



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2013-1002  
**Type:** Ordinance **Status:** Passed  
**File created:** 2/13/2013 **In control:** City Council  
**Final action:** 3/13/2013  
**Title:** Expenditure of Open Space Impact Fee funds for construction of elevated rail line along W Bloomingdale Ave from N Ashland Ave to N Ridgeway Ave  
**Sponsors:** Emanuel, Rahm  
**Indexes:** Open Space Impact Fees  
**Attachments:** 1. O2013-1002.pdf

Date	Ver.	Action By	Action	Result
3/28/2013	1	Office of the Mayor	Signed by Mayor	
3/13/2013	1	City Council	Passed	Pass
3/6/2013	1	Committee on Special Events, Cultural Affairs and Recreation	Recommended to Pass	Pass
2/13/2013	1	City Council	Referred	

### ORDINANCE

WHEREAS, the City of Chicago (the "City"), is a home rule unit of government under Article VII, Section 6(a) of the 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 City is authorized under its home rule powers to regulate the use and development of land; and

WHEREAS, it is a reasonable condition of development approval to ensure that adequate open space and recreational facilities exist within the City; and

WHEREAS, on April 1, 1998, the City Council of the City (the "City Council") adopted the Open Space Impact Fee Ordinance codified at Chapter 18 of Title 16 (the "Open Space Ordinance") of the Municipal Code of Chicago (the "Code") to address the need for additional public space and recreational facilities for the benefit of the residents of newly created residential developments in the City; and

WHEREAS, the Open Space Ordinance authorizes, among other things, the collection of fees from residential developments that create new dwelling units without contributing a proportionate share of open space and recreational facilities for the benefit of their residents as part of the overall development (the "Fee-Paying Developments"); and

WHEREAS, pursuant to the Open Space Ordinance, the Department of Finance ("DOF") has collected fees derived from the Fee-Paying Developments (the "Open Space Fees") and has deposited those fees in separate funds, each fund corresponding to the Community Area (as defined in the Open Space Ordinance), in which each of the Fee-Paying Developments is located and from which the Open Space Fees were collected; and

WHEREAS, the Department of Housing and Economic Development ("HED") has determined that the Fee-Paying Developments built in the Community Area listed on Exhibit A attached hereto have deepened the already significant deficit of open space in the Community Area, which deficit was documented in the comprehensive plan entitled "The CitySpace Plan," adopted by the Chicago Plan Commission on September 11, 1997 and adopted by the City Council on May 20, 1998 pursuant to an ordinance published at pages 69309-69311 of the Journal of the Proceedings of the City Council (the "Journal") of the same date; and

WHEREAS, the City wishes to acquire an approximately 2,743 square foot property at the intersection of Milwaukee Avenue and Leavitt Street with a common address of 1759 North Milwaukee Avenue, Chicago, Illinois ("Property") and intends to construct thereon an access point to a planned multi-use recreation trail to be constructed on an elevated rail line along Bloomingdale Avenue between Ashland Avenue and Ridgeway Avenue (the "Project"), all as described in Exhibit A; and

WHEREAS, the City wishes to pay for all or part of the acquisition costs of the Property, in the amount described on Exhibit A, from the proceeds of the Open Space Fees collected by DOF from the Community Area; and

WHEREAS, the Open Space Ordinance requires that the Open Space Fees be used for open space acquisition and capital improvements, which provide a direct and material benefit to

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the new development from which the fees are collected; and

WHEREAS, the Open Space Ordinance requires that the Open Space Fees be expended within the same or a contiguous Community Area from which they were collected after a legislative finding by the City Council that the expenditure of the Open Space Fees will directly and materially benefit the developments from which the Open Space Fees were collected; and

WHEREAS, HED has determined that the use of the Open Space Fees to fund the Project will provide a direct and material benefit to each of the Fee-Paying Developments from which the Open Space Fees were collected; and

WHEREAS, HED has determined that Open Space Fees to be used for the purposes set forth herein have come from the specific fund set up by DOF for the corresponding Community Area in which a Fee-Paying Development is located and from which the Open Space Fees were collected; and

WHEREAS, HED has recommended that the City Council approve the use of the Open Space Fees for the purposes set forth herein and on Exhibit A through this ordinance; and

WHEREAS, HED has recommended that the City Council make a finding that the expenditure of the Open Space Fees as described herein will directly and materially benefit the Fee-Paying Developments from which the Open Space Fees were collected; now, therefore,

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

SECTION 1. The above recitals are expressly incorporated in and made part of this ordinance as though fully set forth herein.

SECTION 2. The City Council hereby finds that the expenditure of the Open Space Fees will directly and materially benefit the residents of those Fee-Paying Developments from which the Open Space Fees were collected and approves the use of the Open Space Fees for the purposes described herein.

SECTION 3. The Commissioner of HED (the "Commissioner") and a designee of the Commissioner are each hereby authorized, subject to the approval of the Corporation Counsel, to disburse Open Space Fees in an amount not exceeding the amount listed on Exhibit A from the corresponding fund.

SECTION 4. Open Space Fees in the amount on Exhibit A from the West Town Community Area Open Space Fees Fund are hereby appropriated for the purposes described herein. "

SECTION 5. To the extent that any ordinance, resolution, rule, order or provision of the Code, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall control. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provisions of this ordinance.

SECTION 6. This ordinance shall be in full force and effect from and after the date of its passage.

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## EXHIBIT A DESCRIPTION OF PROJECT

Address:

Community Area: Description of Project:

### Project Costs:

Approximately 2,743 square foot parcel at the intersection of Milwaukee Avenue and Leavitt Street with a common address of 1759 North Milwaukee Avenue, Chicago, Illinois and identified as Property Index Number 14-31-502-001 (the "Property")

### West Town

Open Space Fees will be used to acquire the Property as an access point for the Bloomingdale Trail to be constructed on an elevated rail line along Bloomingdale Avenue between Ashland Avenue and Ridgeway Avenue for purposes of providing open space and recreational facilities to the residents of the Community Area.

Approximate costs associated with acquiring the Property as follows:

Acquisition costs Administration costs TOTAL

85,000 10,000 \$95,000

Amount of Open Space Fees:

OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

February 13, 2013

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

Ladies and Gentlemen:

At the request of the Commissioner of Housing and Economic Development, I transmit herewith ordinances authorizing the expenditure of Open Space Impact Fee Funds.

Your favorable consideration of these ordinances will be appreciated.

Mayor

Very truly yours,

**CITY  
13, 2013**

**COUNCIL**

**March**

Thank you Mr. President:

Reporting for your Committee on Special Events and Cultural Affairs, for which a meeting was held on March 6, 2013

Mr. President, I beg leave to recommend:

**Expenditure of TWO Open Space impact fee funds for the following:**

(42) Ward - 02013-888 Loop Riverwalk, on main branch of Chicago River, located at the South Bank of the Chicago River from State Street to Lake Street, Community Area: Loop.

^32)-Ward --02013-1002 West Town, to construct elevated rail line along" Bloomingdale Ave. between Ashland Ave. and Ridgeway Ave., located at 1759 N.

Milwaukee Ave., Community Area: West Town.

**IF THERE BE NO OBJECTION, I MOVE FOR THE PASSAGE  
OF THESE ORDINANCES BE PUT IN THE OMNIBUS.**

This concludes the report of the Committee on Special Events and Cultural Affairs.

Respectfully submitted,