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Legislation Details (With Text)

File #: O2016-2210
Type: Ordinance
File created: 3/16/2016
Status: Passed
In control: City Council
Final action: 4/13/2016
Title: Amendment of purchase agreement with Metropolitan Water Reclamation District of Greater Chicago for property at W 31st St and S Sacramento Ave
Sponsors: Emanuel, Rahm
Indexes: Acquisition
Attachments: 1. O2016-2210.pdf

Date	Ver.	Action By	Action	Result
4/13/2016	1	City Council	Passed	Pass
4/11/2016	1	Committee on Housing and Real Estate	Recommended to Pass	Pass
3/16/2016	1	City Council	Referred	

OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL
MAYOR

March 16,2016

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

Ladies and Gentlemen:

At the request of the Commissioner of Fleet and Facility Management, I transmit herewith an ordinance amending a previously passed ordinance conferring purchasing authority at 31 South Sacramento.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

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, since about 1914 the City has leased ("Lease") from the Metropolitan Water Reclamation District of Greater Chicago, a body politic and political organization existing under the laws of the State of Illinois ("MWRD"), approximately 4.35 acres (189,486 square feet) of land at 31st and Sacramento Avenue, Chicago, Illinois ("Property"). The Departments of Fleet and Facility Management, Transportation, Fire, Water Management, and OEMC currently utilize the Property for various City operations. The Property is legally described on Exhibit A attached hereto; and

WHEREAS, the Property is owned by the MWRD; and

WHEREAS, pursuant to an ordinance ("Original Ordinance") adopted by the City Council on January 21, 2015 and published at pages 101780 through 101784 in the Journal of Proceedings of the City Council of such date, attached hereto as Exhibit B and made a part hereof, the Commissioner of the City's Department of Fleet and Facility Management ("Fleet") was authorized, with the approval of the City's Corporation Counsel as to form and legality, to negotiate, execute, and deliver a purchase agreement ("Purchase Agreement") for the Property for the Purchase Price, subject to the terms and conditions of the Term Sheet, and such other supporting documents as may be necessary or appropriate to carry out and comply with the provisions of the Term Sheet to consummate the City's purchase of the Property and to accept a deed to the Property; and

WHEREAS, since the passage of the Original Ordinance the MWRD has requested that the Purchase Agreement include a provision that provides for the City's indemnification of the MWRD for claims arising and caused by the City's tenancy on the Property since 1914; and

WHEREAS, since the passage of the Original Ordinance the MWRD has requested that the City grant MWRD a ten (10) foot easement ("Easement"), as depicted on the Alta Survey attached hereto as Exhibit C and made a part hereof, on the Property to be acquired by the City to allow MWRD access to the Collateral Channel ("Collateral Channel") directly west of the Property, subject to the Department of Transportation's continued access to the Collateral Channel to allow for all City vessels' day-to-day operations, including but not limited to, ingress and egress movement from the Collateral Channel, the Department of Transportation's continued access to and use of an adjacent overhead crane, and non-interference with day-to-day City operations; and

WHEREAS, MWRD shall be required to maintain the Easement at the sole cost and expense of MWRD; and

WHEREAS, the City and MWRD seek to amend the Original Ordinance to provide for the City's indemnification of the MWRD for claims arising and caused by the City's tenancy on the Property since 1914, and to allow for the City's acquisition of the Property subject to the Easement; 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 amendment to the Original Ordinance providing for the City's indemnification of the MWRD for claims arising and caused by the City's tenancy on the Property since 1914, and to allow for the City's acquisition of the Property subject to the Easement, is hereby approved.

SECTION 3. The Commissioner of the Department of Fleet and Facility Management ("Commissioner") or a designee of the Commissioner is each hereby authorized, with the approval of the City's Corporation Counsel as to form and legality, to negotiate, execute, and deliver a purchase agreement for the Property for the Purchase Price, subject to the terms and conditions of the Term Sheet, including the indemnification of the MWRD for claims arising and caused by the City's tenancy on the Property since 1914, and such other supporting documents, including the grant of the Easement, as may be necessary or appropriate to carry out and comply with the provisions of the Term Sheet, the Original Ordinance, and this ordinance amending the Original Ordinance, to consummate the City's purchase of the Property and to accept a deed to the Property.

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 take effect immediately upon its passage and approval.

