



Office of the City Clerk

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

File #: SO2011-1052
Type: Ordinance
Status: Passed
File created: 2/9/2011
In control: City Council
Final action: 3/9/2011
Title: Conveyance of vacant City-owned parcels of land to Chicago Park District for expansion of adjacent parks and sites in Calumet Area for restoration of ecosystem and access to natural resources
Sponsors: Daley, Richard M.
Indexes: Open Space Impact Fees
Attachments: 1. SO2011-1052.pdf, 2. O2011-1052.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	

CITY COUNCIL - City of Chicago City Hall, Room 200 121 North LaSalle Street Chicago, Illinois 60602 Telephone: (312) 744-6102 Fax: (312) 744-0770

RAY SUAREZ

Alderman, 31st Ward

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Committee Memberships:

Housing and Real Estate (Chairman)

Committees, Rules and Ethics (Vice-Chairman)

Transportation and Public Way (Vice-Chairman)

Aviation

Budget and Government Operations Buildings Finance Zoning

March 9, 2011 CHICAGO, ILLINOIS

TO THE PRESIDENT AND MEMBERS OF THE CITY COUNCIL:

Your Committee on Housing and Real Estate which was referred an ordinance - as amended -by the Department of Housing and Economic Development authorizing a conveyance of open space land and additional parcels to the Chicago Park District.

Having the same under advisement, begs leave to report and recommend that Your Honorable Body Pass the proposed ordinance - as amended- transmitted herewith.

This recommendation was concurred in by a vote of the members of the committee present with no dissenting votes.

Respectfully submitted,

(signed) ^ |<<>kj J^{AXM}|^'

Ray Suarez, Chairman

ORDINANCE, AS AMENDED, AUTHORIZING THE CONVEYANCE OF CALUMET SITES AND PARK EXPANSION PARCELS TO THE CHICAGO PARK DISTRICT

WHEREAS, the City of Chicago (the "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, the Chicago Park District (the "Park District") is a body politic and corporate organized and

existing under the Chicago Park District Act, 70 ILCS 1505/0.01 et seq., with authority to exercise control over and supervise the operation of all parks within the corporate limits of the City; and
WHEREAS, the City owns 41 vacant parcels of land (approximately 3.5 acres) adjacent to 14 existing parks in various wards throughout the City, as identified by tax parcel identification number ("PIN") on Exhibit A attached hereto and depicted on Exhibit B attached hereto (collectively, the "Expansion Property"); and
WHEREAS, the Park District is interested in acquiring the Expansion Property from the City for the expansion of the adjacent parks to better serve community residents; and

WHEREAS, by ordinance adopted by the City Council of the City ("City Council") on May 20, 1998, and published at pages 69309-69311 in the Journal of the Proceedings of the City Council of the City of Chicago (the "Journal") of such date, the City Council approved CitySpace: An Open Space Plan For Chicago (the "CitySpace Plan"), a comprehensive plan which sets forth goals for increasing open space in the City and recommends that vacant, tax delinquent and City-owned property be redeveloped for parkland; and
WHEREAS, the use of the Expansion Property for parkland is consistent with the purposes and objectives of the CitySpace Plan; and

WHEREAS, the City owns four sites containing a total of approximately 650 acres in the Calumet area, commonly known as Hegewisch Marsh (approximately 117 acres), Big Marsh (approximately 278 acres), Indian Ridge Marsh (approximately 141 acres) and Van Vliissingen Prairie (approximately 117 acres), as depicted on Exhibit C attached hereto; and

WHEREAS, the four Calumet area sites, excluding the Environmental Center Parcel (as hereinafter defined), are collectively referred to herein as the "Calumet Property" and identified by PIN on Exhibit D attached hereto; and

WHEREAS, the Calumet Property is designated for open space preservation in the Calumet Area Land Use Plan adopted by the Chicago Plan Commission on February 14, 2002, and is included in the Calumet Open Space Reserve, a proposed 3,900-acre urban nature preserve first proposed in the Calumet Area Land Use Plan and further described in the Calumet Open Space Reserve Plan dated December 2005; and

WHEREAS, by ordinance adopted on November 19, 2008, and published at pages 49395-49401 in the Journal of such date, the City Council authorized the transfer of approximately 107 acres of Hegewisch Marsh to the Park District (the "107-Acre Parcel"); and

