



# Office of the City Clerk

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

## Legislation Details (With Text)

**File #:** O2019-303  
**Type:** Ordinance **Status:** Passed  
**File created:** 1/23/2019 **In control:** City Council  
**Final action:** 4/10/2019  
**Title:** Vacation of public alley(s) in area bounded by N Magnolia Ave, W Gunnison St, N Broadway and W Lawrence Ave  
**Sponsors:** Capplemann, James  
**Indexes:** Vacation  
**Attachments:** 1. O2019-303.pdf, 2. O2019-303 (V1).pdf

| Date      | Ver. | Action By                                  | Action              | Result |
|-----------|------|--|---------------------|--------|
| 4/10/2019 | 1    | City Council                               | Passed              | Pass   |
| 4/4/2019  | 1    | Committee on Transportation and Public Way | Recommended to Pass |        |
| 1/23/2019 | 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 property at 4818-4820 N. Broadway is owned by 4818-4822 North Broadway Street LLC, an Illinois limited liability company; and

WHEREAS, the property at 4819-4821 North Magnolia Avenue is owned by UTA II LLC, a Delaware limited liability company ("Developer"); and

WHEREAS, 4818-4822 North Broadway Street LLC has quit claimed its interests in the subject alley to Developer, pursuant to a quitclaim deed recorded on January 16, 2019 as document 1901606050; and

WHEREAS, the Developer proposes to use the portion of the alley remnant to be vacated herein for loading and adjacent building upgrades; 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 alley described in this ordinance; now therefore,

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

SECTION 1.

VACATION OF THAT PART OF THE PUBLIC ALLEY LYING WEST OF AND ADJOINING LOT 5 AND EAST OF AND ADJOINING LOT 18 IN THE RESUBDIVISION OF BLOCK 1 (EXCEPT LOTS 1, 2 AND 3) IN RUFUS C. HALL'S ADDITION TO ARGYLE IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JANUARY 16, 1891, PER DOCUMENT NUMBER 1408971, DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 AFORESAID, THENCE SOUTH 89 DEGREES, 56 MINUTES, 25 SECONDS WEST 16.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 18; THENCE NORTH 00 DEGREES 00 MINUTES, 40 SECONDS EAST ALONG THE EAST LINE OF LOT 18 AFORESAID 25.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 18; THENCE NORTH 89 DEGREES, 56 MINUTES, 22 SECONDS EAST 16.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 00 DEGREES, 00 MINUTES, 40 SECONDS WEST

Page 1

ALONG THE WEST LINE OF LOT 5 AFORESAID 25.03 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5 ALSO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS SAID AREA OF PROPERTY BEING 400 SQ. FT. OR 0.0092 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 vacation.

SECTION 2. 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 alley 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 and/or AT&T/SBC facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without express written release of easement by the involved utility(ies). Any future Developer-prompted relocation of facilities lying within the area being vacated will be accomplished by the involved utility, and be done at the expense of the Developer or its successors or assigns.

SECTION 3. 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 pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owp.erVv.of <http://owp.erVv.of> the. property/abutting said part of public alley hereby vacated the sum  
Ht4u ^hoo5an& dollars (\$ 90/CW.Oc) ),  
which sum in the judgment of this body will be equal to such benefits.

SECTION 4. The vacation herein provided for are 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 5. This ordinance shall take effect and be in force from and after its passage and publication. The vacation shall take effect and be in force from and after recording of the published ordinance and plat.

Page 2

Vacation Approved:

; Rebekah Scheinfeld Commissioner of Transportation

Approved as to Form and Legality

AW

Lisa Misher Deputy Corporation Counsel

Honorable Jewries Cappleman iaerman, 46th Ward

EXHIBIT "A"

## PLAT OF VACATION

### LEGAL DESCRIPTION

THAT PART OF THE PUBLIC ALLEY LYING WEST OF AND ADJOINING LOT 5 AND EAST OF AND ADJOINING LOT 18 IN THE RESUBDIVISION OF BLOCK 1 (EXCEPT LOTS 1,2 AND 3) IN RUFUS C. HALL'S ADDITION TO ARGYLE IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JANUARY 16,1891, PER DOCUMENT NUMBER 1408971, DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 AFORESAID, THENCE SOUTH 89 DEGREES, 56 MINUTES, 25 SECONDS WEST 16.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 18; THENCE NORTH 00 DEGREES 00 MINUTES, 40 SECONDS EAST ALONG THE EAST LINE OF LOT 18 AFORESAID 25.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 18; THENCE NORTH 89 DEGREES, 56 MINUTES, 22 SECONDS EAST 16.00 FEET TO THE

NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 00 DEGREES, 00 MINUTES, 40 SECONDS WEST ALONG THE WEST LINE OF LOT 5 AFORESAID 25.03 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5 ALSO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

