



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 #: O2018-8088
Type: Ordinance **Status:** Passed
File created: 10/31/2018 **In control:** City Council
Final action: 1/23/2019
Title: Vacation and non-exclusive access easement of public way(s) in area bounded by W Grand Ave, N Albany Ave, W Rice St and N Troy St
Sponsors: Burnett, Jr., Walter
Indexes: Vacation, Vacations
Attachments: 1. O2018-8088.pdf, 2. O2018-8088 (V1).pdf

Date	Ver.	Action By	Action	Result
1/23/2019	1	City Council	Passed	Pass
1/17/2019	1	Committee on Transportation and Public Way	Recommended to Pass	
10/31/2018	1	City Council	Referred	

COMMERCIAL VACATION 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 3145-3169 W. Grand Avenue, 847-921 N. Kedzie Avenue, 832-874 N. Troy Street, 861-873 N. Troy Street, 3129-3137 W. Grand Avenue, 831-837 N. Troy Street, 3124-3130 W. Rice Street, 841-857 N. Troy Street, 3113-3127 W. Grand Avenue, 3110-3120 W. Rice Street, and 3111-3131 W. Rice Street are each owned by one or more of the following entities: CFC, Inc., d/b/a Columbus Foods Company; 829 Troy LLC; 847 Ventures, LLC; 3101 W. Grand LLC; Chicago Title Land Trust company as successor trustee to Mid City National Bank of Chicago, as trustee under the provisions of that certain trust agreement dated October 28, 1991 and known as Trust Number 2365; and Chicago Title Land Trust Company as successor trustee to Mid City National Bank of Chicago, as Trustee under the provisions of that certain trust agreement dated January 15, 1981, and known as Trust Number 1554 (collectively "the Developer"); and

WHEREAS, the Developer proposes to use the portion of the streets and alleys to be vacated herein for parking, routing and storage of tractor trailer trucks; 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 that portion of the public streets and alleys described in the following ordinance; now therefore,

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

SECTION 1.

ALL OF NORTH-SOUTH N. TROY STREET LYING EAST OF AND ADJOINING THE EAST LINE OF LOTS 14 TO 26 AND THE EAST-WEST 16-FOOT VACATED ALLEY (VACATED BY ORDINANCE PASSED ON 28 DEC. 1945, REC. 17 JAN 1946 AS DOC. NO. 13699418), SAID LINE EXTENDED SOUTH TO THE NORTHEASTERLY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD, AND LYING WEST OF AND ADJOINING THE WEST LINE OF LOTS 4 TO 13, LOT A AND THE EAST-WEST 16-FOOT ALLEY, SAID LINE EXTENDED SOUTH TO THE NORTHEASTERLY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD, ALL IN STARR, GILLETTE AND WARD'S SUBDIVISION OF LOTS 63, 64 AND 65 (EXCEPT RAILROAD) IN McILROY'S SUBDIVISION (ANTE-FIRE) OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 29, 1892 AS DOCUMENT NUMBER 1793131, ALSO SAID PART OF N. TROY STREET BEING BOUNDED TO THE NORTH BY THE SOUTHERLY LINE OF W. GRAND AVENUE AND BOUNDED TO THE SOUTH BY THE NORTHEASTERLY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD, ALL IN COOK COUNTY, ILLINOIS. ALSO,
ALL OF EAST-WEST W. RICE STREET LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOT A IN SAID STARR, GILLETTE AND WARD'S SUBDIVISION OF LOTS 63, 64 AND 65 (EXCEPT RAILROAD) IN McILROY'S SUBDIVISION (ANTE-FIRE) OF THE WEST 1/2 OF THE SOUTHWEST 1/4

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OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 29, 1892 AS DOCUMENT NUMBER 1793131, AND LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOT 62 IN McILROY'S SUBDIVISION (ANTE-FIRE) OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID PART OF W. RICE STREET BEING BOUNDED TO THE WEST BY THE WEST LINE OF SAID LOT A, EXTENDED SOUTH AND BOUNDED TO THE EAST BY THE EAST LINE OF SAID LOT 62, EXTENDED SOUTH, ALL IN COOK COUNTY, ILLINOIS. ALSO,
THAT PART OF THE EAST-WEST 16-FOOT PUBLIC ALLEY LYING NORTH OF AND ADJOINING THE NORTH LINE OF LOT 5 IN SAID STARR, GILLETTE AND WARD'S SUBDIVISION OF LOTS 63, 64 AND 65 (EXCEPT RAILROAD) IN McILROY'S SUBDIVISION OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 29, 1892 AS DOCUMENT NUMBER 1793131. SAID 16-FOOT PUBLIC ALLEY BEING BOUNDED TO THE WEST BY THE EAST LINE OF N. TROY STREET AND BOUNDED TO THE EAST BY THE EAST LINE OF SAID LOT 5, EXTENDED NORTH, ALL IN COOK COUNTY, ILLINOIS. ALSO,
THAT PART OF THE NORTHWEST-SOUTHEAST 16-FOOT PUBLIC ALLEY LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD AND LYING SOUTHERLY OF THE SOUTHERLY LINE OF LOT 42, EXTENDED SOUTHEASTERLY TO THE WEST LINE OF N. TROY STREET, IN SAID STARR, GILLETTE AND WARD'S SUBDIVISION OF LOTS 63, 64 AND 65 (EXCEPT RAILROAD) IN McILROY'S SUBDIVISION (ANTE-FIRE) OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 29, 1892 AS DOCUMENT NUMBER 1793131, BOUNDED TO THE WEST BY THE WEST LINE OF SAID LOT 42, EXTENDED SOUTH, AND BOUNDED TO THE EAST BY THE EAST LINE OF LOT 14, EXTENDED SOUTH, IN SAID STARR, GILLETTE AND WARD'S SUBDIVISION, ALL IN COOK COUNTY, ILLINOIS CONTAINING: 38,462 sq. ft. or 0.883 ACRES, MORE OR LESS as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit A, which plat for greater clarity, is hereby made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by