EXHIBIT A LEGAL DESCRIPTION
(Subject to Final Title and Survey)

THAT PART OF LOT NINETEEN (19), OF THE SANITARY DISTRICT TRUSTEE'S SUB-DIVISION OF RIGHT OF WAY FROM NORTH AND SOUTH CENTER LINE OF SECTION THIRTY (30), TOWNSHIP THIRTY-NINE (39) NORTH, RANGE FOURTEEN (14) EAST OF THE THIRD PRINCIPAL MERIDIAN TO THE WILL COUNTY LINE, LYING EAST OF THE COLLATERAL CHANNEL AND LYING NORTH OF A LINE DESCRIBED AS FOLLOWS: BEGINNING AT TA POINT IN THE WEST LINE OF THE WEST HALF (1/2) OF THE EAST HALF (1/2) OF THE NORTHWEST QUARTER, OF THE NORTHWEST QUARTER (1/4) OF SECTION THIRTY-SIX (36), TOWNSHIP THIRTY-NINE (39) NORTH, RANGE THIRTEEN (13) EAST OF THE THIRD PRINCIPAL MERIDIAN ONE HUNDRED SEVENTY-SEVEN AND NINETY-THREE HUNDREDTHS (177.93) FEET NORTH OF THE SOUTHWEST CORNER THEREOF THENCE NORTHEASTERLY TO A POINT IN THE EAST LINE OF SAID WEST HALF (1/2) OF THE EAST HALF OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) TWO HUNDRED FIFTY THREE AND NINETY-SIX HUNDREDTHS (253.96) FEET NORTH OF THE SOUTHEAST CORNER OF SAID WEST HALF (1/2) OF THE EAST HALF OF THE NORTHWEST QUARTER (1/4) OF SAID NORTHWEST QUARTER (1/4), CONTAINING FOUR AND THIRTY-FIVE HUNDREDTHS (4.35)

ACRES MORE OR LESS SITUATED IN THE COUNTY OF COOK, STATE OF ILLINOIS.

Property Index Numbers: 16-36-100-058-8001

**16-36-100-058-8002
058-8003**

16-36-100-

Common Address: 31st and Sacramento Avenue, Chicago, Illinois

EXHIBIT B

Copy of January 21, 2015 Original Ordinance

(Attached)

REPORTS OF COMMITTEES

This recommendation was concurred in by a unanimous vote of the members of the committee present, with no dissenting votes.

Respectfully submitted,

(Signed) RAY SUAREZ,
Chairman.

On motion of Alderman Suarez, the said proposed ordinance transmitted with the foregoing committee report was Passed by yeas and nays as follows:

Yeas - Aldermen Moreno, Fioretti, Dowell, Burns, Hairston, Sawyer, Holmes, Harris, Beale, Pope, Balcer, Cardenas, Quinn, Burke, Foulkes, Thomas, Lane, O'Shea, Cochran, Brookins, Munoz, Zalewski, Chandler, Soil's, Maldonado, Burnett, Ervin, Graham, Reboyras, Suarez, Waguespack, Well, Austin, Colon, Sposato, Mitts, Cullerton, Laurino, P. O'Connor, M. O'Connor, Reilly, Smith, Tunney, Arena, Cappleman, Pawar, Osterman, Moore, Silverstein - 49.

Nays - None.

Alderman Pope moved to reconsider the foregoing vote. The motion was lost, the following is said ordinance as passed:

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, The City is currently leasing from the Metropolitan Water Reclamation District of Greater Chicago, a body politic and political organization existing under the laws of the State of Illinois ("MWRD"), approximately 4.35 acres (189,486 square feet) of land at West 31st Street and South Sacramento Avenue, Chicago, Illinois ("Property"). The Departments of Fleet and Facility Management, CDOT, Fire, Water and OEMC currently utilize the Property for various City operations. The Property is legally described on Exhibit A attached hereto; and

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WHEREAS, The Property is owned by the MWRD; and

WHEREAS, The City has determined, declared, and found that it is useful, desirable and necessary for the City of Chicago to acquire the Property for public purpose; and

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WHEREAS, Pursuant to Section 2-51-050(d) of the Municipal Code, the Commissioner of the Department of Fleet and Facility Management is authorized to undertake negotiations for the purchase of the Property, subject to the approval of the purchase price by the City Council, and

WHEREAS, The MWRD, retained Appraisal Associates, William J. Enright, an Illinois State certified general real estate appraiser, had the Property appraised (the "Appraisal"). The Amount of the Appraisal is One Million Two Hundred Fifty Thousand and no/100 Dollars (\$1,250,000.00); and