AREA OF PROPERTY = 400 SQ. FT. OR 0.0092 ACRES MORE OR LESS

XI . '6o' EAST,gtX09'.SOUTH"

//////////

'////////// 1 BUILDING 0.11' NORTH & 0.13' EAST

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## GRAPHIC SCALE

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, SOUTH LINE OF LOT 5 \

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'&,.0.18VWEST//,

////7////////

LEGEND NORTH LINE OF W. LAWRENCE AVENUE

HERETOFORE VACATED 6/2/1923 DOC. #7961416

/ 1.5.69" /'T^S</ NORTH LINE OF LOT 4(// R.&M. 16.00"AzPOINT OF BEGINNING SB9'56'25"W /

>C^SOUTHWE:ST CORNER OF LOT / >^BUILDING' 0.05" SOUTH'/

VACATION

© Water MH

(IN FEET) 1" = 20'

# CDOT# 08-46-18-3881

X^X Electric Light Pole

BUILDING HATCH V>

CONCRETE HATCH

UNDERLYING LOTS

LINE BETWEEN SUBDIVISIONS

RECORD LINES

El Sign Post

REVISED 12/4/2018 PER #2018-26208

O Unclassified Manhole

ORDERED BY: FARPOINT DEVELOPMENT LLC CHECKED 1 DRAWN. | BB

ADDRESS<sup>1</sup> 4816 N BROADWAY

-fa GREMLEY & BIEDERMANN <

License No. I81-0053J2 Expires A-30-Z019 PixfEssiam. Lim Sutycrais 4505 North E  
con

ORDER NO. DATE: OCTOBER 30, 2018 SCALE: 1 In=20 Feet PAGE NO

2018-261  
001

EXHIBIT "A"  
PLAT OF VACATION

W. GUNNISON STREET

(RECORD 66 FT. PUBLIC R.O.W.)

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R. 125.00' tf  
LOT 18 H

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LOT 8

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LOT 7

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LOT 6

R. 150.00'

LOT 5

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LOT 4

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LOT 3

R. 150^ff

LOT 2

R. 150.00^

~~LOT 1~~ .-..^..msfL.

LOT 3

R. 158.00'

LOT 2

R. 158.00'

LOT 1

R. 158.00'

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W. LAWRENCE AVENUE

(RECORD 66 FT. PUBLIC R.O.W.)

## GRAPHIC SCALE

CHECKED: DRAWN

(IN FEET) 1" = 80'

**CDOT# 08-46-18-3881**

ADDRESS:

ORDERED BY FARPOINT DEVELOPMENT LLC

4816 N. BROADWAY

S GREMLEY & BIEDERMANN <Mq

"I

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A Division of

PLCS, Corporation

License No 111.-005JJ2 Expires i>-30-ZOI9

Professional Land Surveyors 4505 North Elston Avenue, Chicago, IL 60630 Telephone (773) 685-5102 Fax (773) m-UW> Email INFO@PLCS-Survey.com

"A"

RE-SUB OF BLOCK 1, EXCEPT LOTS 1, 2 & 3 IN RUFUS C. HALLS ADDITION TO ARGYLE IN SOUTH HALF SOUTHWEST QUARTER SECTION 8-40-14

REC. JANUARY 16, 1891

DOC. #1408971

"B"

RUFUS C. HALLS ADDITION TO ARGYLE IN SOUTH HALF SOUTHWEST QUARTER SECTION 8-40-14

REC. OCTOBER 22, 1888

DOC. #1019778

"C"

VACATED BY ORDINANCE PASSED APRIL 5, 1923.

REC. JUNE 2, 1923

DOC. #7961416

ORDER NO

**2018-26012-001**

2 of 4.

## EXHIBIT "A"

# PLAT OF VACATION

### SURVEYORS NOTES:

Field measurements completed on OCTOBER 15, 2018

THE ZONING CLASSIFICATION OF THE PROPERTY SHOWN HEREON IS B3-5 AS DELINEATED ON THE CITY OF CHICAGO, DEPARTMENT OF ZONING WEBSITE .

Note R. & M. denotes Record and Measured distances respectively.

Distances are marked in feet and decimal parts thereof. Compare all points BEFORE building by same and at once report any differences BEFORE damage is done.

For easements, building lines and other restrictions not shown on survey plat refer to your abstract, deed, contract, title policy and local building line regulations.

NO dimensions shall be assumed by scale measurement upon this plat.

Unless otherwise noted hereon the Bearing Basis, Elevation Datum and Coordinate Datum if used is ASSUMED.

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## CDOT# 08-46-18-3881



ORDERED BY: FARPOINT DEVELOPMENT LLC  
ADDRESS:

T

1.816N BROADWAY

**GREMLEY & BIEDERMANN <MT**

A Dkiliioh or

PLCS, Corporation

*License No 181-00533J Expires 1-30-2019 Professional Land Swveyors*

1.505 North Elston Avenue, Chicago, il 60630 Telephone (773) 685-5102 Fax: (773) Ztb-UU Email INF0«PLCS-Survey.com

ORDER NO.

