Legislation Details (With Text)

File #:	O2020-4584		
Type:	Ordinance	**Status:**	Passed
File created:	9/9/2020	**In control:**	City Council
		Final action:	10/7/2020
Title:	Acquisition of various parcels on W Division St between Cleveland Ave and Kennedy Expressway for rights-of-way usage and reconstruction of Division St including bridges over North Branch of Chicago River and North Branch Canal		
Sponsors:	Lightfoot, Lori E.		
Indexes:	Acquisition		
Attachments:	1. O2020-4584.pdf		

Date	Ver.	Action By	Action	Result
10/7/2020	1	City Council	Passed	Pass
9/29/2020	1	Committee on Housing and Real Estate	Recommended to Pass	
9/9/2020	1	City Council	Referred	

OFFICE OF THE MAYOR

CITY OF CHICAGO

LORI E. LIGHTFOOT MAYOR

September 9, 2020

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

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith an ordinance regarding a right-of-way acquisition for Division Street reconstruction.

Your favorable consideration of this ordinance will be appreciated.

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, the City has established the Community Development Commission (the "Commission") to, among other things, designate redevelopment areas and approve redevelopment plans, and recommend the acquisition of parcels located in redevelopment areas, subject to the approval of the City Council of the City ("City Council"); and

WHEREAS, pursuant Chapter 2-102-030 of the Municipal Code of the City, the Commissioner ("Commissioner") of the Department of Transportation of the City ("CDOT") has the power and duty to control the acquisition of rights of way for and the improvement, construction, maintenance and repair of the public ways, and to supervise and control such projects; and

WHEREAS, the City has determined that it is useful, desirable and necessary that the City acquire for public ownership and control, with the meaning and authority of 735 ILCS 30/5-5-5(b) those parcels of real property located on West Division Street between Cleveland Avenue and the Kennedy Expressway, as listed on the attached Exhibit A (the "Acquisition Parcels"), for the public purpose of the acquisition of rights-of-way for and the improvement, construction, maintenance and repair of the public ways, specifically reconstructing Division Street from the Kennedy Expressway to Cleveland Avenue, including the replacement of the bridge over the North Branch of the Chicago River and the bridge over the North Branch Canal, to improve the safety and efficiency of local street traffic flow (the "Project"); and

WHEREAS, the City has determined that the acquisition of the Acquisition Parcels, free and clear of leases, agreements and encumbrances for the Project is useful, advantageous or desirable for municipal purposes and public welfare, within the meaning and authority of 65 ILCS 5/11-61-1 and that such acquisition may include the acquisition of land and improvements as authorized under 735 ILCS 30/1 et. seq., 735 ILCS 30/5-5-5 and 765 ILCS 30/25-7-103.1; and

WHEREAS, pursuant to ordinances adopted by the City Council on July 10, 1996, and published at pages 24666-24755 and 24757-24761 in the Journal of the Proceedings (the "Journal") of such date, a certain redevelopment plan and project (the "Goose Island Plan") for the Goose Island Redevelopment Project Area (the "Goose Island Area") was approved pursuant to the Illinois Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1 et seq.; the "Act"), the Goose Island Area was designated as a redevelopment project area pursuant to the Act and tax increment allocation financing was adopted pursuant to the Act as a means of financing certain Goose Island Area redevelopment project costs (as defined in the Act) incurred pursuant to the Goose Island Plan; and

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WHEREAS, pursuant to ordinances adopted by the City Council on July 30, 1997, and published at pages 49207-49357 in the Journal of the City Council of such date, a certain redevelopment plan and project (the "Near North Plan") for the Near North Redevelopment Project Area (the "Near North Area") was approved pursuant to the Act, the Near North Area was designated as a redevelopment project area pursuant to the Act and tax increment allocation financing was adopted pursuant to the Act as a means of financing certain Near North Area redevelopment project costs (as defined in the Act) incurred pursuant to the Near North Plan; and

