



Office of the City Clerk

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Legislation Details (With Text)

File #: SO2014-3442
Type: Ordinance
File created: 4/30/2014
Status: Passed
In control: City Council
Final action: 5/28/2014
Title: Conveyance of City-owned property to NeighborSpace at 1364 E 62nd St and 6149 S Dorchester Ave for community-managed garden
Sponsors: Emanuel, Rahm
Indexes: Transfer
Attachments: 1. O2014-3442.pdf, 2. SO2014-3442.pdf

Date	Ver.	Action By	Action	Result
5/28/2014		City Council	Passed as Substitute	Pass
5/21/2014	1	Committee on Housing and Real Estate	Substituted in Committee	Pass
4/30/2014	1	City Council	Referred	

SUBSTITUTE

AN ORDINANCE OF THE CITY OF CHICAGO, ILLINOIS AUTHORIZING THE CONVEYANCE OF CITY LAND TO NEIGHBORSACE

WHEREAS, the City of Chicago (the "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 has established the Community Development Commission ("CDC") to, among other things, designate redevelopment areas, approve redevelopment plans, and recommend the sale or lease of parcels located in redevelopment areas, subject to the approval of the City Council of the City ("City Council"); and

WHEREAS, pursuant to ordinances adopted by the City Council on January 20, 1999, and published at pages 87763 through 87861 in the Journal of the Proceedings of the City Council of the City of Chicago ("Journal") of such date, the City Council: (i) approved and adopted a redevelopment plan and project (the "TIF Plan") for a portion of the City known as the Woodlawn Redevelopment Project Area (the "TIF Area"); (ii) designated the TIF Area as a redevelopment project area; and (iii) adopted tax increment allocation financing for the TIF Area, all in accordance with the Illinois Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1, et seq.); and

WHEREAS, there is a lack of sufficient open space in the City for recreational and aesthetic uses, as documented in the comprehensive plan entitled "CitySpace: An Open Space Plan For Chicago" (the "CitySpace Plan"), and as a result there is a need to develop small open spaces as parks, gardens and natural areas for public use; and

WHEREAS, the CitySpace Plan sets forth certain goals and objectives for increasing open space in the City; and

WHEREAS, the City Council finds that the establishment of additional public open space and parkland is essential to the general health, safety and welfare of the City; and

WHEREAS, the City owns two (2) vacant parcels of land (approximately 31,875 square feet or .73 acres) located in the TIF Area, which are listed on Exhibit A attached hereto and legally described on Exhibit B attached hereto (subject to final survey and title commitment, the "Property"); and

WHEREAS, one of the two parcels comprising the Property is located immediately west of Beehive Park, and the other is located across the street from the park at the northeast intersection of East 62nd Street and South Dorchester Avenue, as depicted on Exhibit C attached hereto; and

WHEREAS, the Property is presently used as a community-managed allotment garden known as the 62nd and Dorchester Garden (the "Garden"); and

WHEREAS, the Garden contains 120 plots, which individuals and families use to grow vegetables, fruits and flowers; and

WHEREAS, the Garden is managed by an eight-member leadership committee elected by the gardeners; and

WHEREAS, the Garden has numerous community partners and supporters including Garden Resources of Woodlawn (GROW), a community-wide coalition of gardens that share resources and expertise; the University of Chicago, which has provided volunteers and infrastructure improvements; the faculty and students from Carnegie Elementary School, who receive hands-on experience planting and tending a garden; the Experimental Station, a nonprofit organization that sponsors and supports educational and cultural programs, small business enterprises and community initiatives (such as the 61st Street Farmers Market); and the KAM Isaiah Israel Temple Social Justice Committee, which manages a "gleaning program" that donates produce overages to local food pantries; and

WHEREAS, the Garden is surrounded by multi-unit residential and institutional buildings and, together with the adjacent park, provides residents with a unique open space and recreational area; and

WHEREAS, by ordinance adopted on March 26, 1996, and published at pages 18969 to 18979 in the Journal of such date (the "NeighborSpace Ordinance"), the City authorized the execution of an intergovernmental agreement between the City, the Chicago Park District and the Forest Preserve District of Cook County (the "NeighborSpace IGA") to establish NeighborSpace, a not-for-profit corporation, to address the lack of sufficient open space in the City for recreational and aesthetic uses; and

WHEREAS, NeighborSpace was incorporated under the laws of the State of Illinois on May 29, 1996, exclusively for charitable, scientific and educational purposes, including, but not limited to, the preservation of open space and parks within the City; and

WHEREAS, on September 9, 1998, the City approved a 20-year extension of the NeighborSpace IGA; and

WHEREAS, the primary mission of NeighborSpace is to acquire small open spaces to ensure their continued survival for community use; and

WHEREAS, NeighborSpace is a sponsoring member of the Land Trust Alliance, a national network of private land conservation entities; and

