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Legislation Details (With Text)

File #: O2011-1020
Type: Ordinance
File created: 2/9/2011
Status: Passed
In control: City Council
Final action: 3/9/2011
Title: Acquisition of property at S Archer Ave and S Wentworth Ave for 24th/Michigan Redevelopment Project Area
Sponsors: Daley, Richard M.
Indexes: Acquisition
Attachments: 1. O2011-1020.pdf

Date	Ver.	Action By	Action	Result
3/9/2011	1	City Council		
3/2/2011	1	Committee on Housing and Real Estate	Recommended to Pass	Pass
2/9/2011	1	City Council	Referred	

OFFICE OF THE MAYOR
CITY OF CHICAGO
RICHARD M. DALEY
MAYOR

February 9, 2011

TO THE HONORABLE, THE CITY COUNCIL OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Housing and Economic Development, I transmit herewith an ordinance authorizing an acquisition of property on South Archer and Wentworth Avenues.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours.

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 an ordinance adopted by the City Council of the City of Chicago ("City Council") on July 21, 1999 and published at pages 8099-8197 of the Journal of the Proceedings of the City Council (the "Journal") of such date, a certain redevelopment plan and project ("Plan") for the 24th/Michigan Redevelopment Project Area ("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"); and

WHEREAS, pursuant to an ordinance adopted by the City Council on July 21, 1999, and published at pages 8198-8204 of the Journal of such date, the Area was designated as a "blighted area" redevelopment project area pursuant to the Act; and

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WHEREAS, pursuant to an ordinance adopted by the City Council on July 21, 1999 and published at pages 8203 and 8205-8210 of the Journal of such date, 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, the Plan and the use of tax increment financing provide a mechanism to support new growth

through leveraging private investment, and helping to finance land acquisition, demolition, remediation, site preparation, rehabilitation work and infrastructure improvements for new development in the Area; and WHEREAS, the City Council finds that it is useful, necessary and desirable to acquire the parcels of real property identified on Exhibit A to this ordinance and made a part hereof (the "Acquisition Parcels") in order to achieve the goals and objectives of the Plan, which include, among other things: facilitating the development of vacant land and the redevelopment of underutilized properties for commercial, industrial, residential and institutional uses; creating an environment for new educational, open space and other institutional facilities to serve the surrounding community; providing expansion opportunities for existing institutions in the Area; and developing a link between the Area and surrounding communities; and

WHEREAS, by Resolution No. 10-CDC-78 adopted by the Community Development Commission of the City of Chicago ("Commission") on December 14, 2010, the Commission recommended the acquisition of the Acquisition Parcels; and

WHEREAS, the City Council further finds that such acquisition and exercise of power of eminent domain shall be in furtherance of the Plan, which was first adopted on July 21, 1999 in accordance with the Act, as recited above, and was in existence prior to April 15, 2006; and

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WHEREAS, the City Council further finds that prior to April 15, 2006, the Plan included an estimated \$7,000,000 in property assembly costs as a budget Hue item in Table 1 to the Plan, and also described property assembly as a part of the redevelopment project for the Area, including in Section III.A and Section V.C.2 of the Plan; and

WHEREAS, the City Council further finds that the Acquisition Parcels were included in the Area prior to April 15, 2006, that there has been no extension in the completion date of the Plan and that the Acquisition Parcels are not located in an industrial park conservation area; and

WHEREAS, the City Council further finds such acquisitions to be for the same purposes as those set forth in Divisions 74.2 and 74.4 of the Illinois Municipal Code; now, therefore,

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

SECTION 1. The foregoing recitals, findings and statements of fact are hereby adopted as the findings of the City Council.

SECTION 2. It is hereby determined, declared and found that it is useful, desirable and necessary that the City of Chicago acquire any or all of the Acquisition Parcels for public purpose and for purposes of furthering the objectives of the Plan, and the Department of Housing and Economic Development ("DHED") or such other City department as may be necessary or appropriate is authorized to accept such Acquisition Parcels on the City's behalf.

SECTION 3. The Corporation Counsel is authorized to negotiate with the owner(s) of the Acquisition Parcels for the purchase of such Acquisition Parcels. If the Corporation Counsel and the owner of an Acquisition Parcel are able to agree on the terms of the purchase, the Corporation Counsel is authorized to purchase the Acquisition Parcel on behalf of the City for the agreed price. If the Corporation Counsel is unable to agree with the owner of the Acquisition Parcel on the terms of the purchase, or if the owner is incapable of entering into such a transaction with the City, or if the owner cannot be located, then the Corporation Counsel is authorized to institute and prosecute condemnation proceedings on behalf of the City for the purpose of acquiring fee simple title to the Acquisition Parcel under the City's power of eminent domain. Such acquisition efforts shall commence within ten years of the date of the publication of this ordinance. Commencement shall be deemed to have occurred within such period upon the City's delivery of an offer letter to the owner(s) of the Acquisition Parcel. The above grant of authority shall be construed to authorize acquisition of fewer than all the Acquisition Parcels and shall also be construed to authorize the acquisition of less than all of any particular Acquisition Parcel.

SECTION 4. The Commissioner of DHED, or any Acting Commissioner, is authorized to execute such documents as may be necessary to implement the provisions of this ordinance, subject to the approval of the

Corporation Counsel.

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SECTION 5. if any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 6. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. This ordinance shall be effective upon its passage and approval. Exhibit A - Acquisition Parcels

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Exhibit A

Acquisition Parcels (Subject to Final Title Commitment and Survey)

Address:

2107-11 S. Archer 2105 S.Archer 2103 S. Archer 2101 S. Archer 2106-10 S. Wentworth

n/a

n/a

2116-24 S. Wentworth

2112- 14 S. Wentworth

2113- 15 S. Archer n/a

P.I.N.(s):

17-21-420-021 17-21-420-022 17-21-420-023 17-21-420-024 17-21-420-044 17-21-420-057 17-21-420-059 17-21-420-063 17-21-420-064 17-21-420-075 17-21-420-076

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