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Legislation Text

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OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

April 2, 2014

TO THE HONORABLE, THE CITY COUNCIL OF THE CITY OF
CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith an ordinance authorizing a closure of railroad viaducts.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

ORDINANCE
PERMANENT CLOSURE TO VEHICULAR AND PEDESTRIAN TRAFFIC
OF VIADUCTS AT RIGHT OF WAYS LOCATED AT WEST ADAMS
STREET AND SOUTH ROCKWELL STREET & WEST WILCOX STREET
AND SOUTH ROCKWELL STREET

WHEREAS, the City of Chicago ("City") is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970 and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City and the Union Pacific Railroad Company, a Delaware corporation ("Union Pacific") desire to permanently close the two (2) viaducts (together, the "Viaduct Closures") located within the right-of-way at West Adams Street and South Rockwell Street and within the right-of-way at West Wilcox Street and South Rockwell Street, as detailed on the drawing attached hereto as Exhibit A, and made a part of this ordinance; and

WHEREAS, Union Pacific will replace the existing superstructures at the right-of-ways with earth embankment and fill at its sole cost and expense (the "Union Pacific Work"). No structures will be erected within the earth-fill areas; and

WHEREAS, in the course of Union Pacific replacing the existing superstructures, the City will install cul de sacs on the west side of the viaducts at both West Adams Street and West Wilcox Street and perform protection work to the City's water main at both viaducts; and

WHEREAS, the Viaduct Closures is a transportation betterment in the public interest and safety and a cost savings to the City; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The foregoing recitals are hereby adopted as findings of the City Council.

SECTION 2. Subject to the terms and conditions of this ordinance, the viaducts as shown and indicated by the words "CLOSURE LOCATIONS" on the drawing hereto attached, which drawing for greater certainty is hereby made a part of this ordinance as Exhibit A, are hereby closed to vehicular and pedestrian traffic.

SECTION 3. Subject to the terms and conditions of this ordinance, Union Pacific is authorized to remove and replace the existing superstructures at the right-of-ways with earth embankment and fill at its sole cost and expense.

SECTION 4. Subject to the terms and conditions of this ordinance, the City is authorized to install cul de sacs on the west side of the two (2) viaducts at both West Adams Street and West Wilcox Street and is further authorized to perform protection work to the City's water mains at both viaducts.

SECTION 5. Union Pacific was authorized by previous ordinances to maintain the support system of the viaducts that governed the elevation of the Union Pacific railroad ("Existing Ordinances);

SECTION 6. Subject to the terms and conditions of this ordinance, the Existing Ordinances are hereby amended to permit Union Pacific to perform the Union Pacific Work, including the removal and replacement of the existing superstructures at the right-of-ways with earth embankment and fill in the two (2) viaducts closed by this ordinance. Prior to the commencement of any Union Pacific Work, Union Pacific's contractor shall submit the following:

- a) detailed plans and specifications for the Union Pacific Work, subject to the approval of the

Commissioner of Transportation; and

- b) appropriate indemnities of the City, its agents and employees, subject to the approval of the Corporation Counsel; and
- c) proof of insurance with coverage and limits, subject to the approval of the City Risk Manager.

All Union Pacific Work shall be performed in a good and workmanlike manner and in strict compliance with all applicable laws, ordinances, regulations and other legal authority, with the lawful orders and directions of the Commissioners of Transportation, Streets and Sanitation, Water Management, and Buildings, and with the plans and specifications approved by the Commissioner of Transportation. If any relocations or other work to any utility or similar or related public service facility is required by the work, that utility or public service company shall be responsible for obtaining all approvals and bearing all costs associated with that work.

SECTION 7. Union Pacific shall be liable for its Union Pacific Work obligations under this ordinance.

SECTION 8. This ordinance shall take effect and be in force from and after its passage.

EXHIBIT A