WHEREAS, the NeighborSpace Ordinance contemplates that the City would donate, sell or lease land to NeighborSpace, and that NeighborSpace, in turn, would enter into agreements with local groups to use and maintain the land as community gardens or other public open space; and

WHEREAS, the City desires to convey the Property to NeighborSpace for the preservation and ownership of a community-managed garden known as the "62nd and Dorchester Garden"; and

WHEREAS, after transfer of the Property to NeighborSpace, the Garden will continue to be managed by the gardeners; and

WHEREAS, the City Council finds that the conveyance of the Property to NeighborSpace is in the best interests of the City; and

WHEREAS, the use of the Property as public open space is consistent with the purposes and objectives of the TIF Plan; and

WHEREAS, the Board of Directors of NeighborSpace approved the acquisition of the

Property on November 13, 2012; and

WHEREAS, on February 20, 2014, the Chicago Plan Commission approved the sale of the Property to NeighborSpace; and

WHEREAS, by Resolution No. 14-CDC-6, adopted on February 11, 2014, the CDC authorized the Department of Planning and Development (the "Department") to advertise its intent to negotiate a sale with NeighborSpace for disposition of the Property and to request alternative proposals for redevelopment, and recommended the sale of the Property to NeighborSpace if no responsive alternative proposals were received at the conclusion of the advertising period, or, if alternative proposals were received, if the Department determined in its sole discretion that it was in the best interest of the City to proceed with NeighborSpace's proposal; and

WHEREAS, public notices advertising the Department's intent to enter into a negotiated sale of the Property with NeighborSpace and requesting alternative proposals appeared in the Chicago Sun-Times on February 15, February 23 and March 15, 2014; and

WHEREAS, no other responsive proposals were received by the deadline indicated in the aforesaid notices; now, therefore,

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

SECTION 1. The foregoing recitals, findings and statements of fact are hereby adopted as the findings of the City Council.

SECTION 2. The City hereby approves the conveyance of the Property to NeighborSpace in its "as is" condition for the sum of One and No/100 Dollar (\$1.00) per parcel.

SECTION 3. The Mayor or his proxy is authorized to execute, and the City Clerk or Deputy City Clerk, is authorized to attest, a quitclaim deed or deeds conveying the Property to NeighborSpace. The quitclaim deed(s) shall include the following covenant running with the land, or language substantially similar and acceptable to the Corporation Counsel:

NeighborSpace shall use, or permit the use, of the Property as open space only, including, without limitation, as a community garden. The City, acting through the Commissioner of the City's Department of Planning and Development, or any successor department thereto, shall have authority to release this covenant upon the request of NeighborSpace. If NeighborSpace uses, or permits the use, of the Property for any other purpose, without first obtaining a release of this covenant, the City may re-enter and take possession of the Property, terminate the estate conveyed to NeighborSpace, and revest title to the Property in the City.

SECTION 4. 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 5. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. This ordinance shall be in full force and effect immediately upon its passage and approval.

Exhibit A - List of City-Owned Parcels Comprising Property Exhibit B - Legal Description of Property Exhibit C - Aerial Photograph of Property

EXHIBIT A

LIST OF CITY-OWNED PARCELS COMPRISING PROPERTY

P.I.N.	Address	Sq. Ft.	Acres	CA No.	Community Area
20-14-409-028	1364 E. 62nd St.	10,000	.23	42	Woodlawn
20-14-410-005	6149 S. Dorchester Ave.	21,875	.50	42	Woodlawn
TOTAL		31,875	.73		

EXHIBIT B

LEGAL DESCRIPTION OF PROPERTY

(SUBJECT TO FINAL SURVEY AND TITLE COMMITMENT)

THE WEST 100 FEET OF LOTS 11 AND 12 IN BLOCK 1 IN SUBDIVISION OF BLOCKS 1 AND 2 OF O. R. KEITH'S SUBDIVISION OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ADDRESS: 1364 E. 62nd STREET CHICAGO,
ILLINOIS

PIN: 20-14-409-028

LOTS 13, 14, 15 AND 16 IN BLOCK 2 IN OA. BOGUE'S SUBDIVISION OF THAT PART WEST OF RAILROAD OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{7}{4}$ OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ADDRESS: 6149 S. DORCHESTER AVENUE CHICAGO,
ILLINOIS

20-14-410-005

EXHIBIT C AERIAL PHOTOGRAPH OF PROPERTY

(ATTACHED)

**Proposed Negotiated Sale of City Land to
NeighborSpace 62nd AND DORCHESTER GARDEN**

1364 E. 62nd Street (PIN 20-14-409-028) and 6149 S. Dorchester Avenue
(PIN 20-14-410-005)

Enhanced Aerial Photograph

LEGEND

HH City-Owned Parcel HI
Chicago Park District

City of Chicago
Rahm Emanuel, Mayor
Department of Planning and Development
Andrew J. Mooney, Commissioner