WHEREAS, pursuant to ordinances adopted by the City Council on February 5, 1998, and published at pages 61070,61072-61150 and 61190-61203 in the Journal of such date, a certain redevelopment plan and project (the "North Branch (South) Plan", and together with the Goose Island Plan and the Near North Plan, the "Plans") for the North Branch (South) Redevelopment Project Area (the North Branch (South) Area, and together with the Goose Island Area and the Near North Area, the "Areas") was approved pursuant to the Act; the North Branch (South) Area was designated as a redevelopment project area pursuant to the Act; and tax increment allocation financing was adopted pursuant to the Act as a means of financing certain North Branch (South) Area redevelopment project costs (as defined in the Act) incurred pursuant to the North Branch (South) Plan; and

WHEREAS, the Plans and the use of tax increment financing provide a mechanism to support new growth through leveraging private investment, and help to finance land acquisition, demolition, remediation, site preparation and infrastructure for new development in the Areas; and

WHEREAS, one of the goals and objectives of the Goose Island Plan is to complete the upgrading of public infrastructure serving the Goose Island Area to meet the needs of existing and new businesses, such as parking and improved access to buildings; and

WHEREAS, one of the goals and objectives of the Near North Plan is improving public facilities that may include, but are not limited to roadway, signalization and utility improvements and relocation; and

WHEREAS, one of the goals and objectives of the North Branch (South) Plan is to ensure a safe and functional traffic circulation pattern, adequate ingress and egress and capacity in the North Branch (South) Area; and

WHEREAS, the City Council finds such acquisitions to be for the same purposes as those set forth in Divisions 74.2 and 74.4 of the Illinois Municipal Code; and

WHEREAS, the City Council further finds that such acquisition and exercise of power of eminent domain shall be in furtherance of the Plans, which were each first adopted in 1996, 1997 and 1998 in accordance with the Act, as recited above, and were each in existence prior to April 15, 2006;and

WHEREAS, the City Council further finds that prior to April 15, 2006, the Goose Island Plan included an estimated $7,500,000 in property assembly costs as a budget line item in Table 1 to the Goose Island Plan, and also described property assembly as a part of the redevelopment project for the Goose Island Area, including in Section 5 of the Goose Island Plan; and

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WHEREAS, the City Council further finds that prior to April 15, 2006, the Near North Plan included an estimated $65,000,000 in property assembly costs as a budget line item in Table 1 to the Near North Plan, and also described property assembly as a part of the redevelopment project for the Near North Area, including in Section 5 of the Near North Plan; and

WHEREAS, the City Council further finds that prior to April 15, 2006, the North Branch (South) Plan included an estimated $20,000,000 in property assembly costs as a budget line item in Table 1 to the North Branch (South) Plan, and also described property assembly as a part ofthe redevelopment project for the North Branch (South) Area, including in Section 5 of the North Branch (South) Plan; and

WHEREAS, the City Council further finds that the completion date of the Goose Island Plan has been extended pursuant to an ordinance passed by the City Council on April 10,2019 and published in the Journal of that date at pages 98653 to 98657; and

WHEREAS, the City Council further finds that the completion date ofthe Near North Plan has not been extended; and

WHEREAS, the City Council further finds that the completion date of the North Branch (South) Plan has been extended pursuant to an ordinance passed by the City Council on July 25, 2018 and published in the Journal of that date at pages 81597 to 81600; and

WHEREAS, pursuant to Resolution No. 20-CDC-02 adopted on June 9, 2020 by the Commission, the Commission authorized CDOT to acquire the designated Acquisition Parcels listed on Exhibit A in furtherance of the Plans in the Areas without further Commission action; 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. It is hereby determined and declared that it is useful, desirable and necessary that the City acquire the Acquisition Parcels for public purposes and for purposes of implementing the objectives ofthe Plans for CDOT.

