



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
www.chicityclerk.com

## Legislation Details (With Text)

**File #:** O2022-2457  
**Type:** Ordinance  
**File created:** 7/20/2022  
**Status:** Passed  
**In control:** City Council  
**Final action:** 11/16/2022  
**Title:** Vacation of public alley(s) in area bounded by W 38th St, S Halsted St, W 38th Pl and S Lituanica Ave  
**Sponsors:** Lee, Nicole T.  
**Indexes:** Vacation  
**Attachments:** 1. O2022-2457.pdf

| Date       | Ver. | Action By                                  | Action              | Result |
|------------|------|--|---------------------|--------|
| 11/16/2022 | 1    | City Council                               | Passed              | Pass   |
| 11/10/2022 | 1    | Committee on Transportation and Public Way | Recommended to Pass |        |
| 7/20/2022  | 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 801-815 W. 38<sup>th</sup> Street, 819-837 W. 38<sup>th</sup> Street, 800-814 W. 38<sup>th</sup> Place, 824-836 W. 38<sup>th</sup> Place, 3801-3813 S. Lituanica Avenue, 3817-3831 S. Lituanica Avenue, and 3800-3830 S. Halsted Street are owned by JMK LLC, an Illinois limited liability company; and

WHEREAS, the properties at 816-822 W. 38<sup>th</sup> Place are owned by 3810 S. Halsted LLC, an Illinois limited liability company; and

WHEREAS, the above property owners (together, the a"Developers") are affiliated with each other by virtue of common ownership in whole or in part, and both are affiliated with Lincoln Provision, Inc., by virtue of common ownership in whole or in part, a meat packing and distribution business that operates at the properties; and

WHEREAS, the Developers propose to use the alleys to be vacated herein for internal roadways, the creation of a secure campus, and for potential facility expansion; 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 those parts of the public alleys described in the following ordinance; now therefore,

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

SECTION 1.

VACATION: ALL OF THE NORTH-SOUTH AND EAST-WEST 18 FOOT WIDE PUBLIC ALLEYS SOUTH OF AND ADJOINING THE SOUTH RIGHT OF WAY OF W. 38TH STREET, NORTH OF AND ADJOINING THE NORTH RIGHT OF WAY OF W. 38TH PLACE AND EAST OF AND ADJOINING THE EAST RIGHT OF WAY OF S. LITUANICA AVENUE, IN BLOCK 18 OF GAGE, LEMOYNE, HUBBARD & OTHERS SUBDIVISION (ANTE-FIRE) IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, TOTAL AREA IN SAID PARCEL IS 9,365 SQ FT, MORE OR LESS AND 0.215 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 vacations.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, Comcast, Crowncastle and AT&T/SBC, and their 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 alleys herein vacated, with the right of ingress and egress at all times. 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 telecommunications facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the areas herein vacated without express written release of easement by the involved utilities. Any future, relocation/removal of facilities initiated by the Developers and lying within the areas herein vacated will be accomplished by the involved utilities, and be done at the Developers' expense, or their successors' or assigns' expense.

SECTION 3. The vacations herein provided for are made upon the express condition that within 180 days of the passage of this ordinance and its related plat, the Developers shall pay to the City Treasury of the City of Chicago, a quoted security deposit equal to the costs of Developers' work to public paving, curb, and related appurtenances 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. Upon completion of the work, a request for final field inspection and approval of the Developers' construction, shall be made to the CDOT Division of Infrastructure Management, Construction Compliance Unit, Room 905 City Hall, prior to return of said security deposit less any service fee.

SECTION 4. The vacations herein provided for are 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 alleys hereby vacated the sum

dollars (\$ ),

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

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

SECTION 6. The vacations herein provided for are 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 Cook County Clerk/

Recordings Division, Illinois, a certified copy of this ordinance, together with the associated full sized plats as approved by the Superintendent of Maps and Plats.

SECTION 7. This ordinance shall take effect and be in force from and after its passage and publication. The vacations shall take effect and be in force from and after recording of the published ordinance and approved plat.

[SIGNATURE PAGE FOLLOWS BELOW]

  
Gia Biagi  
Commissioner of Transportation

Introduced by:

Honorable Nicole Lee Alderman, 11th Ward

CDOT File Number: 32-11-22^002

EXHIBIT "A"

## PLAT OF VACATION

### LEGAL DESCRIPTION:

ALL OF THE NORTH-SOUTH AND EAST-WEST 18 FOOT WIDE PUBLIC ALLEYS SOUTH OF AND ADJOINING THE SOUTH RIGHT OF WAY OF W. 38TH STREET, NORTH OF AND ADJOINING THE NORTH RIGHT OF WAY OF W. 38TH PLACE AND EAST OF AND ADJOINING THE EAST RIGHT OF WAY OF S. LITUANICA AVENUE, IN BLOCK 18 OF GAGE, LEMOYNE, HUBBARD & OTHERS SUBDIVISION (ANTE-FIRE) IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS. TOTAL AREA IN SAID PARCEL IS 9.365 SQ FT, MORE OR LESS AND 0.215 ACRES, MORE OR LESS.

COOK COUNTY

1 inch = 60 ft.

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