



Office of the City Clerk

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

Legislation Details (With Text)

File #: O2019-1415
Type: Ordinance
File created: 3/13/2019
Status: Passed
In control: City Council
Final action: 4/10/2019
Title: Vacation of public way(s) in area bounded by W 38th Pl, S Ashland Ave, W Pershing Rd and S Paulina St
Sponsors: Cardenas, George A.
Indexes: Vacations
Attachments: 1. O2019-1415.pdf, 2. O2019-1415 (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	
3/13/2019	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 properties at 3838 to 3856 S. Ashland Avenue are owned by Stockyards Brick LLC ("Developer"); and

WHEREAS, the Developer proposes to use the portion of the street remnant to be vacated herein for construction of a commercial building; 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 street, described in the following ordinance; now therefore,

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

SECTION 1.

VACATION: THAT PART OF LOTS 19, 20, 21, 22, 23, 24, 25 AND 26, IN CHITTENDEN'S SUBDIVISION OF

BLOCK 36, RECORDED FEBRUARY 24, 1868 (ANTE-FIRE), IN CANAL TRUSTEES' SUBDIVISION OF THE EAST 1/2 OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 19; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE WITH A BEARING OF NORTH 66 DEGREES 31 MINUTES 36 SECONDS EAST, TO A POINT 20.00 FEET NORTH OF THE SOUTH LINE AND 46.00 FEET EAST OF THE WEST LINE OF SAID LOT 19, A DISTANCE OF 50.15 FEET; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE WITH A BEARING OF NORTH 48 DEGREES 53 MINUTES 30 SECONDS EAST TO A POINT 27.00 FEET WEST OF THE WEST LINE OF S. ASHLAND AVENUE, AS WIDENED, AND 16.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 20, A DISTANCE OF 30.51 FEET; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE WITH A BEARING OF NORTH 17 DEGREES 18 MINUTES 33 SECONDS EAST TO A POINT ON THE SOUTH LINE OF SAID LOT 22 TO ITS INTERSECTION WITH A LINE 17.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF S. ASHLAND AVENUE, AS WIDENED, A DISTANCE OF 33.66 FEET; THENCE NORTH ALONG THE AFOREMENTIONED PARALLEL LINE WITH A BEARING OF NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST TO THE NORTH LINE OF SAID LOT 26, A DISTANCE OF 120.35 FEET; THENCE EAST ALONG THE SAID NORTH LINE OF LOT 26 WITH A BEARING OF SOUTH 89 DEGREES 58 MINUTES 10 SECONDS EAST TO ITS INTERSECTION WITH A LINE 6.00 FEET WEST OF AND PARALLEL

Page 1

WITH THE WEST LINE OF S. ASHLAND AVENUE, AS WIDENED, A DISTANCE OF 11.00 FEET; THENCE SOUTH ALONG THE LAST DESCRIBED PARALLEL LINE WITH A BEARING OF SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST TO A POINT OF TANGENCY WITH A CURVE CONVEX TO THE SOUTHEAST AND HAVING A RADIUS OF 24.00 FEET, A DISTANCE OF 168.55 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE HAVING A CHORD LENGTH OF 33.95 FEET AND BEARING SOUTH 45 DEGREES 00 MINUTES 55 SECONDS WEST, AN ARC LENGTH OF 37.71 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 19, SAID POINT BEING 65.99 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 19; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 19 WITH A BEARING OF NORTH 89 DEGREES 58 MINUTES 10 SECONDS WEST, A DISTANCE OF 65.99 FEET TO THE POINT OF BEGINNING, THE ABOVE DESCRIBED PROPERTY BEING PART OF THE TRACT OF LAND TAKEN BY THE CITY OF CHICAGO FOR USE IN THE S. ASHLAND AVENUE AND W. PERSHING ROAD OVERPASS AS STATED IN DOCUMENT #18274276 RECORDED SEPTEMBER 13, 1961 FOR THAT PART OF LOT 19, DOCUMENT #18274273 RECORDED SEPTEMBER 13, 1961 FOR THAT PART OF LOT 20, DOCUMENT #18166785 RECORDED MAY 19, 1961 FOR THAT PART OF LOTS 27, 28 & 29 AND THAT PART OF LOTS 21 TO 26 (NO AVAILABLE RECORDING DOCUMENT), BOTH INCLUSIVE, IN THE AFOREMENTIONED CHITTENDEN'S SUBDIVISION, ALL IN COOK COUNTY, ILLINOIS SAID LAND AREA = 3,707 sq. ft. = 0.085 acre, more or less (COMMONLY KNOWN AS: 3846-56 S. ASHLAND AVE., CHICAGO, ILLINOIS 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, AT&T/SBC, Comcast, 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 segment 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, AT&T/SBC, and/or Comcast 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 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 Developer, its successors or assigns.

