



Office of the City Clerk

City Hall
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Room 107
Chicago, IL 60602
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Legislation Details (With Text)

File #: O2021-4592
Type: Ordinance
File created: 10/14/2021
Status: Passed
In control: City Council
Final action: 10/14/2021

Title: Quick-take acquisition of property for construction of affordable residential building, parking spaces and rehabilitation of Laramie State Bank at 5200, 5206, 5208, 5212, 5216, 5218, 5220 and 5224 W Chicago Ave

Sponsors: Dept./Agency

Indexes: Acquisition

Attachments: 1. O2021-4592.pdf

Date	Ver.	Action By	Action	Result
10/14/2021		City Council	Passed	Pass
10/13/2021	1	Committee on Finance		
10/13/2021	1	Committee on Finance	Direct Introduction	

CHICAGO October 14, 2021

To the President and Members of the City Council:

Your Committee on Finance having had under consideration A communication recommending a proposed ordinance authorizing provision of tax increment financing (TIF) funds and expedited, negotiated acquisition of parcels or quick-take for 5200, 5206, 5220 and 5224 W Chicago Ave.

02021-4592

Having had the same under advisement; begs leave to report and recommend that your Honorable Body pass the proposed

This recommendation was concurred in by viva voce vote of members of the committee with 1 dissenting vote(s).

No: Aid. Beale

Respectfully submitted,

Chairman

SUBSTITUTE 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, pursuant to ordinances adopted by the City Council of the City of Chicago ("City Council") on September 27, 2007: (i) a certain redevelopment plan and project (the "Plan") for the Austin Commercial Redevelopment Project Area (the "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"); (ii) the Area was designated as a redevelopment project area pursuant to the Act; and (iii) tax increment allocation financing was adopted pursuant to the Act as a means of financing certain Area redevelopment project costs (as defined in the Act) incurred pursuant to the Plan; and

WHEREAS, it is necessary to acquire the parcels of property located in the Area listed on the attached Exhibit A (the "Acquisition Parcels"), in order to achieve the objectives of the Plan, which include, among other things, ensuring the safety and well-being of residents in the immediate area of the Acquisition Parcels and reducing or eliminating conditions that qualify the Area as a redevelopment area, specifically by constructing an approximately 68-foot, 6-story building with 76 residential units, of which 70% or 53 will be affordable to residents earning 60% of area median income, 30 parking spaces and a publicly accessible plaza area, and a rehabilitated Laramie State Bank building featuring retail, office, museum and community space (the "Project"); and

WHEREAS, it is in the City's interest to petition a court of competent jurisdiction to appointment a receiver to stabilize the Laramie State Bank building, in part, because the building's roof is at risk of collapse prior to acquisition, and the building is an integral part of the Project; and

WHEREAS, the City Council finds that the use of tax increment financing funds from the Area for such stabilization shall be in furtherance of the Plan and the Project; and

WHEREAS, by Resolution No. 20-CDC-8, adopted by the Community Development Commission of the City of Chicago ("Commission") on August 11, 2020, the Commission recommended the acquisition of the Acquisition Parcels (along with other adjoining and/or nearby properties); and

WHEREAS, the City Council further finds that such acquisition and exercise of power of eminent domain shall be in furtherance of the Plan and the Project; and

WHEREAS, the City has determined that it is useful, desirable and necessary that the City acquire the Acquisition Parcels for public ownership and control or for development, preservation or rehabilitation through private enterprise within the meaning and authority of 735 ILCS 30/5-5-5 for the public purpose of the Project; and

WHEREAS, the City has determined that the acquisition of the Acquisition Parcels, free and clear of leases, agreements, easements and encumbrances, for the Project is useful, advantageous or desirable for municipal purposes and the public welfare, within the meaning and

authority of 65 ILCS 5/11-61-1 and 65 ILCS 20/21-19, and that such acquisition may include the acquisition of land and improvements as authorized under 735 ILCS 30/1 er. secy., 735 ILCS 30/5-5-5, and 735 ILCS 30/25-7-103.12; and

WHEREAS, the City desires to establish a schedule for expedited acquisition in order to implement the Project pursuant to quick-take procedures; and