WHEREAS, The Department of Fleet and Facility Management has negotiated a purchase price for the Property in the amount of One Million Two Hundred Fifty Thousand and no/100 Dollars (\$1,250,000.00) ("Purchase Price") and further has negotiated the principal business terms applicable to the City's purchase of the Property as set forth in the term sheet attached hereto as Exhibit 8 ("Term Sheet"); and

WHEREAS, The City, acting by and through the Department of Fleet and Facility Management, desires to purchase the Property from the MWRD for the Purchase Price and pursuant to the terms of the Term Sheet; 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 City's purchase of the Property from the MWRD for the Purchase Price of One million Two Hundred Fifty Thousand and no/100 Dollars (\$1,250,000.00), is hereby approved, subject to the terms and conditions set forth in the Term Sheet.

SECTION 3. The Commissioner of the Department of Fleet and Facility Management ("Commissioner") or a designee of the Commissioner is each hereby authorized, with the approval of the City's Corporation Counsel as to form and legality, to negotiate, execute, and deliver a purchase agreement for the Property for the Purchase Price, subject to the terms and conditions of the Term Sheet, and such other supporting documents as may be necessary or appropriate to carry out and comply with the provisions of the Term Sheet to consummate the City's purchase of the Property and to accept a deed to the Property.

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 take effect immediately upon its passage and approval.

Exhibits "A" and "B" referred to in this ordinance read as follows:

REPORTS OF COMMITTEES

Exhibit 'A'.

Legal Description.

(Subject To Final Title And Survey)

That part of Lot 19 of the Sanitary District Trustees' Subdivision of the right-of-way from north and south centerline of Section 30, Township 39 North, Range 14 East of the Third Principal Meridian to the Will County Line, lying east of the Collateral Channel and lying north of a line described as follows:

beginning at a point in the west line of the west half of the east half of the northwest quarter, of the northwest quarter of Section 36, Township 39 North, Range 13 East of the Third Principal Meridian 177.93 feet north of the southwest corner thereof; thence northeasterly to a point in the east line of said west half of the east half of the northwest quarter of the northwest quarter 253.96 feet north of the southeast corner of said west half of the east half of the northwest quarter of said northwest quarter, containing 4.35 acres, more or less, situated in the County of Cook, State of Illinois.

Common Address:

West 31st Street and South Sacramento Avenue Chicago, Illinois.

Property Index Numbers: 16-36-100-058-8001; 16-36-100-058-8002; and 16-36-100-058-8003.

Exhibit "B".

Term Sheet For The Purchase Of W. 31st St. And S. Sacramento Ave., Chicago, Illinois.

Metropolitan Water Reclamation District.

City of Chicago, by and through its Department of Fleet and Facility Management.

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Agreement: Purchase of Property shall be subject to a purchase agreement negotiated between the City and MWRD. The City shall purchase the Property in its "as is" condition free and clear of all tenancies.

Purchase Price: One Million Two Hundred Fifty Thousand and no/100 Dollars (\$1,250,000.00), plus closing costs and expenses, to be paid on the closing date by cash or certified check.

Closing Date: Closing to occur at a date mutually agreed to by the parties.

Purpose and Use

of Property: City is currently using the Property as a multi-departmental operation complex with the Departments of Fleet and Facility Management, Fire, Water, CDOT and OEMC operating on site, the City anticipates that such use will continue.

Title Insurance: Not less than 10 days prior to the closing date, the MWRD shall deliver to the City of Chicago, as purchaser, a commitment for title insurance, at the MWRD's expense, in the amount of the purchase price showing marketable title in the MWRD.

ACCEPTANCE OF BIDS FOR PURCHASE OF CITY-OWNED PROPERTIES AT VARIOUS LOCATIONS IN ACCORDANCE WITH ADJACENT NEIGHBORS LAND ACQUISITION PROGRAM.

The Committee on Housing and Real Estate submitted the following report:

CHICAGO, January 21, 2015.

To the President and Members of the City Council:

Your Committee on Housing and Real Estate, to which were referred three ordinances by the Department of Planning and Development authorizing the sale of City-owned properties at various locations (10th, 16th and 22nd Wards), having the same under advisement, begs leave to report and recommend that Your Honorable Body Pass the proposed ordinances transmitted herewith.

EXHIBIT C

ALTA SURVEY

(Attached)