



Office of the City Clerk

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

File #: O2023-626
Type: Ordinance
File created: 1/18/2023
Status: Passed
In control: City Council
Final action: 2/1/2023
Title: Vacation of portions of W 23rd St and S Spaulding Ave within area bounded by W 24th St, S Christiana Ave, W 22nd St (W Cermak Rd) and S Sawyer Ave
Sponsors: Rodriguez, Michael D.
Indexes: Vacations
Attachments: 1. O2023-626.pdf

Date	Ver.	Action By	Action	Result
2/1/2023	1	City Council	Passed	Pass
1/26/2023	1	Committee on Transportation and Public Way	Recommended to Pass	
1/18/2023	1	City Council	Referred	

INTERGOVERNMENTAL 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 3300-3324 W. 23rd Street, 3301-3325 W. 23rd Street, 2300-2358 S. Spaulding Avenue and 2301-2357 S. Spaulding Avenue, are owned by the Public Building Commission of Chicago ("Developer"), an Illinois municipal corporation; and

WHEREAS, the Developer holds land in trust for the use of the Chicago Public Schools ("CPS"); and

WHEREAS, CPS currently uses the areas herein vacated for athletic fields and parking under the authority of a past closure to vehicular traffic ordinance approved by the City Council of the City on March 22, 1974, and recorded April 25, 1974, as Document Number 22696171, in support of Farragut Career Academy High School IB World School, but now wishes to renovate said facilities; and

WHEREAS, the City Council of the City, 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 the public streets described below; now, therefore,

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

SECTION 1. Legal Description

Vacation of:

ALL THAT PART OF W. 23RD STREET (PARCEL 1) 66 FOOT WIDE PUBLIC RIGHT OF WAY LYING EAST OF AND ADJOINING THE EAST RIGHT OF WAY LINE OF S. CHRISTIANA AVENUE, LYING WEST OF AND ADJOINING THE WEST RIGHT OF WAY LINE OF S. SPAULDING AVENUE, LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF BLOCK 2 AND LYING NORTH OF AND ADJOINING THE NORTH LINE OF BLOCK 6 IN KRALOVEC AND KASPAR'S SUBDIVISION OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 30, 1887 AS DOCUMENT 823055, IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 17,536 SQ. FT. OR 0.403 ACRES, MORE OR LESS.

TOGETHER WITH (PARCEL 2) ALL THAT PART OF S. SPAULDING AVENUE, 66 FOOT WIDE PUBLIC RIGHT OF WAY, LYING EAST OF AND ADJOINING THE EAST LINE OF BLOCK 6 AND LYING WEST OF AND ADJOINING THE WEST LINE OF BLOCK 7 IN SAID KRALOVEC AND KASPAR'S SUBDIVISION, LYING EAST OF AND ADJOINING THE EAST LINE OF BLOCK 3 IN ANTHONY KOZEL'S SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED APRIL 7, 1887 AS DOCUMENT 814629, LYING WEST OF AND ADJOINING THE WEST LINE OF FRANK SLAD'S SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED APRIL 12, 1901 AS DOCUMENT 3085895, LYING NORTH OF AND ADJOINING A LINE JOINING THE SOUTHEAST CORNER OF BLOCK 3 IN SAID ANTHONY KOZEL'S SUBDIVISION WITH THE SOUTHWEST CORNER OF LOT 4 IN SAID FRANK SLAD'S SUBDIVISION, LYING SOUTH OF AND ADJOINING A LINE JOINING THE NORTHEAST CORNER OF SAID BLOCK 6 WITH THE NORTHWEST CORNER OF SAID BLOCK 7, ALL IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 39,243 SQ. FT. OR 0.901 ACRES, MORE OR LESS, WITH THE TOTAL AREA OF ALL ABOVE PARCELS BEING 56,779 SQ. FT. OR 1.304 ACRES, MORE OR LESS, as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as EXHIBIT A, which drawing 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 The Peoples Gas Light and Coke Company ("Peoples Gas") an easement in W. 23rd Street to operate, maintain, repair, renew and replace existing underground facilities and to construct new facilities, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected upon or over said easement, or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal, or replacement of Peoples Gas facilities, or the construction of additional facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over said area herein vacated without express written release of easement by the utility. Any future Developer-prompted relocation of Peoples Gas facilities lying within the said area will be accomplished by Peoples Gas, and completed at the expense of the Developer, its successors or assigns.

