



# City of Chicago



O2020-836

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	2/19/2020
<b>Sponsor(s):</b>	Gardiner (45)
<b>Type:</b>	Ordinance
<b>Title:</b>	Vacation of public alley(s) in area bounded by N Kilpatrick Ave, N Milwaukee Ave and W Irving Park Rd
<b>Committee(s) Assignment:</b>	Committee on Transportation and Public Way

**COMMERCIAL VACATION 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 3911-3985 N. Milwaukee Avenue, 3906-3940 N. Kilpatrick Avenue, and 4675-4733 W. Irving Park Road are owned by CSD Six Corners LLC, an Illinois limited liability company ("Developer"); and

WHEREAS, the properties at 4655-4663 W. Irving Park Road are owned by Grosspros Associates LLC, which has quit claimed its interests in the to-be-vacated alley to the Developer; and

WHEREAS, the properties at 4665-4673 W. Irving Park Road are owned by ACK Smith LLC, which has quit claimed its interests in the to-be-vacated alley to the Developer; and

WHEREAS, the Developer seeks to assemble the portion of the alley herein vacated with its adjacent lots, for a mixed development under BPD 1321, including ground floor commercial, senior living apartments on floors two through ten, and associated parking; and

WHEREAS, the City Council of the City, 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 that portion of the public alley, described in this ordinance; now therefore,

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

**SECTION 1.**

**VACATION of THAT PART OF AN EASTERLY-WESTERLY 16 FOOT WIDE PUBLIC ALLEY AND A NORTHWESTERLY-SOUTHWESTERLY 16 FOOT WIDE PUBLIC ALLEY LYING NORTHEASTERLY OF AND ADJOINING WITH THE NORTHEASTERLY LINE OF LOTS 1 THROUGH 15, AND LYING SOUTHERLY OF AND ADJOINING WITH THE SOUTHERLY LINES OF LOTS 18 THROUGH 25, ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 25 FOR A DISTANCE OF 5.00 FEET, ALL IN JACKSON'S ADDITION TO IRVING PARK, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 40 NORTH, RANGE 13,**

EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 11, 1897 AS DOCUMENT NUMBER 2625769, AND ALONG THE SOUTHERLY LINE OF "SCHOOL LOT" IN GRAYLAND SUBDIVISION, BEING A SUBDIVISION OF SAID NORTHWEST QUARTER (EXCEPT 10 ACRES IN THE NORTHEAST CORNER), ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 3, 1874 AS DOCUMENT NUMBER 180633, TO THE NORTHEASTERLY EXTENSION OF THE NORTHWESTERLY LINE OF LOT 1 IN SAID JACKSON'S ADDITION TO IRVING PARK, 10.50 FEET FROM THE NORTHWEST CORNER OF SAID LOT 1, AND ALONG SAID NORTHEASTERLY EXTENSION TO SAID NORTHWESTERLY CORNER OF SAID LOT 1, AND ALONG THE NORTHERLY, WESTERLY AND SOUTHWESTERLY LINES OF LOT 26 IN SAID JACKSON'S ADDITION TO IRVING PARK, WITH THE EAST TERMINUS OF SAID PUBLIC ALLEYS BEING THE WESTERLY RIGHT-OF-WAY LINE OF NORTH KILPATRICK AVENUE, ALL IN COOK COUNTY, ILLINOIS. SAID ABOVE DESCRIBED PARCEL CONTAINING 8,873 SQ. FT., OR 0.204 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 vacations.

SECTION 2. The City hereby reserves for the benefit of Commonwealth Edison, its 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 way shall not be altered in a manner so as to interfere with the operation and maintenance of Commonwealth Edison facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without an express written release of easement. Any future Developer-prompted relocation of facilities lying within the areas herein vacated shall be accomplished by the utility, and be done at the expense of the Developer, its successors or assigns.

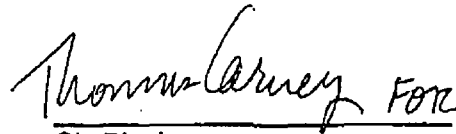
SECTION 3. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer shall deposit in the City Treasury of the City, a sum sufficient to defray the costs of removing paving and curb returns, and constructing sidewalks in 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 4. The vacation herein provided for is also 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 as compensation for the benefits which will accrue to the owner of the property abutting said part of public alley hereby vacated the sum Six Hundred Fifty Thousand dollars (\$ 650,000.00 ), which sum in the judgment of this body will be equal to such benefits.

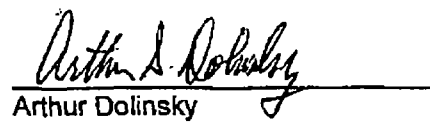
SECTION 5. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developer shall file or cause to be filed for recordation with the Office of the Recorder of Deeds of Cook County, Illinois, a certified copy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

SECTION 5. This ordinance shall take effect and be in force from and after its passage and publication. The vacation shall take effect and be in force from and after the recording of the approved ordinance and plat.


Vacation Approved:

  
Gla Biagi  
Commissioner of Transportation

Approved as to Form and Legality

  
Arthur Dolinsky  
Senior Counsel

Introduced By:

  
Honorable Jim Gardiner  
Alderman, 45th Ward