Page 2

SECTION 3. The City of Chicago reserves for the Metropolitan Water Reclamation District, and its successors or assigns, a perpetual easement for facilities now located, or which in the future may be located in the street as herein vacated, and for the maintenance, renewal and reconstruction of such facilities. It is also provided that, the Metropolitan Water Reclamation District shall have 24 hour access to the area to be vacated, that no buildings or other permanent structures shall be erected, or grade changed, on said easement herein reserved, or other use made of said area, which in the sole discretion and judgment of the respective 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 service facilities. It is further provided that the repair, renewal or replacement of any private materials, or private property damaged as a result of the Metropolitan Water Reclamation District exercising of its easement rights in the area to be vacated, shall be the sole expense and responsibility of the Developer, its successors or assigns.

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 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 street remnant hereby vacated the sum
Fifk-e^pint thoV^cxi n& dollars (\$ 5 S/000.00),
which kxm irUhe judgment of this body will be equal to such benefits.

SECTION 5. 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 6. 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 approved ordinance and plat.

Page 3

Vacation Approved:

Rebekah Scheinfeld Commissioner of Transportation

Approved as to Form and Legality

Lisa Misher Deputy Corporation Counsel

Honorable George Cardenas Alderman, 12th Ward

Re: Proposed Vacation for Stockyards Brick, LLC Commercial File:
31-12-17-3836

Dear Mr. Siskel:

Pursuant to a request from Mr. Matthew Joyce, we are transmitting herewith for your review and approval as to form and legality an original and three (3) copies of a proposed vacation of a grassy area that is a remnant of S. Ashland Avenue that remained after a street reconfiguration. This property is located in the 12th Ward.

Stockyards Brick LLC is the owner of record to the property adjoining the public street remnant to be vacated. The people to contact in connection with this proposed ordinance are Attorney Michael Ezgur at 312-327-3350, and Mr. Matthew Joyce at 312-286-9778.

A reservation has been made in Section 2 for Corned, Comcast and AT&T/SBC. All other utility agencies are either not involved or have made suitable arrangements. The balance of the ordinance requires compensation to the City for the land being conveyed, and covers standard language regarding recording.

R/telf«cheinfeld Commissioner

Originated by: , i

- -y^~^==

Luann Hamilton Deputy Commissioner

RS: LH: WH: RD

cc: Alderman Cardenas (12)
Alderman Anthony Beale
Pablo David
Sandra Foreman/w Attach. Dwg.-s.f. & Ord. (3) file copies (2) Maps &
Plats

30 NORTH LASALLE STREET, SUITE 1100, CHICAGO, ILLINOIS 6060

CITY COUNCIL

City 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 1 12th 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 STOCKYARDS BRICK, LLC - 02019-1415 A proposed vacation in the area bounded by West 38th Place, South Ashland Avenue, West Pershing Road and South Paulina Street. This ordinance was referred to Committee on March 13, 2019.

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

(Ward 12)

Respectfully submitted,