



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 #: O2014-8852
Type: Ordinance **Status:** Passed
File created: 11/5/2014 **In control:** City Council
Final action: 12/10/2014
Title: Vacation and dedication of public way(s) in area bounded by E Pershing Rd, S Martin Luther King, Jr. Dr, E 37th St and S Rhodes Ave
Sponsors: Burns, William D.
Indexes: Dedications, Vacations
Attachments: 1. O2014-8852.pdf

Date	Ver.	Action By	Action	Result
12/10/2014	1	City Council	Passed	Pass
12/3/2014	1	Committee on Transportation and Public Way	Recommended to Pass	Pass
11/5/2014	1	City Council	Referred	

INTERGOVERNMENTAL VACATION & DEDICATION 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 approximately 3701-3899 and 3700-3898 S. Vernon Avenue, are owned by the Chicago Housing Authority, an Illinois Municipal Corporation; and

WHEREAS, the Chicago Housing Authority, an Illinois Municipal Corporation ("Chicago Housing Authority") proposes to assemble properties including the portion of the street to be vacated; and also proposes to open a new E. 38th Street to serve subsequent development by its contract developer Chicago Neighborhood Initiatives ("CNI"); 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 that part of the public street described in the following ordinance, as well as the street dedication; now, therefore,

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

SECTION 1. AREA TO BE DEDICATED: PARCEL 1:

THAT PART OF BLOCK 2 IN ELLIS' WEST ADDITION OR 1ST ADDITION TO CHICAGO RECORDED SEPTEMBER 27, 1853, ANTE FIRE, BEING A SUBDIVISION OF THE WEST 86.06 ACRES OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD

PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF E. PERSHING ROAD, AS WIDENED BY ORDINANCE PASSED JULY 24, 1941 RECORDED SEPTEMBER 9, 1941 AS DOCUMENT 12753088, AND THE EAST LINE OF S. DR. MARTIN LUTHER KING DRIVE; THENCE ON AN ASSUMED BEARING NORTH 00 DEGREES 05 MINUTES 23 SECONDS WEST, ALONG SAID EAST LINE OF S. DR. MARTIN LUTHER KING DRIVE, 590.34 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 05 MINUTES 23 SECONDS WEST, ALONG SAID EAST LINE OF S. DR. MARTIN LUTHER KING DRIVE, 66.00 FEET; THENCE NORTH 89 DEGREES 24 MINUTES 13 SECONDS EAST, 297.18 FEET TO THE WEST LINE OF THE EAST 33 FEET OF S. VERNON AVENUE, ALSO BEING THE EAST LINE OF THE WEST 33 FEET OF S. VERNON AVENUE AS VACATED PER DOCUMENT 12387666 RECORDED OCTOBER 25, 1939 AND AMENDED PER DOCUMENT 14136918 RECORDED SEPTEMBER 4, 1947; THENCE SOUTH 00 DEGREES 05 MINUTES 23 SECONDS EAST, ALONG SAID WEST LINE OF THE EAST 33 FEET OF S. VERNON AVENUE, 66.00 FEET; THENCE SOUTH 89 DEGREES 24 MINUTES 13 SECONDS WEST, 297.18 FEET TO SAID EAST LINE OF S. DR. MARTIN LUTHER KING DRIVE AND THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, CONTAINING 19,614 SQUARE FEET, OR 0.45 ACRES, MORE OR LESS.

