



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
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Legislation Details (With Text)

File #: O2021-3936
Type: Ordinance **Status:** Introduced
File created: 9/14/2021 **In control:** Committee on Transportation and Public Way
Final action:
Title: Vacation of public alley(s) in area bounded by N Ashland Ave, W Carroll Ave, N Justine St and W Fulton St
Sponsors: Burnett, Jr., Walter
Indexes: Vacation
Attachments: 1. O2021-3936.pdf

Date	Ver.	Action By	Action	Result
9/14/2021	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 1532-1554 W. Fulton Street and 300-310 N. Justine Street are owned by TLP 1532 Fulton LLC, a Delaware limited liability company; and

WHEREAS, the properties at 1533-1565 W. Carroll Avenue, 1556-1566 W. Fulton Street, 314-324 N. Justine Street, 301-311 N. Ashland Avenue, and 315-325 N. Ashland Avenue are owned by TLP 325 North Ashland LLC, a Delaware limited liability company; and

WHEREAS, the two property owners (collectively, the "Developers") propose to use the alley to be vacated herein for the assembly of the lots and redevelopment; 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 below; now, therefore,

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

SECTION 1. VACATION OF:

ALL OF THE EAST-WEST 15 FOOT WIDE PUBLIC ALLEY IN BLOCK 15 OF THE UNION PARK 2ND ADDITION TO CHICAGO, AS RECORDED MARCH 25, 1857, ANTE-FIRE, IN THE WEST HALF OF THE

SOUTHWEST QUARTER SECTION 8, TOWNSHIP 39 NORTH, RANGE 14 EAST, OF THE THIRD PRINCIPAL MERIDIAN; LYING NORTH OF AND ADJOINING THE SOUTH PORTION OF SAID BLOCK 15, SUBSEQUENTLY SUBDIVIDED; LYING SOUTH OF AND ADJOINING THE NORTH PORTION OF SAID BLOCK 15, SUBSEQUENTLY SUBDIVIDED; LYING EAST OF AND ADJOINING THE EAST RIGHT OF WAY ON N. ASHLAND AVENUE AS OPENED AND WIDENED BY ORDINANCE PASSED ON JANUARY 19, 1921, ORDER OF POSSESSION FEBRUARY 9, 1945, CIRCUIT COURT GENERAL NUMBER B-71144; AND LYING WEST OF AND ADJOINING THE WEST RIGHT OF WAY OF N. JUSTINE STREET; ALL IN COOK COUNTY, ILLINOIS, SAID ABOVE PARCEL CONTAINING 5,070 SQUARE FEET, OR 0.1164 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.

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SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, ATT/SBC and Comcast and their successors and 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 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 the express written release of easement by the involved utilities. The Developers acknowledge that any future utility work initiated by them, or their successors or assigns, involving the utilities herein reserved for within the public way area vacated, requires prior review by the City's Office of Underground Coordination. Utility relocations will be accomplished by the involved utilities at the sole expense of the Developers, or their successors and assigns. Any future release of easement by the reserved utilities shall include, at each 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 Developers, or their successors and assigns, and not by the abandoning utilities.

SECTION 3. The vacation herein provided for is made upon the condition that within 180 days after the passage of this ordinance, and prior to recording, the Developers 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 their project in the event that they default in their 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 their 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 4. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developers shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owners of the properties abutting said part of the public alley hereby vacated the sum of

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which sum in the judgment of this body will be equal to such benefits.

SECTION 5. The vacation herein provided for is made under the express condition that the Developers, and their successors and assigns, shall hold harmless, indemnify and defend the City of Chicago from all claims related to said vacation.

SECTION 6. 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 Developers 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 plat as approved by the Superintendent of Maps and Plats.

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SECTION 7. 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.

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