such vacations.

SECTION 2 The City of Chicago hereby reserves a perpetual, unobstructed, nonexclusive access easement on a portion of the area herein vacated, for the benefit of the Commuter Rail Division of the Regional Transportation Authority, a municipal corporation ("Metra"), and its successors or assigns, with the right of ingress and egress at all times in accordance with the Plat of Easement hereby made a part of this ordinance as EXHIBIT B. It is further provided that no buildings or other structures shall be erected on said easement, or other use made of the easement area herein which would interfere with the operations of the beneficiary of said easement, without the express written release by Metra, its successors or assigns.

SECTION 3. The City of Chicago hereby reserves upon the streets and alleys herein vacated an easement for the existing Chicago Department of Water Management water main and appurtenances thereto, and for the installation of any additional water mains and appurtenances which in the future may be located in the areas herein vacated, and for the maintenance, renewal, and reconstruction of such facilities, with the right of ingress and egress at all times upon reasonable notice. It is further provided that the City shall have 24 hour access

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and that no buildings or other structures shall be erected upon or above the said easement herein reserved, or other use made of said area, which in the judgment of the municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities. It is further provided that any vacation-beneficiary prompted adjustments to water facilities in the area to be vacated, and the repair, renewal or replacement of any private materials, or private property damaged in the area to be vacated as a result of the City exercising its easement rights shall be done at the expense of the beneficiary of the vacation, its successors or assigns, said acceptance of the vacation being expressly conditioned upon the Developer's adherence to certain terms of the Chicago Department of Water Management, as detailed in the attached correspondence dated June 29, 2018, and made a part of this ordinance as EXHIBIT C.

SECTION 4. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer shall deposit in the City Treasury of the City of Chicago, a sum sufficient to defray the costs of removing paving and curb returns, and constructing sidewalks 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.

SECTION 5. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and 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 streets and alleys herein vacated, with the right of ingress and egress at all times. 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 and/or AT&T/SBC facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without an express written release of easement by the involved utilities. Any future Developer-prompted relocation of facilities lying within the area herein vacated will be accomplished by the involved utility, and be done at the expense of the beneficiary of the vacation, its successors or assigns.

SECTION 6. The vacation herein provided for is made upon the express condition that within

180 days after the passage of this ordinance, the Developer 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 streets and alleys hereby vacated the sum Ten Hundred (frniT tichW ^rh^So^g dollars (\$ 3?>0, OQD,OD), which sum in the judgment of the body will be equal to such benefits.

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SECTION 7. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developer shall file or cause to be filed for recordation with the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with the associated full sized plats as approved by the Acting Superintendent of Maps and Plats.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and approval. The vacation shall take effect and be in force from and after recording of the approved ordinance and plat(s).

Vacation and Easement Approved:

Commissioner of Transportation Approved as to
Form and Legality

Lisa Misher Deputy Corporation Counsel

Honorable Walter Burnett Alderman,
27th Ward

Page 4
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MM SURVEYING CO., INC.

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PLAT OF EASEMENT

MM SURVEYING CO., INC.

BxHiBIT C

Department of Water Management city of chicago

June 29, 2018

City of Chicago Department of Transportation Division of
Infrastructure Management Office of Underground
Coordination 30 North LaSalle Street, 3rd Floor Chicago,
Illinois 60602

Attn: Mr. Jai Kalayil
Coordinator of Street Permits

**Re: Proposed Commercial Vacation Ordinance 27th Ward
For Columbus Foods**

**N. Troy Street - W. Rice Street to W. Grand Avenue / W. Rice Street -
N. Troy Street to N. Albany Avenue / 2 connected E-W alleys**

**OUC File No. 2018-81468 BMP Project No. 01-27-
18-3847 Water Atlas Page: 231 Sewer Atlas Page:
39-3-46**

Dear Mr. Kalayil:

This letter is in response to your inquiry dated March 13, 2018 concerning the proposed vacation.