SECTION 3. The City of Chicago hereby reserves for the benefit of Peoples Gas the right to abandon in place all or any part of the existing gas mains, service piping, associated equipment and appurtenances and all or any portion of its equipment as many be located over, through, under, along and across S. Spaulding Avenue herein vacated. It is further provided that all costs and expenses associated with the removal of any abandoned main, pipe, appurtenances, or equipment in said, area shall be borne exclusively by the Developer, its successors and assigns and not by Peoples Gas.

SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, AT&T/SBC, Comcast and their successors or assigns, a non-exclusive

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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 streets 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 Commonwealth Edison, AT&T/SBC, and/or Comcast 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 Developer-prompted relocation of facilities lying within the areas being vacated will be accomplished by the involved utility, and be completed at the expense of the Developer, its successors or assigns. ¹

SECTION 5. The City of Chicago hereby reserves an easement over W. 23rd Street herein vacated, with a minimum clearance to forty (40) feet above grade, for the existing 15" Department of Water Management sewer main, and for the installation of any additional sewers, as now located, or which in the future jmay be located in the street herein vacated, and for the maintenance, renewal and reconstruction of such facilities. It is also provided that, the City shall have 24 hour access to the area to be vacated, that no buildings, permanent structures, fences, bollards, or trees (within 10 feet of the sewer main) shall be erected upon or over said easement herein reserved, or other use made of said area, which in the sole discretion of the respective municipal officials having control of the aforesaid service facilities, would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities. It is further provided that the expenses related to any Developer or CPS proposed adjustments to the City sewer main within the area herein vacated be borne by the Developer, its successors or assigns, or CPS, its successors or assigns, respectively, and said proposed adjustments be submitted to the Department of Water Management for review and express written approval prior to construction. Any repair, renewal or replacement of private improvements, or private property damaged within the vacation area as a result of the City exercising its easement rights shall be repaired/replaced at the expense of the beneficiary of the vacation, its successors or assigns.

SECTION 6. The Developer and CPS acknowledge that the 12" sewer and associated structures in S. Spaulding Avenue herein vacated shall become the Developer's private property and maintenance responsibility. In the event that the Developer wishes to abandon (modify or install) facilities, plans must be reviewed, approved and permitted by the Department of Water Management, Sewer Design Section, prior to the commencement of any sewer work within the Development. Developer shall provide the Department of Water Management, Sewer Design Section, with as-built drawings submitted within 45 days of completion.

SECTION 7. The Developer acknowledges that it is responsible for the cost of the work necessary to abandon the Department of Water Management water main in W. 23rd Street.

SECTION 8. The Developer and CPS acknowledge that the Department of Water Management 8"

water main and other appurtenances within S. Spaulding Avenue within the area to be vacated shall become the private property and the maintenance responsibility of the Developer, save for the portion from W. 24th Street to the service control value in S. Spaulding. Abandonment and reconfiguration work involving City water facilities will be accomplished by

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the Department of Water Management at the Developer's expense. Abandonment/reconfiguration expenses and the value of the amortized water main shall be paid to the Department of Water Management prior to the recording of the vacation ordinance. All plumbing plans involving the abandonment of the currently public facilities must be reviewed, approved and permitted in advance by the Department of Water Management Engineering Section prior to work. ¹

SECTION 9. 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 Developer or its assign shall file or cause to be filed for recordation with the Office of the Cook County Clerk / Recordings Division a certified copy of this ordinance, together with the associated full-sized plat as approved by the Department of Transportation's Superintendent of Maps and Plats.

SECTION 10. 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 the recording of the published ordinance and approved plat.

Vacations Approved:

**Gia Bie Commissioner
Department of Transportation**

Introduced By:

Honorable Michael Rodriguez Alderman, 22nd Ward

CDOT File Number: 26-22-22-4014