



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Text

File #: SO2022-2450, Version: 1

SUBSTITUTE ORDINANCE

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, pursuant to an ordinance (the "1928 Ordinance") passed by the City Council of the City (the "City Council") on July 11, 1928, and published in the Journal of the Proceedings of the City Council (the "Journal") for such date at pages 3310, et seq, the City authorized and required the Belt Railway Company of Chicago ("Belt Railway") to elevate its track and construct a grade separated crossing of its tracks over Columbus Avenue, in the City of Chicago; and

WHEREAS, beginning with a Joint Statement of Understandings ("JSOU") in 2003, the Chicago Regional Environmental and Transportation Efficiency ("CREATE") Program has resulted in joint and coordinated projects by and among the Class 1 freight railroads (including CSX), Amtrak, Metra, the Illinois Department of Transportation ("IDOT"), Cook County and the Chicago Department of Transportation ("CDOT") to restructure, modernize and expand the freight and passenger rail facilities and public highway systems and reduce environmental and social impacts of rail operations in the Chicago metropolitan area; and

WHEREAS, the grade separation of the Belt Railway line and Columbus Avenue was never constructed as required; and

WHEREAS, IDOT, CDOT, and the Belt Railway have agreed upon an alternative plan to construct a grade separation in the same location in order to separate the grades of rail traffic from surface street traffic at that location with the purpose of improving traffic safety and reducing delays and other negative impacts of traffic; and

WHEREAS, as part of the CREATE Program, IDOT, CDOT and Belt Railway propose to construct such a bridge and viaduct as agreed ("Project"); and

WHEREAS, the Belt Railway agrees to maintain the bridge and other railroad improvements that are components of the Project and, in accordance with maintenance agreements between them, IDOT and the City have agreed to maintain the public way components of the Project; and

WHEREAS, pursuant Chapter 2-102-030 of the Municipal Code of the City, the Commissioner of CDOT ("Commissioner") has the power and duty to control the acquisition of rights of way for and the improvement, construction, maintenance and repair of the public ways, and to supervise and control such projects; and

WHEREAS, the City has determined that it is useful, desirable and necessary that the City acquire for public ownership and control those parcels of real property located along and adjacent

to Columbus Avenue, as listed on the attached Exhibit A. or portions thereof, (the "Acquisition Parcels"), for the public purpose of the acquisition of rights-of-way for and the improvement, construction, maintenance and repair of the Project; and

WHEREAS, the City has determined that the acquisition of the Acquisition Parcels, free and clear of leases, agreements and encumbrances for the Project is useful, advantageous or desirable for municipal purposes and public welfare; and

WHEREAS, the General Assembly in 735 ILCS 30/25-7-103.12, has authorized the use of quick-take eminent domain proceedings by municipalities for the purposes set forth in Division 74.2 and 74.3 of Article 2 of the Illinois Municipal Code, said purposes being the redevelopment of commercial or business areas by removing commercial blight for redevelopment purposes, and for the same purposes when established pursuant to home rule powers; and

WHEREAS, the City Council has adopted the Greater Southwest Industrial Corridor (East) Redevelopment Area Project and Plan, dated November 23, 1998, and Amendment No. 1 thereto dated October 25, 2005, thereby finding that statutory criteria for blighted area eligibility were met in this area; and

WHEREAS, the City Council hereby finds that the Project will further and assist in the eradication and elimination of commercial blight or conservation areas containing buildings and structures that are detrimental to the health, safety and welfare of the occupants and the welfare of the urban community, consistent with Division 74.2 of Article 11 of the Illinois Municipal Code; and

WHEREAS, the City Council hereby finds that the Project will further and assist in the creation, development, improvement, maintenance, and redevelopment of business districts and involves further creation of new and lasting infrastructure consistent with Division 74.3 of Article 11 of the Illinois Municipal Code; and

WHEREAS, the City under its home rule power finds that it useful and necessary to use quick-take to acquire the Acquisition Parcels for these same purposes; and

WHEREAS, pursuant to Resolution No. 22-CDC-13 adopted on May 11, 2022 by the Commission, the Commission authorized CDOT to acquire the designated Acquisition Parcels listed on Exhibit A in furtherance of the Plans in the Areas without further Commission action; now, therefore,

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

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

SECTION 2. The 1928 Ordinance is hereby amended to permit the construction of the Project in accordance with the terms and conditions of this Ordinance, in lieu of the construction

of the grade separated crossing described therein, on the condition that the Belt Railway shall cooperate in the construction, accept ownership and perform maintenance of such grade separation structure, pursuant to an agreement detailing the same, which agreement subject to the approval of the Corporation Counsel ("Maintenance Agreement.")

SECTION 3. It is hereby determined and declared that it is useful, desirable and necessary that the City to acquire the Acquisition Parcels for public purposes and for purposes of implementing the objectives of the Plans for CDOT.

SECTION 4. The Schedule for the Project, including the acquisition of the Acquisition Parcels or portions thereof, as set forth in Exhibit B which is attached and incorporate, is hereby adopted by the City Council.