WHEREAS, the City has not yet transferred the 107-Acre Parcel to the Park District; and

WHEREAS, the remaining City-owned acreage in Hegewisch Marsh (approximately 10 acres) is the future site of the Ford Calumet Environmental Center, a proposed research and teaching center that will focus on the environmental, industrial and cultural history of the area (the "Environmental Center Parcel"); and

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WHEREAS, the City also leases approximately 10 acres of land in Hegewisch Marsh from the Metropolitan Water Reclamation District (the "City's Leasehold Interest"); and

WHEREAS, the City's Leasehold Interest and the Environmental Center Parcel are not a part of the transfer described herein; and

WHEREAS, the City desires to convey all of the land comprising the Calumet Property to the Park District by quitclaim deed, and the Park District desires to accept such conveyance in order to ensure its long-term protection; and

WHEREAS, the Calumet Property is contaminated from historic industrial operations, illegal dumping and releases from adjacent or nearby landfills; and

WHEREAS, the City has a number of environmental reports in its possession pertaining to the condition of the Calumet Property; and

WHEREAS, the Calumet Property includes wetlands and open water that provide excellent habitat for a variety of state-listed and other marsh-dependent nesting and migratory birds; and

WHEREAS, the City has been actively restoring the wetlands and other natural features of the Calumet Property, and has re-graded existing trails within Hegewisch Marsh for use by community members, scientists, students and other visitors; and

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WHEREAS, the City acquired portions of the Calumet Property with federal wildlife conservation and restoration grant funds and state open lands funds and, as a condition of these grants, recorded conservation easements and use restrictions against the land in order to protect it in perpetuity in its natural, scenic and open space condition; and

WHEREAS, the Park District and the City are committed to restoring the ecosystem in the Calumet area and providing public access to natural resources, and desire to work together to achieve these mutual goals; and WHEREAS, the City, acting by and through its Department of Environment ("DOE") and other departments, has been awarded several grants and has applied for other grants to restore, manage or otherwise use the Calumet Property (collectively, "Grants"); and WHEREAS, the Grants have been made or will be made pursuant to grant agreements between the City and the applicable grantors (collectively, "Grant Agreements"); and WHEREAS, the City, acting by and through DOE and other departments, has been issued permits in connection with certain restoration and management activities on the Calumet Property ("Permits"); and WHEREAS, the City may wish to assign the Grant Agreements and Permits to the Park District, or subgrant funds awarded under the Grant Agreements to the Park District; and WHEREAS, prior to transferring title to the Calumet Property, or assigning the Permits and Grant Agreements or subgranting funds as contemplated under this ordinance, the City may need to obtain the consent or approval of the permitting authorities or grantors under the applicable Permits and Grant Agreements (collectively, "Consents"); and WHEREAS, to the extent the City does not assign such Permits and Grant Agreements or subgrant such funds, the City will need access to the Calumet Property, or portions thereof, in order to fulfill its obligations under the Permits and Grant Agreements; and WHEREAS, the City has been temporarily storing clay fill material ("Clay Fill") on Big Marsh and intends to remove the Clay Fill and use it on other projects; and WHEREAS, the City Council finds that the establishment of additional public open space and parkland is essential to the general health, safety and welfare of the City; and WHEREAS, the transfer of the Calumet Property and the Expansion Property to the Park District will increase the Park District's land holdings by approximately 8%; and WHEREAS, the City is authorized to convey title to or other interests in City-owned real estate to other municipalities in accordance with the provisions of the Local Government Property Transfer Act, 50 ILCS 605/0.01 et seq.; and WHEREAS, Article VII, Section 10 of the 1970 Constitution of the State of Illinois authorizes and encourages cooperative agreements between units of state and local government; and WHEREAS, by ordinances adopted on January 12, 2011, the Board of Commissioners of the Park District authorized the acceptance of the Expansion Property and the Calumet Property from the City; and ***WHEREAS, by Resolution Nos. 11-007-21, 11-008-21, 11-009-21, 11-010-21, 11-011-21, 11-013-21, 11-014-21 and 11-015-21 adopted on January 20, 2011, the Chicago Plan Commission recommended the transfer of the Calumet Property and the Expansion Property to the Park District; now, therefore,***

