



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
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Legislation Details (With Text)

File #: O2023-1549

Type: Ordinance **Status:** Recommended for Passage

File created: 4/19/2023 **In control:** Committee on Transportation and Public Way

Final action:

Title: Vacation of public alley(s) in area bounded by S Brandon Ave, E 92nd St, S Burley Ave and E 93rd St

Sponsors: Sadlowski Garza, Susan

Indexes: Vacations

Attachments: 1. O2023-1549.pdf

Date	Ver.	Action By	Action	Result
6/13/2023	1	Committee on Transportation and Public Way		
4/19/2023	1	City Council	Referred	

INTERGOVERNMENTAL 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 3211, 3223 and 3227 E. 92nd Street and at 9216, 9220, 9224 and 9238 S. Burley Avenue are owned by the City; and

WHEREAS, the City's Community Development Commission, pursuant to Resolution Number 22-CDC-31, approved on July 12, 2022, recommended that the City Council designate SACRED Apartments Developer LLC ("Successor Developer") as the developer of an affordable housing complex on the aforementioned City-owned property and that the City's Department of Planning and Development ("DPD") be authorized to negotiate, execute and deliver on the City's behalf a redevelopment agreement with Successor Developer for such development, so long as no responsive alternative proposals are timely received by the City, or DPD in its sole discretion determines that Successor Developer's proposal is the best proposal; and

WHEREAS, the properties at 3215 - 3219 and 3229 E. 92nd Street and 9234 S. Burley Avenue are now owned by County of Cook, Illinois dba the Cook County Land Bank Authority, an Illinois municipal corporation (a/k/a "Cook County Land Bank Authority"), which approved a resolution on March 20, 2020 authorizing a land banking agreement relating to such property between the Cook County Land Bank Authority and Successor Developer; and

WHEREAS, the City and the Cook County Land Bank Authority propose to assemble their adjacent properties, including the portion of the alley to be vacated, and, pursuant to separate ordinance, convey them to Successor Developer for the development of an affordable housing complex; and

WHEREAS, the City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of public use and the public interest to be subserved is such as to warrant the vacation of the public alley described below; now, therefore,

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

SECTION 1. Legal Description

The vacation of:

THAT PART OF THE EAST-WEST 20 FOOT WIDE PUBLIC ALLEY IN BLOCK 87, IN SOUTH CHICAGO, A SUBDIVISION BY THE CALUMET & CHICAGO CANAL & DOCK COMPANY OF THE EAST HALF OF THE WEST HALF AND PARTS OF THE EAST FRACTIONAL HALF OF SECTION 6, NORTH OF THE INDIAN BOUNDARY LINE, AND THAT PART OF FRACTIONAL SECTION 6, SOUTH OF THE INDIAN BOUNDARY LINE, LYING NORTH OF THE MICHIGAN SOUTHERN RAILROAD, AND FRACTIONAL SECTION 5, NORTH OF THE INDIAN BOUNDARY LINE, ALL IN TOWNSHIP 37 NORTH, RANGE, 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JANUARY 17, 1874 PER DOCUMENT NUMBER 145821, AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 IN SOUTH CHICAGO AFORESAID, A POINT BEING ON THE WEST LINE OF S. BURLEY AVENUE AND THE NORTH LINE OF SAID EAST-WEST ALLEY, THENCE SOUTH 01 DEGREE 35 MINUTES 37 SECONDS EAST 20.00 FEET TO THE NORTHEAST CORNER OF LOT 12 IN SOUTH CHICAGO AFORESAID, A POINT BEING ON SAID WEST LINE AND THE SOUTH LINE OF SAID EAST-WEST ALLEY; THENCE SOUTH 88 DEGREE 23 MINUTES 08 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 12 A DISTANCE OF 130.25 FEET TO THE NORTHWEST CORNER OF SAID LOT 12 BEING ON THE WEST LINE OF ADJOINING NORTH-SOUTH 20 FOOT WIDE PUBLIC ALLEY; THENCE NORTH 01 DEGREE 35 MINUTES 41 SECOND WEST ALONG THE NORTHERLY PROJECTION OF SAID NORTH-SOUTH ALLEY 20.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 6 IN SOUTH CHICAGO AFORESAID ALSO BEING THE NORTH LINE OF THE EAST-WEST ALLEY; THENCE NORTH 88 DEGREE 23 MINUTES 08 SECONDS EAST ALONG THE SOUTH LINE OF LOTS 1 THROUGH 5 AND THAT PART OF LOT 6 IN SOUTH CHICAGO AFORESAID A DISTANCE OF 130.25 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 2,605 SQUARE FEET OR 0.059 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 City of Chicago hereby reserves for the benefit of Commonwealth Edison, AT&T/SBC, Comcast and their 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 alley herein vacated, with the right of ingress and egress, until such time as Successor Developer can pay for relocation and be released. 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, AT&T/SBC or Comcast 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 by the involved utilities. Any future Successor Developer- prompted relocation of facilities lying within the area being vacated will be accomplished by the involved utility, and be done at the expense of Successor Developer and its successors or assigns.

