



Office of the City Clerk

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Legislation Details (With Text)

File #: O2021-2613
Type: Ordinance
File created: 6/25/2021
Status: Passed
In control: City Council
Final action: 7/21/2021
Title: Vacation of public way(s) in area bounded by W 21st St, S Throop St, W Cermak Rd and S Loomis St
Sponsors: Sigcho-Lopez, Byron
Indexes: Vacation, Vacations
Attachments: 1. O2021-2613.pdf

Date	Ver.	Action By	Action	Result
7/21/2021	1	City Council	Passed	Pass
7/15/2021	1	Committee on Transportation and Public Way		
6/25/2021	1	City Council	Referred	

INDUSTRIAL 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 City has experienced a significant loss of industry and jobs in recent years, accompanied by a corresponding erosion of its tax base, due in part to industrial firms' inability to acquire additional property needed for their continued viability and growth; and

WHEREAS, many industrial firms adjoin streets and alleys that are no longer required for public use and might more productively be used for plant expansion and modernization, employee parking, improved security, truck loading areas or other industrial uses; and

WHEREAS, the City can strengthen established industrial areas and expand the city's jobs base by encouraging the growth and modernization of existing industrial facilities through the vacation of public streets and alleys for reduced compensation; and

WHEREAS, the properties at 1348-1358 W. 21st Place, 1349-1359 W. 21st Place and 2135-2145 S. Loomis Street are owned by H. Kramer & Co., an Illinois corporation ("Developer"); and

WHEREAS, the Developer employs ninety-six (96) full-time employees; and

WHEREAS, the Developer proposes to use the portion of the street and alley herein vacated for improved security, and improved material handling; and

WHEREAS, the City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of public use and the public interest to be subserved is such as to warrant the vacation of part of public street and alley described below; now, therefore,

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

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SECTION 1. Legal Description

VACATION OF:

THAT PART OF W. 21ST PLACE 66 FOOT WIDE RIGHT OF WAY, LYING SOUTH AND ADJOINING THE SOUTH LINE OF BLOCK 1 AND NORTH OF AND ADJOINING THE NORTH LINE OF BLOCK 2 IN DAVID B. LEE'S SUBDIVISION OF BLOCK 15, JOHNSTON & LEE'S SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN RECORDED JULY 3, 1873 AS DOCUMENT NO. 107488 TOGETHER WITH THAT PART OF THE FIRST NORTH-SOUTH 16 FOOT WIDE PUBLIC ALLEY IN SAID BLOCK 2 LYING EAST OF THE EAST LINE OF S. LOOMIS STREET, ALL TAKEN AS A TRACT AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 34 IN BLOCK 2 AFORESAID; THENCE NORTH 01 DEGREES 39 MINUTES 18 SECONDS WEST ALONG THE EAST LINE OF SOUTH LOOMIS STREET 66.00 FEET TO THE SOUTHWEST CORNER OF LOT 25 IN BLOCK 1 AFORESAID; THENCE NORTH 88 DEGREES 22 MINUTES 34 SECONDS EAST 138.00 FEET ALONG THE SOUTH LINE OF SAID LOT 25 AND ALONG THE SOUTHERLY TERMINUS OF THE NORTH-SOUTH 16 FOOT WIDE VACATED PUBLIC ALLEY VACATED BY ORDINANCE PASSED DECEMBER 22, 1919 AND RECORDED JANUARY 14, 1920 AS DOCUMENT NUMBER 6715270 TO THE SOUTHWEST CORNER OF LOT 24 IN BLOCK 1 AFORESAID; THENCE SOUTH 01 DEGREES 39 MINUTES 18 SECONDS EAST 188.62 FEET ALONG THE WESTERLY TERMINUS OF VACATED W. 21 ST PLACE VACATED BY ORDINANCE PASSED JULY 15, 1969 AND RECORDED AUGUST 26, 1969 AS DOCUMENT NUMBER 20941914 AND VACATED BY ORDINANCE PASSED DECEMBER 23, 1925 AND RECORDED JANUARY 13, 1926 AS DOCUMENT NUMBER 9149882 AND ALONG THE WESTERLY LINE OF LOT 35 IN BLOCK 2 AFORESAID TO A BEND THEREIN; THENCE SOUTH 46 DEGREES 38 MINUTES 22 SECONDS EAST ALONG THE WESTERLY LINE OF LOT 35 IN BLOCK 2 AFORESAID 7.07 FEET TO THE NORTH LINE OF AN EAST-WEST 16 FOOT WIDE PUBLIC ALLEY IN SAID BLOCK 2; THENCE SOUTH 88 DEGREES 22 MINUTES 34 SECONDS WEST ALONG THE NORTH LINE OF SAID EAST-WEST ALLEY 26.00 FEET TO A SOUTHEAST CORNER OF LOT 30 IN SAID BLOCK 2; THENCE NORTH 43 DEGREES 21 MINUTES 38 SECONDS EAST ALONG THE EASTERLY LINE OF LOT 30 IN BLOCK 2 AFORESAID 7.07 FEET TO A BEND THEREIN; THENCE NORTH 01 DEGREES 39 MINUTES 18 SECONDS WEST ALONG THE EASTERLY LINE OF LOTS 30 TO 34 INCLUSIVE IN SAID BLOCK 2 A DISTANCE OF 122.62 FEET TO THE NORTH EAST CORNER OF LOT 34 IN BLOCK 2 AFORESAID; THENCE SOUTH 88 DEGREES 22 MINUTES 34 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 34 IN BLOCK 2 A DISTANCE- QF-^2;Q0±FEET-TQ-THE POINT OF BEGINNING, IN COQK-CQyNTYrl^NQIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 11,175 SQUARE FEET OR 0.2565 ACRES,. JWOREIOR .LESS, jas shaded and legally described by _ihe __ words. "HEREBY VACATED"

on the' plaf hereto attached as Exhibit A, which drawing for^greateTclarity is hereby made a part of this-ordinaneerbe-and the same is hereby vacated and-ctosed-inasmuch-as the same is no longer required for public use and the public interest will be subserved by such vacations.

