

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

ORDINANCE
CLOSURE TO VEHICULAR AND PEDESTRIAN TRAFFIC OF VIADUCT LOCATED
WITHIN THE PUBLIC WAY AT WEST MAYPOLE AVENUE EAST OF NORTH TALMAN
AVENUE

WHEREAS, the City of Chicago ("City") is an Illinois home rule municipality, and pursuant to Article IV, Section 6 of the Illinois Constitution of 1970, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City and the Union Pacific Railroad Company, a Delaware corporation ("Union Pacific") desire to close to vehicular and pedestrian traffic the viaduct located within the public way known as West Maypole Avenue, formerly known as Park Avenue, immediately east of North Talman Avenue; and

WHEREAS, Union Pacific has agreed to make certain improvements and dedicate certain property in connection with the closing to traffic and Union Pacific's removal of such viaduct; and

WHEREAS, the closure to traffic and the removal of said the viaduct is an improvement to transportation in the public interest and safety; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Subject to the terms and conditions of this ordinance, the portion of West Maypole Avenue as shown and indicated by the words "CLOSED TO TRAFFIC" on the drawing hereto attached, which drawing for greater certainty is hereby made a part of this ordinance as Exhibit A ("Closed Public Way"), is hereby closed to vehicular and pedestrian traffic.

SECTION 2. Union Pacific shall dedicate and open to traffic the area indicated by the words "PROPOSED ALLEY TO BE DEDICATED" as shown on Exhibit A ("Proposed Alley").

SECTION 3. Subject to the terms and conditions of this ordinance, Union Pacific is authorized and directed to remove the railroad bridge structure within the Closed Public Way and replace it with earth embankment and/or fill in accordance with plans and specifications approved by and subject to permits issued by the Commissioner of Transportation ("Commissioner"). Such plans and specifications shall include, but not be limited to the following:

- a) Removal of railroad bridge superstructure but not the substructure from the Closed Public Way; and
- b) Installation of earth embankment and/or fill within retaining walls located within the Closed Public Way ; and
- c) Construction and installation of cul-de-sacs in Maypole Avenue east and west of the Closed Public Way, public alley improvements in the Proposed Alley, and such other public way improvements as may be required by Commissioner due to the closure of the Closed Public Way; and
- d) Relocation and/or protection of existing utility and public service facilities impacted by any such work.

SECTION 4. The closure of the Closed Public Way in Section 1 of this ordinance and the grant of authority to

occupy the public way in Section 3 of this ordinance, are expressly conditioned upon the completion within 18 months of this ordinance:

- a) . the dedication in Section 2 of this ordinance; and
- b) inspection and approval by Commissioner, and where applicable, turnover to City, of the work required in Section 3;

provided, however, that Commissioner may, in her discretion, extend such period for dedication, inspection, approval, and turnover up to 30 months after passage of this ordinance.

SECTION 5. Upon satisfaction of the conditions in Section 4 of this ordinance, all ordinances authorizing Union Pacific's occupation of the public ways of the City, including the ordinance approved January 18, 1897, shall be deemed amended as provided in Section 1 of this ordinance, the consent of Union Pacific having been provided to Commissioner prior to the passage of this ordinance.

SECTION 6. This ordinance shall take effect and be in force from and after its passage.

EXHIBIT A