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ALSO PARCEL 2:

THAT PART OF BLOCK 2 IN ELLIS' WEST ADDITION OR 1ST ADDITION TO CHICAGO RECORDED SEPTEMBER 27, 1853, ANTE FIRE, BEING A SUBDIVISION OF THE WEST 86.06 ACRES OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF E. PERSHING ROAD, AS WIDENED BY ORDINANCE PASSED JULY 24, 1941 RECORDED SEPTEMBER 9, 1941 AS DOCUMENT 12753088, AND THE EAST LINE OF S. DR. MARTIN LUTHER KING DRIVE; THENCE ON AN ASSUMED BEARING NORTH 00 DEGREES 05 MINUTES 23 SECONDS WEST, ALONG SAID EAST LINE OF S. DR. MARTIN LUTHER KING DRIVE, 590.34 FEET; THENCE CONTINUING NORTH 00 DEGREES 05 MINUTES 23 SECONDS WEST, ALONG SAID EAST LINE OF S. DR. MARTIN LUTHER KING DRIVE, 66.00 FEET; THENCE NORTH 89 DEGREES 24 MINUTES 13 SECONDS EAST, 330.18 FEET TO THE EAST LINE OF THE EAST 33 FEET OF S. VERNON AVENUE AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 24 MINUTES 13 SECONDS EAST, 264.12 FEET TO THE WEST LINE OF S. RHODES AVENUE; THENCE SOUTH 00 DEGREES 07 MINUTES 10 SECONDS EAST, ALONG SAID WEST LINE OF S. RHODES AVENUE, 66.00 FEET; THENCE SOUTH 89 DEGREES 24 MINUTES 13 SECONDS WEST, 264.15 FEET TO SAID EAST LINE OF THE EAST 33 FEET OF S. VERNON AVENUE; THENCE NORTH 00 DEGREES 05 MINUTES 23 SECONDS WEST, ALONG SAID EAST LINE OF THE EAST 33 FEET OF S. VERNON AVENUE, 66.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, CONTAINING 17,433 SQUARE FEET, OR 0.40 ACRES, MORE OR LESS.

AREA TO BE VACATED:

PARCEL 1:

THAT PART OF THE EAST 33 FEET OF S. VERNON AVENUE IN BLOCK 2 IN ELLIS' WEST ADDITION OR 1ST ADDITION TO CHICAGO RECORDED SEPTEMBER 27, 1853, ANTE FIRE, BEING A SUBDIVISION OF THE WEST 86.06 ACRES OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF E. PERSHING ROAD, AS WIDENED BY ORDINANCE PASSED JULY 24, 1941 RECORDED SEPTEMBER 9, 1941 AS DOCUMENT 12753088, AND THE EAST LINE OF S. DR. MARTIN LUTHER KING DRIVE; THENCE ON AN ASSUMED BEARING NORTH 89 DEGREES 54 MINUTES 08 SECONDS EAST, ALONG SAID NORTH LINE OF E. PERSHING ROAD, 297.17 FEET TO THE INTERSECTION OF SAID NORTH LINE OF E. PERSHING ROAD AND THE WEST LINE OF THE EAST 33 FEET OF S. VERNON AVENUE,

ALSO BEING THE EAST LINE OF THE WEST 33 FEET OF S. VERNON AVENUE AS VACATED PER DOCUMENT 12387666 RECORDED OCTOBER 25, 1939 AND AMENDED PER DOCUMENT 14136918 RECORDED SEPTEMBER 4, 1947 AND THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 05 MINUTES 23 SECONDS WEST, ALONG SAID WEST LINE OF THE EAST 33 FEET OF S. VERNON AVENUE, 592.93 FEET TO THE SOUTH LINE OF AN EAST WEST 66 FOOT WIDE PARCEL TO BE DEDICATED FOR PUBLIC STREET; THENCE NORTH 89 DEGREES 24 MINUTES 13 SECONDS EAST, ALONG SAID SOUTH LINE EXTENDED OF A PARCEL TO BE DEDICATED, 33.00 FEET TO THE EAST LINE OF THE EAST 33 FEET OF SAID S. VERNON AVENUE; THENCE SOUTH 00 DEGREES 05 MINUTES 23 SECONDS EAST, ALONG SAID EAST LINE OF S. VERNON AVENUE, 593.21 FEET TO SAID NORTH LINE OF E. PERSHING ROAD, AS WIDENED; THENCE SOUTH 89 DEGREES 54 MINUTES 08

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SECONDS WEST, ALONG SAID NORTH LINE OF E. PERSHING ROAD, 33.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, CONTAINING 19,571 SQUARE FEET, OR 0.45 ACRES, MORE OR LESS.