WHEREAS, the Illinois General Assembly in 735 ILCS 30/25-7-103.12 has authorized the use of quick-take eminent domain proceedings by municipalities for the purposes set forth in Divisions 74.2 and 74.3 of Article 2 of the Illinois Municipal Code (65 ILCS 5/11-74.2 and 74.3), said purposes being the redevelopment of commercial or business areas to eradicate and eliminate commercial blight for redevelopment purposes, and for the same purposes when established pursuant to home rule powers; and

WHEREAS, the City under its home rule power finds that it useful and necessary to use quick-take to acquire the Acquisition Parcels for the same purposes as those set forth in Divisions 74.2 and 74.3 of Article 2 of the Illinois Municipal Code (65 ILCS 5/11-74.2 and 74.3); now, therefore,

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

Section 1. The above recitals are hereby incorporated by reference as if fully set forth in this ordinance and are 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 the purposes of implementing the Project.

Section 3. It is hereby further determined and declared that it is useful, desirable and necessary for the City to petition a court of competent jurisdiction for the appointment of a receiver to stabilize the Laramie State Bank building, and to use tax increment financing funds from the Area, in an amount not to exceed Five Hundred Thousand Dollars (\$500,000), for expenses incurred by such receiver.

Section 4. The Corporation Counsel of the City of Chicago ("Corporation Counsel") is authorized to negotiate with the owner(s) of the Acquisition Parcels for the purchase of the Acquisition Parcels.

Section 5. If the Corporation Counsel is able to agree with the owner(s) of the Acquisition Parcels upon the price to be paid for such Acquisition Parcels, or a portion thereof, the Corporation Counsel is authorized to purchase the Acquisition Parcels, or a portion thereof, in the name of and on behalf of the City of Chicago for the agreed price, with such purchase price to be paid but of any legally available funds of the City, including, without limitation, proceeds of any grants or other funds received by the City. If the Corporation Counsel is unable to agree with the owner(s) of the Acquisition Parcels on the purchase price, or if an owner is incapable of consenting to the sale, or if an owner cannot be located, or cannot deliver fee simple title, then the Corporation Counsel may institute and prosecute condemnation proceedings, including "quick-take" proceedings, in the name of and on behalf of the City for the purpose of acquiring fee simple title or other

property interest(s) in the Acquisition Parcels, or a portion thereof, under the City's power of eminent domain.

Section 6. A schedule for the acquisition of the Acquisition Parcels is hereby adopted as follows: (1) acquire fee simple title to all of the Acquisition Parcels on or before December 31, 2021; and (2) commence construction of the Project on or before May 31, 2022.

Section 7. The Commissioner of the City's Department of Planning and Development (the "Commissioner"), or a designee of the Commissioner, is authorized to (1) execute such documentation as may be necessary to implement the provisions of this ordinance, (2) amend, modify, or change the schedule for the acquisition of the Acquisition Parcels set forth in Section 6, and (3) determine whether the acquisition of the Acquisition Parcels, or a portion thereof, or less than fee simple title is necessary to implement the Project, all subject to the approval of the Corporation Counsel.

Section 8. The Commissioner is further authorized to execute such documents, including an agreement with a court-appointed receiver, as may be necessary to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel.

Section 9. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or enforceability of such provision shall not affect any of the other provisions of this ordinance.

Section 10. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 11. This ordinance shall be effective upon its passage and approval.

EXHIBIT A

Acquisition Parcels (Subject to Final Survey and Title Commitment)

Address	PIN	Vacant or Improved
5200 West Chicago Avenue	16-04-331-038	Improved
5206 West Chicago Avenue	16-04-331-037	Vacant
5208 West Chicago Avenue	16-04-331-036	Vacant
5212 West Chicago Avenue	16-04-331-035	Vacant
5216 West Chicago Avenue	16-04-331-034	Vacant
5218 West Chicago Avenue	16-04-331-033	Vacant
5220 West Chicago Avenue	16-04-331-032	Partially Improved
5224 West Chicago Avenue	16-04-331-031	Improved

Approved

DATED: /O ' tf-J-l