DATE.

SCALE.

1 Inch = 20 Feet

OCTOBER 30, 2018

**2018-26012-001**

G: \CAD\201 <file:///CAD/201>8\2018- 26012\2018-26012-001 .dwg

**EXHIBIT "A"**

# **PLAT OF VACATION**

**CITY - DEPT. OF FINANCE**

**State of Illinois) County of Cook)ss**

**We, GREMLEY & BIEDERMANN, INC. hereby certify that we have surveyed the hereon described property and that the plat hereon drawn is a correct representation of said survey corrected to a temperature of 62° Fahrenheit.**

**Field measurements completed on OCTOBER 15, 2018.**

**Signed onyW. M.Z&irt .**

By:

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<&/ 2802 |  
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k\_t -IA^O "3 1 ^ SURVEYOR \_ ; £ " | STATE OF V ^ jg  
ORDERED BY ' FARPOINT DEVELOPMENT LLC  
ADDRESS '

CHECKED DRAWN:  
t«16 N BROADWAY

**GREMLEY & BIEDERMANN <K'**

I PLCS, Corporation  
License No IS7-005332 Expires 1.-30-201°  
ORDER NO.

A Dinstw gp

PAGE NO. 4 OF.

Professional Land Surveyors 1505 North Elston Avenue, Chicago, IL 60630 Telephone (773) 685-5102 Fax (773) 266-1,181. Email INFOPLCS-Survey.com

SCALE. 1 Inch =  
DATE  
OCTOBER 30, 2018

**2018-26012-001**

C:\CAD\201 <file:///CAD/201> B\2018-26012\2018-26012-001.dwg

**SURVEY PREPARED FOR AND MAIL TO:**

**FARPOINT DEVELOPMENT LLC 120 N. RACINE AVENUE CHICAGO, IL 60607**

**PINS:**

**14-08-320-010 14-08-320-007**

Chicago Department of Transportation city of chicago

Mr. Edward Siskel Corporation Counsel  
Room 600 - City Hall Chicago, IL 60602-  
1289

Attention: Ms. Lisa Misher Deputy  
Corporation Counsel

Re: Proposed Vacation for Uptown Theater/VI ATE, LLC Commercial File:  
08-46-18-3881

Dear Mr. Siskel:

Pursuant to a request from Mr. Jerry Mickelson, we are transmitting herewith for your review and approval as to form and legality an original and three (3) copies of a proposed vacation a portion of the deadended alley in the block bounded by N. Broadway, W. Lawrence Avenue, N. Magnolia Avenue, and W. Gunnison Street. This property is located in the 46th Ward.

Uptown Theater is the owner of record to the properties adjoining the public alley to be vacated. The people to contact in connection with this proposed ordinance are Attorneys Mariah DiGrino and Liz Butler at 312-368-7261 and 312-368-4092 respectively and Mr. Jerry Mickelson at 312-266-6262.

Section 2 of the ordinance reserves an easement for Corned and AT&T. All other underground utility agencies

are either not involved or have made suitable arrangements. Section 3 of the ordinance requires compensation to the City for the land being conveyed. Sections 4 and 5 are standard language regarding the ordinance.

Rebekah  
Commissioner

Scheinfeld

Originated by: , .

Euann Hamilton Deputy Commissioner

RS: LH: RD

cc: Alderman Cappelman (46) , Alderman  
Anthony Beale Pablo David

Sandra Foreman/w Attach. Dwg.-s.f. & Ord. (3) file copies  
(2) M^Q)S^I&^RPlatS^jASALLE STREET, SUITE 1100, CHICAGO, ILLINOIS 60602

City  
OF

## CITY COUNCIL

Chicago

COUNCIL CHAMBER

FAX" 312-744-8155

COMMITTEE MEMBERSHIPS

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

Transportation & Public Way (Chairman)

Budget and Government Operations

Committees, Rules and Ethics

Education and Child Development

Finance

Public Safety

Workforce Development and Audit

Alderman, 9th Ward 34 East 1 12th Place  
Chicago, Illinois 60628 telephone (773) 785  
-1100

Fax: (773) 785-2790 e-mail: wabd09@cityofchicago.org  
<mailto:wabd09@cityofchicago.org>

April 10, 2019

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 UPTOWN THEATER/UTA II, LLC - 02019-303 A proposed vacation of a portion of the dead-ended alley in the block bounded by North Broadway, West Lawrence Avenue, North Magnolia Avenue and West Gunnison Street This ordinance was referred to Committee on January 23, 2019.

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

(Ward 46)

Anthony Beale, Chairman

Respectfully submitted,