ALSO PARCEL 2:

THAT PART OF THE EAST 33 FEET OF S. VERNON AVENUE IN BLOCK 2 IN ELLIS' WEST ADDITION OR 1ST ADDITION TO CHICAGO RECORDED SEPTEMBER 27, 1853, ANTE FIRE, BEING A SUBDIVISION OF THE WEST 86.06 ACRES OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF E. PERSHING ROAD, AS WIDENED BY ORDINANCE PASSED JULY 24, 1941 RECORDED SEPTEMBER 9, 1941 AS DOCUMENT 12753088, AND THE EAST LINE OF S. DR. MARTIN LUTHER KING DRIVE; THENCE ON AN ASSUMED BEARING NORTH 89 DEGREES 54 MINUTES 08 SECONDS EAST, ALONG SAID NORTH LINE OF E. PERSHING ROAD, 297.17 FEET TO THE INTERSECTION OF SAID NORTH LINE OF E. PERSHING ROAD, AS WIDENED, AND THE WEST LINE OF THE EAST 33 FEET OF S. VERNON AVENUE, ALSO BEING THE EAST LINE OF THE WEST 33 FEET OF S. VERNON AVENUE AS VACATED PER DOCUMENT 12387666 RECORDED OCTOBER 25, 1939 AND AMENDED PER DOCUMENT 14136918 RECORDED SEPTEMBER 4, 1947; THENCE NORTH 00 DEGREES 05 MINUTES 23 SECONDS WEST, ALONG SAID WEST LINE OF THE EAST 33 FEET OF SAID S. VERNON AVENUE, 658.93 FEET TO THE NORTH LINE OF AN EAST WEST 66 FOOT WIDE PARCEL TO BE DEDICATED FOR PUBLIC STREET AND THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 05 MINUTES 23 SECONDS WEST, CONTINUING ALONG SAID WEST LINE OF THE EAST 33 FEET OF SAID S. VERNON AVENUE, 598.00 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF E. 37TH STREET; THENCE NORTH 89 DEGREES 52 MINUTES 54 SECONDS EAST, ALONG SAID SOUTH LINE OF E. 37TH STREET, 33.00 FEET TO THE EAST LINE OF THE EAST 33 FEET OF SAID S. VERNON AVENUE; THENCE SOUTH 00 DEGREES 05 MINUTES 23 SECONDS EAST, ALONG SAID EAST LINE OF THE EAST 33 FEET OF S. VERNON AVENUE, 597.73 FEET TO SAID NORTH LINE OF AN EAST WEST 66 FOOT WIDE PARCEL TO BE DEDICATED FOR PUBLIC STREET; THENCE SOUTH 89 DEGREES 24 MINUTES 13 SECONDS WEST, ALONG THE NORTH LINE EXTENDED OF SAID PARCEL TO BE DEDICATED, 33.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, CONTAINING 19,730 SQUARE FEET, OR 0.45 ACRES, MORE OR LESS, as shaded and legally described by the words "HEREBY DEDICATED FOR PUBLIC STREET" and "HEREBY VACATED" on the plats hereto attached as Exhibit A and Exhibit B respectively, which drawings for greater clarity, are hereby made a part of this ordinance, be as the area to be vacated and closed is no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. The Chicago Housing Authority acknowledges that all currently public water mains, hydrants and appurtenances within the areas to be vacated shall become the private property and the maintenance responsibility of The Chicago Housing Authority, or its contract developer CNI. Abandonment and reconfiguration work involving City water facilities will be accomplished by the Department of Water

Management, at the developer's expense. Abandonment/reconfiguration expenses, and the value of the amortized water main shall be paid to the Department of Water Management prior to recording. It is also the developer's responsibility to lay new water main in the street to be dedicated, in accordance with plans reviewed and approved by the Department of Water Management Engineering Section.