SECTION 2.-The Commissioner of Transportation is hereby-authorized to accept and approve a restrictive covenant or similar instrument restricting the use and improvement of the public ways vacated in Section 1 of this ordinance to industrial uses and for such use and improvements that are accessory as that term is defined in the Chicago Zoning Ordinance. The

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restriction on use and improvement in the restrictive covenant or instrument shall be for a term of 40 years.

SECTION 3. The Developer acknowledges that all currently public Department of Water Management ("DWM") water mains, cisterns, hydrants and appurtenances within the area to be vacated shall become the private property, sole liability, and the maintenance responsibility of the Developer, and its successors and assigns. Configuration work involving DWM facilities will be accomplished by the DWM at the Developer's expense. Abandonment/reconfiguration expenses including but not limited to the installation of a control valve, shall be paid to the DWM prior to the recording of this ordinance. All plumbing plans involving the abandonment of the currently public facilities must be reviewed, approved and permitted in advance by the DWM Engineering Section prior to work.

SECTION 4. The Developer acknowledges that the DWM twelve-inch (12") sewer line and related appurtenances within the area to be vacated shall become the Developer's private property, sole liability and maintenance responsibility. In the event that the Developer wishes to abandon, modify or install new facilities, plans must be reviewed, approved and permitted by the DWM Sewer Design Section prior to the commencement of any work. The Developer shall provide the DWM Sewer Design Section with as-built drawings submitted within 45 days of completion of work.

SECTION 5. The City hereby reserves for the benefit of The Peoples Gas Light and Coke Company ("Peoples Gas") a nonexclusive easement to operate, maintain, repair, renew and replace existing underground facilities and to construct new facilities in all of the area to be vacated, with the right of ingress and egress. It is further provided that no buildings or other structures shall be erected upon or over said easement herein reserved for Peoples Gas or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal, or replacement of said facilities, or the construction of additional 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 from Peoples Gas. The Developer acknowledges that any future utility work initiated by it, or its successors or assigns, involving Peoples Gas within the public way area vacated, requires prior review by the City's Office of Underground Coordination. Relocation of Peoples Gas facilities will be accomplished by the utility at the sole expense of the Developer, its

successors

or assigns. Any future release of easement by Peoples Gas shall include, at its option, the abandonment in place of the existing facilities, equipment and appurtenances as may be located over, through, under, along and across the vacated area. It is further provided that

all

costs and expenses associated with the removal of abandoned facilities shall be borne exclusively by the Developer, and its successors and assigns, and not by Peoples Gas.

SECTION 6. The City of Chicago hereby reserves for the benefit of Commonwealth Edison ("ComEd") and its 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 public way herein vacated, with the right of ingress and egress. The grade of

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the vacated public way shall not be altered in a manner so as to interfere with the operation and maintenance of said facilities. No construction, buildings, permanent structures or other obstructions shall occur or be placed over the area herein vacated without an express written release of easement by ComEd. The Developer acknowledges that any future utility work it, or its successors or assigns, initiates involving ComEd within the public way area herein vacated, requires prior review by the City's Office of Underground Coordination. Utility relocations will be accomplished by ComEd at the sole expense of the Developer, its successors and assigns. Any future release of easement by the reserved utility shall include, at the utility's option, the abandonment in place of the existing facilities, equipment and appurtenances as may be located over, through, under, along and across the vacated area. It is further provided that all costs and expenses associated with the removal of abandoned facilities shall be borne exclusively by the Developer, its successors and assigns, and not by the abandoning utility.

SECTION 7. The vacations herein provided for are made upon the express condition that within 180 days after the passage of this ordinance and its related documents, and prior to recording, the Developer shall 1) deposit in the City Treasury of the City of Chicago, a quoted sum sufficient to defray the cost of work to public paving, curb, and related appurtenances associated with its project in the event that it defaults in its obligation to construct the directed improvements 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, and 2) submit for field inspection and approval of its construction of said improvements to the CDOT Division of Infrastructure Management, Construction Compliance Unit, Room 905 City Hall, prior to the return of the monies deposited there (minus service fee).

SECTION 8. The Developer understands that the vacations are made with the condition that the Developer, and its successors and assigns, shall hold harmless, indemnify and defend the City of Chicago from all claims related to said vacations.

SECTION 9. The vacations are also made upon the express condition that within 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 a restrictive covenant or similar instrument, complying with Section 2 of this ordinance and approved by the Corporation Counsel, and the attached plat approved by the Department of Transportation's Superintendent of Maps and Plats.

SECTION 10^JEhis.or.dinance_ shall take effect and be in force from _and. after .its
passage and approval."The vacation"shall take effect and be in force from arid affe~re'corcTing
of the approved ordinance and.-plat.- : -:

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Vacations Approved:

**Gia" Commissioner
Department of Transportation**

Approved as to Form and Legality

Arthur Dolinsky Senior Counsel

Introduced By:

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Honorable Byron Sigcho-Lopez derman, 25th Ward

EXHIBIT "A"

PLAT OF VACATION

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