SECTION 3 The vacation herein provided for is made under the express condition that

Successor Developer and its successors and assigns shall hold harmless, indemnify and defend the City of Chicago from all claims related to said vacation. SECTION 4. 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 City, Cook County Land Bank Authority or Successor Developer shall file or cause to be filed for recordation with the Office of the Cook County Clerk / Recordings Division a certified copy of this ordinance, together with the associated full-sized plat as approved by the Department of Transportation's 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 published ordinance and approved plat. Gia Biagi Commissioner
Department of Transportation

Introduced By:

Honorable Susan Sadlowski Garza Alderman, 10th Ward

CDOT File Number: 06-10-23-4035 ■ EXHIBIT "A"
PLAT OF VACATION

LEGAL DESCRIPTION:

THAT PART OF THE EAST-WEST 20 FOOT WIDE PUBLIC ALLEY IN BLOCK 87, 7th N SOUTH CHICAGO, A SUBDIVISION BY THE CALUMET & CHICAGO CANAL & DOCK COMPANY OF THE EAST HALF OF THE WEST HALF AND PARTS OF THE EAST FRACTIONAL HALF OF SECTION 6, NORTH OF THE INDIAN BOUNDARY LINE, AND THAT PART OF FRACTIONAL SECTION C, SOUTH OF THE INDIAN BOUNDARY LINE, LYING NORTH OF THE MICHIGAN SOUTHERN RAILROAD, AND FRACTIONAL SECTION 5, NORTH OF THE INDIAN BOUNDARY LINE, ALL IN TOWNSHIP 37 NORTH, RANGE IS EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JANUARY 17, 1874 PER DOCUMENT NUMBER 145821 AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 IN SOUTH CHICAGO AFORESAID, A POINT BEING ON THE WEST LINE OF S. BURLEY AVENUE AND THE NORTH LINE OF SAID EAST-WEST ALLEY, THENCE SOUTH 01 DEGREE 35 MINUTES 37 SECONDS EAST 20.00 FEET TO THE NORTHEAST CORNER OF LOT 12 IN SOUTH CHICAGO AFORESAID, A POINT BEING ON SAID WEST LINE AND THE SOUTH LINE OF SAID EAST-WEST ALLEY; THENCE SOUTH 88 DEGREE 23 MINUTES 08 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 12 A DISTANCE OF 130.25 FEET TO THE NORTHWEST CORNER OF SAID LOT 17 BEING ON THE WEST LINE OF ADJOINING NORTH-SOUTH 20 FOOT WIDE PUBLIC ALLEY; THENCE NORTH 01 DEGREE 35 MINUTES 41 SECOND WEST ALONG THE NORTHERLY PROJECTION OF SAID NORTH-SOUTH ALLEY 20.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 6 IN SOUTH CHICAGO AFORESAID ALSO BEING THE NORTH LINE OF THE EAST-WEST ALLEY; THENCE NORTH 88 DEGREE 23 MINUTES 08 SECONDS EAST ALONG THE SOUTH LINE OF LOTS 1 THROUGH 5 AND THAT PART OF LOT 6 IN SOUTH CHICAGO AFORESAID A DISTANCE OF 130.25 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 2.005 SQUARE FEET OR 0.059 ACRES, MORE OR LESS.

E. 93RD. STREET j

(area r.o.y)