



Office of the City Clerk

City Hall
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Legislation Details (With Text)

File #: O2019-5721
Type: Ordinance **Status:** Passed
File created: 7/24/2019 **In control:** City Council
Final action: 9/18/2019

Title: Vacation of public way(s) in area bounded by S Millard Ave, W Congress Pkwy, S Independence Blvd and Garfield Park

Sponsors: Ervin, Jason C.

Indexes: Vacations

Attachments: 1. O2019-5721.pdf

Date	Ver.	Action By	Action	Result
9/18/2019	1	City Council	Passed	Pass
7/24/2019	1	City Council	Referred	

INTERGOVERNMENTAL VACATION ORDINANCE

WHEREAS, the City of Chicago (the "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 3633 to 3659 W. Fifth Avenue, Chicago, Illinois, are owned by the Chicago Housing Authority, an Illinois municipal corporation (the "Agency"); and

WHEREAS, the Agency proposes to assemble properties including the portion of the public street to be vacated pursuant to this ordinance; 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 certain part of the public street described in Section 1 of this ordinance; now, therefore,

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

SECTION 1. THE VACATION OF THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEASTERLY CORNER OF LOT 1 IN BLOCK 2 IN THE SUBDIVISION OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPLE MERIDIAN LYING SOUTH OF BARRY POINT ROAD (EXCEPT THE WEST 250 FEET THEREOF) ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 19, 1885

AS DOCUMENT NUMBER 654835; THENCE NORTH 19 DEGREES 25 MINUTES 27 SECONDS WEST ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF S. MILLARD AVENUE EXTENDED NORTHWESTERLY TO THE NORTHEASTERLY CORNER OF THE SOUTH PORTION OF VACATED W. 5TH AVENUE, RECORDED APRIL 23, 1969 PER DOCUMENT 20819943, A DISTANCE OF 23.00 FEET, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 70 DEGREES 42 MINUTES 43 SECONDS WEST ALONG THE NORTH LINE OF SAID VACATED W. 5TH AVENUE, 185.75 FEET TO THE NORTHWESTERLY CORNER OF SAID VACATED W. 5TH AVENUE; THENCE SOUTH 19 DEGREES 25 MINUTES 27 SECONDS EAST ALONG SAID VACATED W. 5TH AVENUE 23.00 FEET TO THE NORTHWESTERLY CORNER OF LOT 7 IN SAID SUBDIVISION; THENCE NORTHWESTERLY 90.93 FEET ALONG AN ARC, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 36.00 FEET, A CHORD BEARING OF NORTH 70 DEGREES 28 MINUTES 57 SECONDS WEST, A CHORD LENGTH OF 68.62 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH PORTION OF SAID VACATED W. 5TH AVENUE; THENCE NORTH 70 DEGREES 42 MINUTES 43 SECONDS EAST ALONG THE SOUTH LINE OF SAID

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NORTH PORTION OF VACATED W. 5TH AVENUE, 239.12 FEET TO THE SOUTHEASTERLY CORNER OF SAID NORTHERLY PORTION OF VACATED W. 5TH AVENUE AND THE SOUTHWESTERLY RIGHT OF WAY OF S. MILLARD AVENUE; THENCE SOUTH 19 DEGREES 25 MINUTES 27 SECONDS EAST, 20.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, CONTAINING 6,125 SQUARE FEET OR 0.14 ACRES MORE OR LESS as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit A and incorporated here, 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 hereby reserves for the benefit of The Peoples Gas Light and Coke Co. ("Peoples Gas"), its successors or assigns, a non-exclusive easement to operate, maintain, repair, renew and replace existing underground facilities and to construct new facilities under, over and along the street herein vacated, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected upon or over said easement herein reserved for Peoples Gas or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal, or replacement of said facilities, or the construction of additional facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without a written release of easement from Peoples Gas. Any future Agency-prompted relocation of Peoples Gas facilities lying within the area herein vacated will be accomplished by Peoples Gas at the sole expense of the Agency, its successors or assigns.

SECTION 3. The City hereby reserves for the benefit of AT&T/SBC, 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 street herein vacated, with the right of ingress and egress at all times for any and all such purposes. The grade of the vacated public way shall not be altered in a manner as to interfere with the operation and maintenance of AT&T/SBC facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without a written release of easement from AT&T/SBC. Any future Agency-prompted relocation of AT&T/SBC facilities lying within the area herein vacated will be accomplished by AT&T/SBC at the sole expense of the Agency, its successors or assigns.

SECTION 4. The City hereby reserves for the benefit of the Chicago Department of Transportation ("CDOT") Division of Electrical Operations, 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 for public lighting, and associated services under, over and along the street herein vacated, with the right of ingress and egress at all times for any and all such purposes. The grade of the vacated public way shall not be altered in a manner as to interfere with the operation and maintenance of CDOT Division of Electrical Operations facilities. No buildings, permanent structures or

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obstructions shall be placed over CDOT Division of Electrical Operations facilities without a written release of easement from CDOT. Any future Agency-prompted relocation of CDOT Division of Electrical Operations facilities lying within the area herein vacated will be accomplished by CDOT Division of Electrical Operations at the sole expense of the Agency, its successors or assigns.

SECTION 5. The City 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, with the right of ingress and egress at all times for any and all such purposes. 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 expenses related to any Agency-prompted adjustments to City sewer facilities within the area herein vacated shall be borne by the Agency, its successors or assigns, and that said proposed adjustments must be submitted to the Department of Water Management for review and express written approval prior to construction. Any repair, renewal or replacement of Agency improvements, or Agency property damaged within the vacation area, as a result of the City exercising its easement rights, shall be repaired/replaced at the sole expense of the Agency, its successors or assigns.

SECTION 6. The City hereby reserves an easement over the area herein vacated for an existing Department of Water Management water 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 herein vacated, and for the maintenance, renewal, and reconstruction of such facilities, with the right of ingress and egress at all times for any and all such purposes. 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 Agency-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 expense of the Agency, its successors or assigns.

SECTION 7. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Agency shall deposit in the City Treasury of the City, a sum sufficient to defray the costs of removing paving and curb returns, and constructing sidewalk in accordance with the most current version of CDOT's Regulations for Opening, Repair and Construction in the Public Way and its appendices*

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SECTION 8. 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 Agency, or its assign, 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 plat as approved by the CDOT's Acting Superintendent of Maps and Plats.

SECTION 9. This ordinance shall take effect and be in force from and after its passage, approval and publication. The vacation shall take effect and be in force from and after the recording of the certified ordinance and its accompanying full-sized plat.

Vacation Approved:
Thomas Carney Acting Commissioner

Approved as to Form and Legality

Arthur
Counsel

Dolinsky

Senior

Introduced By:

