

### Office of the City Clerk

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

### Legislation Details (With Text)

**File #:** O2015-7837

Type: Ordinance Status: Passed

File created: 10/28/2015 In control: City Council

**Final action:** 7/20/2016

Title: Vacation of public alley(s) in area bounded by S Michigan Ave, E 22nd St, S Indiana Ave and E 23rd

St

Sponsors: Dowell, Pat

Indexes: Vacation

**Attachments:** 1. O2015-7837.pdf

Date	Ver.	Action By	Action	Result
7/20/2016	1	City Council	Passed	Pass
7/14/2016	1	Committee on Transportation and Public Way	Recommended to Pass	Pass
11/17/2015	1	Committee on Transportation and Public Way	Held in Committee	
10/28/2015	1	City Council	Referred	

#### **COMMERCIAL 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 2207-2215 S. Michigan Avenue and 2206-2218 S. Indiana Avenue are owned by Michigan Cermak Indiana LLC; and

WHEREAS, Michigan Cermak Indiana LLC proposes to use the portion of the alley to be vacated herein for construction of a hotel; and

WHEREAS, the City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of part of public alley, described in the following ordinance; now therefore,

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

**SECTION 1. TO BE** 

**DEDICATED:** 

THE SOUTH 20 FEET OF THE NORTH 99.58 FEET OF THE EAST 1/2 OF BLOCK 4 (EXCEPT THAT PART TAKEN FOR 22nd STREET AND FOR ALLEY) IN CANAL TRUSTEE'S SUBDIVISION OF THE WEST 1/2 OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED SEPTEMBER 4, 1848 ANTE-FIRE AND RERECORDED SEPTEMBER 24, 1877 AS DOCUMENT NUMBER 151615, IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINING 3,205.00 SQUARE FEET, 0.0736 ACRES, MORE OR LESS as shaded and legally described by the words "HEREBY DEDICATED FOR PUBLIC ALLEY" on the Plat of Dedication hereby attached as Exhibit A

#### TO BE VACATED:

THAT PART OF A NORTH-SOUTH 20 FOOT WIDE PUBLIC ALLEY LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF EAST 22nd STREET (CERMAK ROAD) AS WIDENED BY ORDINANCE PASSED APRIL 12, 1922, ORDER OF POSSESSION COUNTY COURT FEBRUARY 2. 1927 GENERAL NUMBER 47729; LYING WEST OF AND ADJOINING THAT PART OF THE EAST 1/2 OF BLOCK 4 (EXCEPT THAT PART TAKEN FOR 22nd STREET AND FOR ALLEY) IN CANAL TRUSTEE'S SUBDIVISION OF THE WEST 1/2 OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 14 EAST, RECORDED SEPTEMBER 4, 1848 ANTE-FIRE AND RERECORDED SEPTEMBER 24,1877 AS DOCUMENT NUMBER 151615; LYING EAST OF AND ADJOINING LOTS 2, 3 AND THAT PART OF LOT 4 IN ASSESSORS

### Page 1

DIVISION, OF OTHER LANDS AND INCLUDING, THE WEST PART OF BLOCK 4 IN THE WEST 1/2 OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 14 EAST, RECORDED DECEMBER 16,1865 AS DOCUMENT NUMBER 106483, ANTE-FIRE; AND LYING NORTH OF AND ADJOINING THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 20 FEET OF THE NORTH 99.58 FEET OF SAID EAST 1/2 OF BLOCK 4 (EXCEPT THAT PART TAKEN FOR 22nd STREET AND FOR ALLEY) IN CANAL TRUSTEE'S SUBDIVISION OF THE WEST 1/2 OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINING 1,591.60 SQUARE FEET, 0.0365 ACRES,, MORE OR LESS as shaded and legally described by the words "HERBY VACATED" on the Plat of Vacation hereto attached as Exhibit B, both of which drawings for greater clarity are hereby made a part of this ordinance, be and the same vacation area is hereby closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation and dedication.

SECTION 2. 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 ofthe 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 3 The City of Chicago hereby reserves for the benefit of Commonwealth Edison, AT&T/SBC, RCN, and Comcast 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 alley herein vacated, with the right of ingress and egress. The grade ofthe vacated public way shall not be altered in a manner so as to interfere with the operation and

maintenance of Commonwealth Edison, AT&T/SBC, RCN, and Comcast, facilities. No buildings, permanent structures or obstructions shall be placed over Commonwealth Edison, AT&T/SBC, RCN and/or Comcast facilities without express written release of easement by the involved utility. Any future vacation-beneficiary prompted relocation of Commonwealth Edison, AT&T/SBC, RCN, and/or Comcast facilities lying within the area herein vacated shall be completed by the involved utility and be done at the expense of beneficiary of the vacation.

SECTION 4. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, Michigan Cermak Indiana LLC shall deposit in the City Treasury of the City of Chicago, a sum sufficient to defray the costs of removing paving and curb returns, constructing sidewalk and curb at the entrance to that part of the alley hereby vacated, and constructing the newly dedicated public alley, in accordance with the most current version of the Chicago Department of Transportation's Regulations for Opening, Repair and Construction in the Public Way and its appendices, and in agreement with the executed Duty to Build Agreement attached herein and made a part of this ordinance as

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Exhibit C.

SECTION 5. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, Michigan Cermak Indiana LLC shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owner of the property abutting said part of public alley hereby waited the sum

Three hundred twenty thousand dollars; dollars (\$ \$320,000.00), which sum in the judgment of this body will be equal to such benefit;

SECTION 6. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Michigan Cermak Indiana LLC 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 the corresponding full sized plat as approved by the Superintendent of Maps and Plats.

SECTION 7. This ordinance shall take effect and be in force from and after its passage. The vacation shall take effect and be in force from and after its recording.

Vacation and Dedication Approved:

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Reoekah Scheinfeld Commissioner of Transportation

Approved as to Form and Legality

Richard Wendy Deputy Corporation CoCns/fel

### Honorable Pat Dowell Alderman, 3rd Ward

# Page 3

# **PLAT OFDEDICATION**

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PREPARED FOR.

#### McHUGH CONSTRUCTION COMPANY

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COOK COUNTY

#### crrr dept. of fimahce

### CDOT #27-03-14-3677

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# **PLAT OF VACATION**

THAT PART OF A NORTH-SOUTH 20 FOOT WIDE PUBLIC ALLEY LYING SOUTH OF AND ADJOINING THE SOUTH UNE OF EAST 22nd. STREET 1 (CERMAK ROAD) AS WIDENED BY ORDINANCE PASSED APRIL 12. 1922. ORDER OF POSSESSION COUNTY COURT FEBRUARY 2. 1927 GENERAL NUMBER 47729; LYING WEST OF AND ADJOINING THAT PART OF THE EAST 1/2 OF SLOCK

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James McHugh Construction Co.

1737 South Michigan Avenue Chicago, Illinois 60616-1211 phone: 312.986.8000 fax: 312.431.8518

Ms. Rachel DeCorvo Chicago Department of Transportation 30 N. LaSalle St., Room 500 Chicago, IL 60602

> In re: James McHugh Construction Co. Application for Vacation & Dedication E. Cermak Rd., S. Michigan Ave., S. Indiana Ave., E. 23<sup>rd</sup> St.

Dear Ms. DeCorvo:

In support of my current application with the Chicago Department of Transportation's Maps and Plats unit, for a Dedication of my private property, I hereby state that I am the company agent for the applicant company involved in the project, and that I have the authority to agree to the below terms of the Dedication. (initial)

I am aware that I am responsible for the construction of all public and private rights of way (streets, alleys, etc.) described on the Plat of Dedication.

(initial)

I further understand that all of the above (both public and private) must be built to City specifications as detailed in CDOT's Regulations for Openings, Construction and Repair in the Public Way.

Date:

Lastly, I understand that the construction deposits will be required to assure that the work is done correctly. An inspection will be conducted by the City upon completion of the work. The City of Chicago reserves the right to require demolition and reinstallation of any facilities that are judged to be sub par or that do not adhere to the City's standards.

Signed

Printed name: l^rW/CSCZH£f *Title:* <*£*~?^*C*?

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### OFFICIAL SEAL LISA L CLARK NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:09/30/14

wwiv.mchughconstriiction.com <a href="http://wwiv.mchughconstriiction.com">http://wwiv.mchughconstriiction.com</a>

# **PLAT OF DEDICATION**

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McHUGH CONSTRUCTION COMPANY Fu: (S12) ai-om

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COOK COUNTY CDOT #27-03-14-3677

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## PLAT OF VACATION

& dedication plat3/14AUG-526.dwg)

LEGAL DESCRIPTION

THAT PART OF A NORTH-SOUTH 20 FOOT WIDE PUBLIC ALLEY LYING SOUTH OF AND ADJOINING THE SOUTH UNE OF EAST 22nd. STREET (CERMAK ROAD) AS WIDENED BY ORDINANCE PASSED APRIL 12. 1922. ORDER OF POSSESSION COUNTY COURT FEBRUARY 2. 1927 GENERAL NUMBER 47729. LYING WEST OF AND ADJOINING THAT PART OF THE EAST 1/2 OF BLOCK 4 (EXCEPT THAT PART TAKEN FOR 22nd STREET AND FOR ALLEY) IN CANAL TRUSTEE'S SUBDIVISION OF THE WEST 1/2 OF SECTION 2.7. TOWNSHIP 39 NORTH. RANGE 14 EAST. RECORDED SEPTEMBER 4, 1848 ANTE-FIRE AND RERECORDED SEPTEMBER 24. 1877 AS DOCUMENT NUMBER 151615, LYING EAST OF AND ADJOINING LOTS 2. 3 AND THAT PART OF LOT 4 IN ASSESSORS DIVISION, OF OTHER LANDS AND INCLUDING. THE WEST PART OF BLOCK 4 IN THE WEST 1/2 OF SECTION 2.7. TOWNSHIP 39 NORTH. RANGE 14 EAST, RECORDED DECEMBER 16, 1865 AS DOCUMENT NUMBER 106483, ANTE-FIRE; AND LYING NORTH OF AND ADJOINING THE WESTSTEY, RECORDED DECEMBER 16, 1865 AS DOCUMENT NUMBER 106483, ANTE-FIRE; AND LYING NORTH OF AND ADJOINING THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 20 FEET OF THE NORTH 99.58 FEET OF SAID EAST 1/2 OF BLOCK 4 (EXCEPT THAT PART TAKEN FOR 22nd STREET AND FOR ALLEY) IN CANAL TRUSTEE'S SUBDIVISION OF THE WEST 1/2 OF SECTION 2.7. TOWNSHIP 39 NORTH. RANGE 14 EAST, GENORED DECEMBER 16, 1865 AS DOCUMENT NUMBER 1/2 OF SECTION 3.0. THE WEST 1/2 OF SECT