SECTION 3. The Corporation Counsel is authorized to negotiate with the owner(s) for the purchase of the Acquisition Parcels. If the Corporation Counsel and the owner(s) are able to agree

on the terms of the purchase, the Corporation Counsel is authorized to purchase the Acquisition Parcels on behalf of the City for the agreed price. If the Corporation Counsel is unable to agree with the owner(s) of the Acquisition Parcel on the terms of the purchase, or if the owner(s) is or are incapable of entering into such a transaction with the City, or if the owner(s) cannot be located, then the Corporation Counsel is authorized to institute and prosecute condemnation proceedings on behalf of the City for the purpose of acquiring fee simple title to the Acquisition Parcels as listed on Exhibit A under the City's power of eminent domain. Such acquisition efforts shall commence within four (4) years of the date of the publication of this ordinance. For the

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Acquisition Parcels, commencement shall be deemed to have occurred upon the City's delivery of an offer letter to the owner(s) of such Acquisition Parcel.

SECTION 4. The Commissioner of CDOT is authorized to execute such documents as may be necessary to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel.

SECTION 5. 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 6. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. This ordinance shall be effective upon its passage and approval.

EXHIBIT A
ACQUISITION PARCELS

(SUBJECT TO FINAL SURVEY AND TITLE COMMITMENT) 17-05-121-008

Common Address 1301 North Elston Avenue, Chicago, IL

PARCEL Oil. PIN

17-05-306-012 17-05-306-014

Common Address 1243 West Division Street, Chicago, IL

PARCEL 012.

17-05-400-019

Common Address 1111 West Division Street, Chicago, IL

PARCEL 013.

17-05-201-009

Common Address 1210 North North Branch Street, Chicago, IL

PARCEL 014.

17-05-203-010

Common Address 1060 West Division Street, Chicago IL

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PARCEL 015.

17-05-401-022

Common Address 1192 North Cherry Avenue, Chicago, IL

PARCEL 016. PIN

Common Address 1021 West Division Street, Chicago, IL PARCEL 017.

17-05-402-023

Common Address 1162 North Hickory Avenue, Chicago, IL PARCEL 018.

17-05-204-006

Common Address 1030 West Division Street, Chicago, IL PARCEL 019.

17-05-223-003

Common Address 1201 North Hickory Avenue, Chicago, IL

PIN 17-05-223-004

Common Address 900 West Division Street, Chicago, IL

PARCEL 020.

17-05-403-002

Common Address 901 West Division Street, Chicago, IL

PIN 17-05-403-003

Common Address 903 West Division Street, Chicago, IL

PARCEL 021.

17-05-404-001

Common Address 1111 North Hooker Street, Chicago, IL PARCEL 022.

17-05-205-024

Common Address 754 West Division Street, Chicago, IL

17-05-205-029

Common Address 1460 North Hooker Street, Chicago, IL PARCEL 023.

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17-05-205-026

Common Address 1460 North Hooker Street, Chicago, IL PARCEL 024.

17-05-224-005

Common Address 1200 North Kingsbury Street, Chicago, IL PARCEL 025.

17-05-405-005 17-05-405-006

Common Address 1160 North Halsted Street, Chicago, IL PARCEL 026.

17-04-301-001

Common Address 737 West Division Street, Chicago, IL PARCEL 027.

17-04-136-031

Common Address 708 West Division Street, Chicago, IL

17-04-136-032

Common Address 706 West Division Street, Chicago, IL PIN 17-04-136-033

Common Address PIN

Common Address PIN

Common Address PIN

Common Address PIN

Common Address PIN

Common Address PIN

Common Address

700 West Division Street, Chicago, IL 17-04-136-038

716 West Division Street, Chicago, IL 17-04-135-023

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703 West Division Street, Chicago, IL 17-04-137-026

660 West Division Street, Chicago, IL 17-04-137-027

658 West Division Street, Chicago, IL 17-04-137-034

650 West Division Street, Chicago, IL 17-04-138-035

600 West Division Street, Chicago, IL