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SECTION 3. The Chicago Housing Authority acknowledges that all currently public sewers and appurtenances within the area to be vacated shall become the private property and maintenance responsibility of The Chicago Housing Authority, or its contract developer CNI. The developer agrees to redirect public sewer and sewer appurtenances laying in E. Pershing Road between S. Dr. Martin Luther King Jr. Drive to S. Rhodes Avenue, at no expense to the City, and in accordance with Chicago Water Department approved plans. Redirected sewer and sewer appurtenances will be accepted by the Department of Water Management only after issuance of a sewer permit to a licensed drainlayer, and physical/video inspection. If and when the existing sewer and appurtenances within the area being vacated are abandoned, the abandonment plans must meet the Department of Water Management Sewer Design Section's requirements.

SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, Comcast, AT&T/SBC 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 street herein vacated, with the right of ingress and egress. 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, Comcast, AT&T/SBC facilities. No buildings, permanent structures or obstructions shall be placed over Commonwealth Edison, Comcast, AT&T/SBC facilities without express written release of easement by Commonwealth Edison, Comcast, AT&T/SBC. Any future vacation-beneficiary prompted relocation of Commonwealth Edison, Comcast, AT&T/SBC facilities lying within the area being vacated will be accomplished by Commonwealth Edison, Comcast, AT&T/SBC and done at the expense of beneficiary of the vacation.

SECTION 5. Peoples Gas (approved by Peoples and Law 1/17/2012) The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Co. an easement to operate, maintain, repair, renew and replace existing underground facilities and to construct new facilities in all of the area to be vacated, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas Light and Coke Co. or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal, or replacement of said facilities, or the construction of additional facilities. Any future vacation- beneficiary prompted relocation of Peoples Gas facilities lying within the area being vacated will be accomplished by Peoples Gas, and done at the expense of beneficiary of the vacation.

SECTION 6. The dedication and vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the the Chicago Housing Authority, its agent, or the contract developer CNI shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with an attached plats, and fully executed oversized plats as approved by the Superintendent of Maps and Plats.

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SECTION 7. This ordinance shall take effect and be in force from and after its passage and publication. The vacation and dedication shall take effect and be in force from and after their plat recordings.

Vacation and Dedication Approved:

Rebekah Scheinfeld

Rebekah Commissioner

Approved as to Form and Legality

Richard Wendy Deputy Corporation
Counsel

Honorable Will Burns Alderman, 4th
Ward

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EXHIBIT A

PLAT OF DEDICATION

DATE OF LAST FIELD WORK: 13*39/2014

ALL DISTANCES IN FEET AND DECIMAL PARTS THEREOF NO DIMENSIONS TO BE ASSUMED FROM SCALING

COMPARE YOUR DESCRIPTION AND SITE MARKINGS WITH THIS PLAT AND AT ONCE REPORT ANY DISCREPANCIES WHICH YOU MAY FIND

CDOT #34-04-14-3649

PLAT OF VACATION

1

38TH ST & VERNON AVE CHICAGO, ILLINOIS

I@CONSULTING, INC.

INFRACTION & ENGINEERING, INC.
CONSULTING CIVIL ENGINEERS & LAND SURVEYORS
1101 E. MADISON ST. CHICAGO, IL 60601 (312) 467-1111 (312) 711-1117

FILED BY: myo-L [pg] BORK QI(V+M) DRAFTED: JF-JJ

IN THE COUNTY OF COOK, ILLINOIS
THIS PROFESSIONAL LAND SURVEYOR HEREBY CERTIFIES THAT THIS PLAT OF VACATION CONFORMS TO THE CURRENT ILLINOIS STANDARDS OF PRACTICE FOR A BOUNDARY SURVEY

REGISTERED PROFESSIONAL LAND SURVEYOR (RPLS)