I) The Department of Water Management- Water Section

Based on our records, there are no water facilities within the limits of the area proposed for vacation. Therefore, the Water Section has no objection to the proposed vacation.

All water services no longer in use must be permanently terminated as part of the proposed development by permit per DWM standards.

For questions regarding water facilities, please contact Andrew McFarland at (312) 742-7027.

II) The Department of Water Management - Sewer Section

Based on sewer records, there is a 12-inch public sewer on N. Troy Street from W. Rice Street to W. Grand Avenue that has upstream drain connection coming from the railroad ROW, which is outside and upstream of the limit of the proposed area to be vacated. Since the 12-inch sewer is serving area upstream of the area to be vacated, this 12-inch sewer must be retained and maintained. The Sewer Section will approve the proposed street vacation, provided the beneficiary must agree with the following conditions:

OUC File No. 2018-81468 June 29, 2018 Page 2
of 2

- i. There must be a reservation of the entire width and length of the vacated N. Troy Street ROW for the existing sewer main.
- ii. The Sewer Section has no objection to the vacation of the W. Rice Street ROW or the vacation of the two alley ROW's.
- iii. The Sewer Section requires a minimum of forty (40) feet of vertical clearance from ground level to provide access to construction machinery that would be necessary in the event of a break or if maintenance or relocation were required in the future.
- iv. The City of Chicago Department of Water Management must have continuous 24-hour access to the area where the reservation is required.
- v. All proposed plans for improvements must be submitted to and approved by the Department of Water Management - Sewer Section prior to construction.
- vi. The beneficiary of the vacated ROW where a reservation is required must be responsible for the repair, renewal or replacement of the physical improvements on the vacated area, which may be damaged in connection with the maintenance and repair, or replacement of the sewer facilities and appurtenances.
- vii. Any adjustments to the Sewer Section's facilities in the ROW where a reservation is required must be paid by the beneficiary.

For questions regarding sewer facilities, please contact Anupam Verma at (312) 742-7108.

Randy Conner Commissioner

Very truly yours,

Chicago Department of Transportation

CITY OF CHICAGO Mr. Edward Siskel 08/31/18

Corporation Counsel
Room 600 - City Hall
Chicago, IL 60602-1289

Attention: Ms. Lisa Misher Deputy
Corporation Counsel

Re: Proposed Vacation for Columbus Foods Company Commercial File:
01-27-18-3847

Dear Mr. Siskel:

Pursuant to a request from Ms. Paulette Gagliardo, we are transmitting herewith for your review and approval as to form and legality an original and three (3) copies of a proposed vacation the N. Troy Street between W. Grand Avenue and W. Rice Street; the vacation of W. Rice Street between N. Troy Street and N. Albany Avenue and adjacent alleys. This property is located in the 27th Ward.

Columbus Foods Company (or one of its associated entities) is the owner of record to the properties adjoining the public streets and alleys to be vacated. There are no other owners. The people to contact in connection with this proposed ordinance are Attorney Chris Matern at 312-236-3510 or Ms. Paulette Gagliardo, President at 847-257-8921.

Section 2 reserves an easement for Metra access. Section 3 reserves an easement for Water Management. Section 4 requires a deposit for curb and walk work. An easement has been reserved for Corned and AT&T/SBC in Section 5. All other utility agencies are either not involved or have made suitable arrangements. Section 6 of the ordinance requires compensation to the City for the land being conveyed. Sections 7 and 8 are standard language regarding the ordinance.

einfeld
Commissioner

Originated by:

Luann Hamilton Deputy Commissioner

RS: LH: RD

cc: Aldejrnan Burnett (27)
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-
Sandra Foreman/w Attach. Dwg.-s.f. & Ord. (3) file copies Mapsa&^taty^Asalle street, suite

City of Chicago, Illinois 60602
CITY COUNCIL

of Chicago

COUNCIL CHAMBER

City Hall-Second Floor 121 North LaSalle Street Chicago, Illinois 60602 Telephone 312-744-4096

Fax: 312-744-8155

COMMITTEE MEMBERSHIPS

Transportation & Public Way (Chairman)

Budget and Government Operations

Committees, Rules and Ethics

Education and Child Development

Finance

Public Safety

ANTHONY A. BEALE

Alderman, 9th Ward 34 East 112th Place Chicago, Illinois 60628

TELEPHONE (773) 785-1100 Fax: (773) 785-2790 e-mail: ward09@cityofchicago.org <mailto:ward09@cityofchicago.org>

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body pass the proposed ordinance transmitted herewith for a VACATIONS to COLUMBUS FOODS COMPANY - 02018-8088 A proposed vacation in the area bounded by North Troy Street between West Grand Avenue and West Rice Street; the vacation of West Rice Street between North Troy Street and North Albany Avenue and adjacent alleys. This ordinance was referred to Committee on October 31, 2018.

This recommendation was concurred unanimously by viva voce vote of the members of the Committee with no dissenting vote.

(Ward 27)

Anthony Beale, Chairman

Respectfully submitted,