SECTION 5. The Corporation Counsel is authorized to negotiate with the owner(s) for the purchase of the Acquisition Parcels or portions thereof. If the Corporation Counsel and the owner(s) are able to agree on the terms of the purchase, including the interests therein, the Corporation Counsel is authorized to purchase the Acquisition Parcels or portions thereof or interests therein on behalf of the City for the agreed price with such purchase price to be paid out of legally available funds of the City, including, without limitation, the proceeds of any grants or other funds received by the City. If the Corporation Counsel is unable to agree with any owner of an Acquisition Parcel on the terms of the purchase, or if an owner is unwilling or unable to enter into such a transaction with the City, or if an owner cannot be located, then the Corporation Counsel is authorized to institute and prosecute condemnation proceedings, including a motion for immediate vesting of title, on behalf of the City for the purpose of acquiring fee simple title to the Acquisition Parcels as listed on Exhibit A under the City's power of eminent domain and in accordance with the schedule for the acquisition of the Acquisition Parcels adopted above. Such acquisition efforts shall commence within four (4) years of the date of the publication of this ordinance. For the Acquisition Parcels, commencement shall be deemed to have occurred upon the City's delivery of an offer letter to the owner(s) of such Acquisition Parcel.

SECTION 6. The Commissioner of CDOT is authorized to (1) execute such documents as may be necessary to implement the provisions of this ordinance, including a Maintenance Agreement and other agreements with the Belt Railway, and any agreement with any property owner or other railroad impacted by the Project, and any such agreements may provide for City's indemnification of another party, (2) amend, modify, or change the Schedule for the Project including the acquisition of the Acquisition Parcels, adopted above, and (3) determine whether the acquisition of the each of the Acquisition Parcels, or a portion thereof, or less than fee simple title is necessary or appropriate to implement the Project, all subject to the approval of the Corporation Counsel.

SECTION 7. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 8. All ordinances, resolutions, motions or orders in conflict with this ordinance hereby repealed to the extent of such conflict.

SECTION 9. This ordinance shall be effective upon its passage and approval.

EXHIBIT A
ACQUISITION PARCELS

(SUBJECT TO FINAL SURVEY AND TITLE COMMITMENT)

PARCEL OMX0001. PIN

19-25-224-014 19-25-400-001 19-25-400-002 19-25-400-003 19-25-401-001 19-25-401-002 19-25-401-003 19-25-402-004

PARCEL OMX0002.

PIN

19-25-125-004 19-25-224-029 19-25-224-030 19-25-228-038 19-25-500-003

PARCEL OMX0005.

PIN

19-25-224-029 PARCEL OMX0006. PIN

19-25-224-029 PARCEL OMX0007.

Common Address 7501 S Rockwell St, Chicago, IL 7459 S California Ave, Chicago, IL 7458 S Fairfield Ave, Chicago, IL 7529 S California Ave, Chicago, IL
7457 S Fairfield Ave, Chicago, IL
7458 S Washtenaw Ave, Chicago, IL 2750 W Columbus Ave, Chicago, IL 2630 W Columbus Ave, Chicago, IL

Common Address 7444 S Rockwell St, Chicago, IL 7453 S Rockwell St, Chicago, IL 7457 S Rockwell St, Chicago, IL 7410 S Western Ave, Chicago, IL 7451 S Rockwell St, Chicago, IL

Common Address
7453 S Rockwell St, Chicago, IL

Common Address
7453 S Rockwell St, Chicago, IL

PIN
19-25-225-028
Common Address
2516 W Columbus Ave, Chicago, IL

PARCEL 0MX0008

PIN
19-25-226-018
Common Address
2442 W Columbus Ave, Chicago, IL

PARCEL 0MX0009. PIN

19-25-227-001 PARCEL 0MX0010.

Common Address
7400 S Western Ave, Chicago, IL

PIN
19-25-228-034 19-25-228-035 19-25-228-037 19-25-228-039

PARCEL 0MX001L

PIN
19-25-403-001 19-25-403-002 19-25^04-001 19-25-405-001 19-25-501-001
Common Address 7410 S Western Ave, Chicago, IL 7410 S Western Ave, Chicago, IL 7410 S Western Ave,
Chicago, IL 7410 S Western Ave, Chicago, IL

Common Address
2543 W Columbus Ave, Chicago, IL 2545 W Columbus Ave, Chicago, IL 2701 W Columbus Ave, Chicago, IL
2629 W Columbus Ave, Chicago, IL 7502 S Columbus Ave, Chicago, IL

EXHIBIT B

Schedule for Project

Acquire all property interests, including fee simple interests, permanent easements and temporary easements, in those portions of the Acquisition Parcels designated on the plats on or before 12/31/2022.
Commence bridge and highway construction project on or before 06/30/2023.

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

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

COMMITTEE MEMBERSHIPS TRANSPORTATION AND PUBLIC WAY (CHAIRMAN)

AVIATION

BUDGET & GOVERNMENT OPERATIONS

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

ECONOMIC, CAPITAL & TECHNOLOGY DEVELOPMENT

FINANCE

COMMITTEES AND RULES

WORKFORCE DEVELOPMENT & AUDIT

September 21, 2022

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 MAYORAL to COLUMBUS AVENUE AND BELT RAILWAY OF CHICAGO GRADE SEPERATION PROJECT - (SUBSTITUTE) - SO2022-2450 Acquisition of various parcels on portions of South Rockwell St, South California Ave, South Fairfield Ave, South Washtenaw Ave, West Columbus Ave and South Western Ave for Belt Railway Company of Chicago construction of grade-separated crossing at West Columbus Avenue. This ordinance was referred to Committee on July 20, 2022 .

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

Respectfully submitted,

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Howard Brookins, Jr.,
Chairman

APPROVED