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

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. The City hereby approves the conveyance of the Calumet Property and the Expansion Property to the Park District at no cost, subject to the following conditions precedent:

(a) the City shall obtain any necessary Consents for the transfer of title to the Calumet Property, (b) the Park District shall grant the City and its agents, employees, representatives, contractors and subcontractors (collectively, the "City Parties") access to (or, if required under the Grant Agreements or Permits, a real property interest in) the Calumet Property, or applicable portions thereof, to allow the City to fulfill its obligations under the Grant Agreements and Permits, and (c) the Park District shall grant the City Parties a right of access to Big Marsh to remove the Clay Fill. The City's conveyance of the Expansion Property and the Calumet Property shall be on an "as is" basis, without any warranty, express or implied, by the City as to the environmental condition of such property or any improvements located thereon.

SECTION 3. The Mayor or his proxy is authorized to execute, and the City Clerk or Deputy City Clerk is authorized to attest, a quitclaim deed or deeds conveying the Expansion Property and the Calumet Property to the Park District.

SECTION 4. The Commissioner of DOE (the "DOE Commissioner"), and a designee thereof, and the Commissioner of the Department of Housing and Economic Development (the "HED Commissioner"), and a designee thereof, are each hereby authorized to negotiate, execute and deliver such documents as may be necessary or appropriate to implement the provisions of this ordinance. Such documents may contain terms and provisions that the DOE Commissioner and the HED Commissioner and a designee of each deem appropriate. Any applicable commissioner or department head (including but not limited to the DOE Commissioner and the HED Commissioner), and a designee thereof, of a department which has received a Grant or Permit on behalf of the City are each hereby authorized to negotiate, execute and deliver (a) any easements, leases, licenses, permits or other instruments or agreements necessary or appropriate to satisfy

the City's obligations under the Grant Agreements and the Permits, subject to the approval of the Corporation Counsel, and (b) any amendments, assignments or subgrants of the Grant Agreements or Permits necessary or appropriate to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel. Such easements, leases, licenses, permits or other instruments or agreements, and such amendments, assignments or subgrants of the Grant Agreements and Permits may contain terms and provisions that the applicable commissioner or department head and a designee thereof deem appropriate. Notwithstanding anything to the contrary contained in this Section 4, the City, acting by and through any of its departments, shall have no authority under this ordinance to indemnify the Park District as to the environmental condition of the Expansion Property or the Calumet Property, or to commit to future funding (except to the extent provided for under the Grant Agreements) with respect to any remediation, restoration, construction, operation, maintenance or management costs associated with the ownership and operation of the Expansion Property or the Calumet Property.

SECTION 5. If the passage and approval of this ordinance, or the actions contemplated by this ordinance, conflict with the terms of any Grant Agreement or Permit, then the terms of such Grant Agreement or Permit shall control and this ordinance shall be deemed invalid and unenforceable with respect to the applicable portion of the Calumet Property, unless and until any necessary Consents are obtained pursuant to the applicable Grant Agreement or Permit.

SECTION 6. 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 7. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 8. This ordinance shall take effect immediately upon its passage and approval.

Attachments: Exhibit A - Identification of Expansion Property Exhibit B - Depiction of Expansion Property

Exhibit C - Depiction of Calumet Property Exhibit D - Identification of Calumet Property

EXHIBIT A

IDENTIFICATION OF EXPANSION PROPERTY

SITE NAME

Buckthorn Park Expansion

Harsh Park Expansion Mandrake Park Expansion Sumac Park Expansion

Honeysuckle Park Expansion Wolcott Park Expansion Edmonds Park Beehive Park Expansion Emerald. Park Expansion

Hansberry Park Expansion

Till-Mobley Park Expansion Harding (Fred) Park Exp.

