWM must review and approve Pizzuti's final plans prior to construction, and further comments and costs for DWM's involvement in the overall project may result from that review.

In order to accommodate this development and the proposed vacation of S Aberdeen Street, Pizzuti will execute a reservation for the benefit of the DWM within the S Aberdeen Street right-of-way for the existing water and sewer facilities located within that area. This will allow the street vacation to proceed while new water and sewer facilities are installed in W Tilden Street by Pizzuti's contractor. Once the new water and sewer facilities are installed and approved for service by the DWM, the existing water and sewer facilities in S Aberdeen Street can then be abandoned and the reservation vacated.

In the event Pizzuti is unable to complete the water and sewer installations in W Tilden Street, a deposit is required from which the DWM may complete the work. The required deposit amount for the Water Section is **\$440,231.82**, and the required deposit for the Sewer Section is **\$2,167,446.04**. These estimates are based on current rates for labor, materials, equipment and overhead charges, but actual costs will be billed to Pizzuti upon DWM's completion of the work.

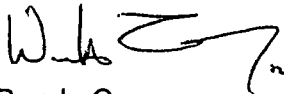
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Pizzuti
May 28, 2019

Two certified checks, 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, 312-744-7060, with a copy of this letter.

Please note that the details described above are valid for 90 days from the date of this letter, after which time, this Department will review and revise the deposit amounts as needed.

If there are any questions regarding the content of this letter, please contact Albert Wtorkowski at Albert.Wtorkowski@cityofchicago.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Randy Conner', with a stylized flourish at the end.

Randy Conner
Commissioner

BMc

cc: Joseph Gattuso – Taft Law
Karen Bielarz – DWM
William Cheaks – DWM
Bulent Agar – DWM
Albert Wtorkowski – DWM
Arthur Dolinsky – DOL
Rachel DeCorvo – CDOT
DOB – Plumbing Permit and Plan Section



CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

06/05/19

Mr. Mark A. Flessner
Acting Corporation Counsel
Room 600 - City Hall
Chicago, IL 60602-1289

Attention: Ms. Lisa Misher
Deputy Corporation Counsel

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

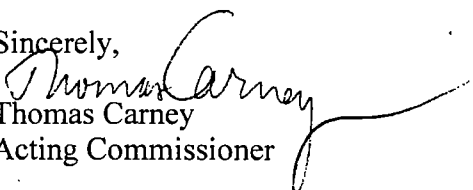
Dear Mr. Flessner :

Pursuant to a request from Mr. Michael Chivini, 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.

Terms for the Department of Water Management for water mains and sewers have been included in the ordinance. A deposit is mandated to the Department of Transportation for curb and walk work. All other underground utility agencies are either not involved or have made suitable arrangements. Compensation is required to the City for the vacation.

The people to contact in connection with this ordinance are Attorney Joseph Gattuso at 312-836-4097 and Mr. Michael Chivini at 630-981-3802

Sincerely,

Thomas Carney
Acting Commissioner

TC: KOM: WH: RD

cc: Alderman Byron Sigcho Lopez (25)
Alderman Howard Brookins
Sandra Foreman/w Attach. Dwg.-s.f. & Ord. (3) file copies
(2) Maps & Plats

HOWARD B. BROOKINS, JR.
ALDERMAN, 21ST WARD

9011 SOUTH ASHLAND AVE. SUITE B
CHICAGO, ILLINOIS 60620
PHONE: 773-881-9300
FAX: 773-881-2152



CITY OF CHICAGO
CITY COUNCIL

COUNCIL CHAMBER
CITY HALL ROOM 305
121 NORTH LASALLE STREET
CHICAGO, ILLINOIS 60602
PHONE: 312-744-4810
FAX: 312-744-7738

COMMITTEE MEMBERSHIPS
TRANSPORTATION AND PUBLIC WAY
(CHAIRMAN)

AVIATION

BUDGET & GOVERNMENT OPERATIONS

ECONOMIC, CAPITAL &
TECHNOLOGY DEVELOPMENT

FINANCE

COMMITTEES AND RULES

WORKFORCE DEVELOPMENT & AUDIT

September 18, 2019

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 - 02019-5745 A proposed vacation of South Aberdeen Street between West Van Buren Street and West Tilden Street. This ordinance was referred to Committee on July 24, 2019.

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

(Ward 25)

Respectfully submitted,

Howard Brookins, Jr.,
Chairman