SAID PARCEL CONTAINS. 1,591.60 SCUARE FEET MORE OR LESS 0.0365 ACRES

AFFECTED PINS LOT(S)

EXISTING CONDITIONS

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AVE FOR OPENING OF A STREET FROM E. 22ND ST. AND CALUMET AVE TOE. 23RD ST.. AND SOUTH PARK AVE. AND FOR WIDENING E. 23RD ST. FROM SOUTH PARK AVE E. TO RIGHT OF WAY OF I.C R.R. PASS. APR. 12.1B22- ORDER OF

- PflSSESBWBYcWSnY'COT^ 7.T0T(SENL NCT7728-HERETOFORE DEDICATED

SURVEYOR'S NOTES/LEGEND

**HEREBY VACATED** 

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DEPARTMENT OF ZONING, CITY HALL 121 NORTH LASALLE STREET ROOM WS. CHICAGO LUNOS (312) 744-1317. FAX 3/2-744-6352 FOR CERMICATION. VERICATION AND SPECIFIC HATTERS PERTAINING TO THE ABOVE NOTED ZONTING CLASSIFICATION.
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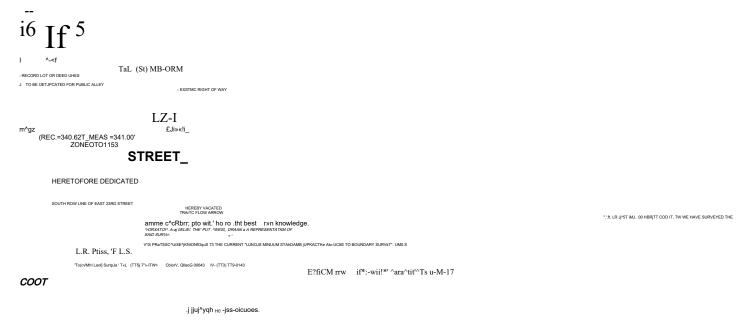
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McHUGH CONSTRUCTION COMPANY

STREET CENTER LINE PROPERTY BOUNDARY UNES LOT LINES

Office of the City Clerk Page 8 of 10 Printed on 5/4/2024

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CITY DEPT. OF FINANCE

*cook county* CDOT #27-03-14-3677

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James McHugh Construction Co.

1737 South Michigan Avenue Chicago, Illinois 60616-1211 phone: 312.986.8000 fax: 312.431.8518

Ms. Rachel DeCorvo Chicago Department of Transportation 30 N. LaSalle St., Room 500 Chicago, IL 60602

James McHugh Construction Co. Application for Vacation & Dedication E. Cermak Rd., S. Michigan Ave., S. Indiana Ave., E. 23<sup>rd</sup> St.

Dear Ms. DeCorvo:

In support of my current application with the Chicago Department of Transportation's Maps and Plats unit, for a Dedication of my private property, I hereby state that I am the company agent for the applicant company involved in the project, and that I have the authority to agree to the below terms of the Dedication.

(initial)

I am aware that I am responsible for the construction of all public and private rights of way (streets, alleys, etc.) described on the Plat of Dedication.

(initial)

I further understand that all of the above (both public and private) must be built to City specifications as detailed in CDOT's Regulations for Openings, Construction and Repair in the Public Way.

Signed:

Lastly, I understand that the construction deposits will be required to assure that the work is done correctly. An inspection will be conducted by the City upon completion of the work. The City of Chicago reserves the right to require demolition and reinstallation of any facilities that are judged to be sub par or that do not adhere to the City's standards.

Date:

Printed name: l>fh\f4/tlK J^f&zef Title: CS-f^t?

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Email:  $^{\wedge \wedge}$ Ajf  $A^{\wedge}M^{\wedge}X < ^{r}Qf^{\wedge}eT^{2} \sim ^{a}0M$ 

Notary

www.tnchughconstriiction.com <a href="http://www.tnchughconstriiction.com">http://www.tnchughconstriiction.com</a>