ADDRESS

4330 S. Calumet Av.

4332 S. Calumet Av.

4334 S. Calumet Av.

4336 S. Calumet Av.

4338 S. Calumet Av.

4340 S. Calumet Av. 4344 S. Calumet Av. 4346 S. Calumet Av. 4348 S. Calumet Av. 4352 S. Calumet Av. 4356 S. Calumet Av.

4331 S. Calumet Av.

4333 S. Calumet Av.

4335 S. Calumet Av.

4337 S. Calumet Av.

4339 S. Calumet Av.

4341 S. Calumet Av. 4343 S. Calumet Av. 4464 S. Oakenwald Av. 711-17 E. Pershing Rd.

4209 S. Champlain Av. 649 E. 42nd St.

4202 S. Langley Av. 4206 S. Langley Av. 4208 S. Langley Av.

4210 S. Langley Av. 4212 S. Langley Av. 4633 S. Champlain Av. 6555 S. Wolcott Av. 709 W. 61st St.. 6150 S. Dorchester Av. 5606 S. Emerald Av. 5639 S. Indiana Av.

6418 S. Ellis Av. 3915 W. Division St..

PERMANENT INDEX NUMBER

20-03-304-033

20-03-304-034 20-03-304-035 20-03-304-036 20-03-304-037 20-03-304-038 20-03-304-039 20-03-304-040 20-03-304-041 20-03-304-042 20-03-304-043 20-03-305-010 20-03-305-011 20-03-305-012 20-03-305-013 20-03-305-014 20-03-305-015 20-03-305-016 20-02-404-078 partial 20-03-202-006 20-03-225-002 20-03-225-026 20-03-225-027 20-03-225-

028 20-03-225-029 20-03-225-030 20-03-225-031 20-03-426-016 '20-19-218-019 20-16-308-038 20-14-409-029 20-16-100-051 20-15-110-011 20-15-110-012 20-23-105-056 16-02-301-005

<u>SITE NAME</u>	<u>ADDRESS</u>	<u>PERMANENT INDEX</u>
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Barberry Park Expansion	2821 W. Arthington St..	16-13-319-016
2819 W. Arthington St..		16-13-319-017
2817 W. Arthington St..		16-13-319-018
2815 W. Arthington St..		16-13-319-019
Gladys Park Expansion	3313 W. Gladys Av.	16-14-222-005

EXHIBIT B DEPICTION OF EXPANSION PROPERTY

Buckthorn Park

Harsh Park

Mandrake Park

Sumac Park

Honeysuckle Park

Wolcott Park

Edmonds Park

Beehive Park

Emerald Park

Hansberry Park

Til-Mobley Park

Fred Harding Park

Barberry Park

Gladys Park

EXHIBIT C DEPICTION OF CALUMET PROPERTY

***fan Vliiss»en_Prairib
is****

lidian RBgd Marsh

Hegewisch

to the Chicago Park District - Calumet

EXHIBIT C DEPICTION OF CALUMET AREA SITES

Calumet Area Land Use Map

calumet 'jh.j' land 'ir^'-plan

riverdXle

LEGEND

Industrial

Public Open Space

Heavy Truck Route

Open Space Preservation Open Space Recreation Open Space Reclamation

Major Roadways Railroads

' Calumet Tax Increment Finance Area

Acreage calculations are for planning purposes only. The calculations are not based on platted survey information.

Approved by the Chicago Plan Commission February 14, 2002.

750' 1500'

EXHIBIT D

IDENTIFICATION OF CALUMET PROPERTY

SITE NAME

Van Vlissingen Prairie

ADDRESS

9857 10210 10212 1735 1737 1801

S S S E E E

Stony Island Av

Paxton Av

Paxton Av

96th St

96th St

97th St

Hegewisch Marsh (107-Acre Parcel) 13350 S Torrence Av

Big Marsh

1958 11436 11400 11235 11001 11001 11003 11005 11007 11001 11001 11125 11127

11126 11116 11148 11147 11117 11127 11127 11132 11300 11300 11200

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25-12-100-023 25-12-400-006 25-12-400-007 25-12-100-034 25-12-100-035 25-12-100-037

25-36-100-013 25-36-100-019 (Portion)

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-100-002 ■100-006 •200-001 ■400-007 ■303-049 ■302-001 ■302-002 -302-003 -302-004 -302-049 ■301-049 ■305-011

■305-012 ■305-035 ■305-049 ■305-050 ■305-051 ■305-052 ■306-049 ■307-049 ■308-049 •300-005 ■300-006 ■300-

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Indian Ridge Marsh

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Office of the City Clerk

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