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# Legislation Details (With Text)

File #:	O2011-3646				
Туре:	Ord	inance	Status:	Passed	
File created:	5/4/	2011 I	In control:	City Council	
		I	Final action:	7/6/2011	
Title:	Vacation and opening of public alley(s) in area bounded by W Madison St and S Western Ave and S Western Ave				
Sponsors:	Fioretti, Bob				
Indexes:	Openings				
Attachments:	1. O2011-3646.pdf				
Date	Ver.	Action By	Ac	ion	Result
7/6/2011	1	City Council	Pa	ssed	Pass
6/30/2011	1	Committee on Transportation Public Way	on and Re	commended to Pass	Pass
5/4/2011	1	City Council	Re	ferred	

# **INTERGOVERNMENTAL 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 2325-2359 W. Madison Street, 1-39 S. Western Avenue, 2324-2358 W. Monroe Avenue (the "Properties") are owned by the City; and

WHEREAS, the City's Department of Housing & Economic Development proposes to assemble the Properties including portions of certain alleys to be vacated, as legally described herein; and the opening of a new alley for public use, as legally described in the following ordinance; and

WHEREAS, the City Council of the City of Chicago, 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 part of the public alleys and the opening of a new public alley legally described in the following ordinance; now, therefore,

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

SECTION 1. | 1) An Alley Vacation legally described as:

That part of the east-west and north-south public alleys in Block 9 of Rockwell's Addition to Chicago in the Northeast Quarter of Section 13, Township 39 North, Range 13 East and the West Half of the Northwest Quarter of Section 18, Township 39 North, Range 14 East of the Third Principal Meridian, recorded July 18, 1854, a part of said block having been subsequently divided as: Potwin's Subdivision of the North 449 feet of Lot 1, Block 9 in said Rockwell's Addition to Chicago; Potwin's Subdivision of the North 267.8 feet of Lots 3 and 4, Block 9, in said Rockwell's Addition to Chicago, recorded August 14, 1888 as document number 992658; Subdivision of that part North of Monroe Street of the East Four Fifths Lot 2 Block 9, in said Rockwell's Addition to Chicago, recorded August 14, 1888 as document number 992658; Subdivision of that part North of that part North of Monroe Street of the East Four Fifths Lot 2 Block 9, in said Rockwell's Addition to Chicago, recorded January 18, 1901 as document number 3055545; J.W. Brophy's Subdivision of Lots 8, 9 and 10 in the Subdivision of the North 449 feet of Lot 1, Block 9 in said Rockwell's Addition to Chicago, recorded January 18, 1901 as document number 3055545; J.W. Brophy's Subdivision of Lots 8, 9 and 10 in the Subdivision of the North 449 feet of Lot 1, Block 9 in said Rockwell's Addition to Chicago, recorded July 13, 1883 as document number 481619; Subdivision of Lot 17 in Potwin's Subdivision of Lot 1, Block 9 in said Rockwell's Addition to Chicago, recorded July 13, 1883 as document number 481619; Subdivision of Lot 17 in Potwin's Subdivision of Lot 1, Block 9 in said Rockwell's Addition to Chicago, recorded July 13, 1883 as document number 481619; Subdivision of Lot 17 in Potwin's Subdivision of Lot 1, Block 9 in said Rockwell's Addition to Chicago, recorded July 13, 1883 as document number 481619; Subdivision of Lot 1, 160 K 9 in said Rockwell's Addition to Chicago, recorded July 13, 1883 as document number 481619; Subdivision of Lot 1, 160 K 9 in said Rockwell

Beginning at the intersection of the south line of Lot 18 in said Potwin's Subdivision of the North 449 feet of Lot 1 with the east line of South Western Avenue as widened per Ordinance passed April 27, 1925, Order of Possession dated January 3, 1945, Superior Court General Number 420818, said south line being also the north line of a 16 foot east-west alley; thence North 89 degrees 35 minutes. 40 seconds East along said south Page 1

line of Lot 18 and the south line of Lot 1 in Potwin's Subdivision of the North 449 feet, aforesaid, 118.34 feet to the west line of Lot 2 in said Potwin's Subdivision of the North 449 feet, said west line being also the east line of a 19.5 foot north-south alley; thence South 00 degrees 16 minutes 25 seconds East along said west line, 75.49 feet to the south line of said Lot 2; thence North 89 degrees 35 minutes 59 seconds East along the south line of Lots 2 through 5, inclusive, in Potwin's Subdivision of the North 449 feet, aforesaid, being the north line of a 20 foot alley and along the north line of the 5.5 foot alley dedicated by document recorded December 3, 1929 as number 10545885 and along the south line of Lots 1 through 5, inclusive, in Subdivision of that part North of Monroe Street of the East Four Fifths Lot 2 Block 9, aforesaid, being the north line of a 20 foot alley, 237.91 feet to the west line of Lot 2 in said Potwin's Subdivision of the North 267.8 feet of Lots 3 and 4, said west line being also the east line of a 20 foot north-south alley; thence South 00 degrees 16 minutes 03 seconds East along said west line, 69.94 feet to the easterly extension of the south line of Lot 1 in said W.H.C. Sykes' Subdivision; thence South 89 degrees 36 minutes 10 seconds West along the easterly extension of said south line, 20.00 feet to the east line of said Lot 1, said east line being also the west line of a 20 foot north-south alley; thence North 00 degrees 16 minutes 03 seconds West along said east line, 49.94 feet to the north line of said lot 1, said north line being also the south line of a 20 foot east-west alley; thence South 89 degrees 35 minutes 59 seconds West along said north line, 77.31 feet to the west line of said Lot 1, said west line being also the east line of a 16 foot northsouth alley; thence South 00 degrees 16 minutes 16 seconds East along said west line, 49.94 feet to the south line of said Lot 1, said south line being also the north line of a 16 foot east-west alley; thence North 89 degrees 36 minutes 10 seconds East along said south line, 57.99 feet to the Northerly extension of the west line of the east 16.00 feet of Lot 2 in said W.H.C. Sykes' Subdivision: thence South 00 degrees 16 minutes 05 seconds East along the Northerly extension of the west line of the east 16.00 of Lot 2, aforesaid, 16.00 feet to the north line of said Lot 2; thence South 89 degrees 36 minutes 10 seconds West along the north line of Lots 2 through 5, inclusive, in W.H.C. Sykes' Subdivision of Lots 6, 7, 8 and 9, being also the south line of a 16 foot alley, 73.99 feet to the east line of the west 28.33 feet of Lot 2 in Block 9 in said Rockwell's Addition to Chicago, said east line being also the west line of a 16 foot north-south alley; thence North 00 degrees 16 minutes 16 seconds West along said east line, 80.44 feet to the south line of the 5.5 foot alley dedicated by document recorded December 3, 1929 as number 10545885; thence South 89 degrees 35 minutes 59 seconds West, along said south line, 28.33 feet to the west line of said Lot 2. Block 9 in said Rockwell's Addition to Chicago; thence South 00 degrees 16 minutes 16 seconds East along said west line, 14.50 feet to the north line of Lot 6 in said Potwin's Subdivision of the North 449 feet of Lot 1; thence South 89 degrees 35 minutes 59 seconds West along the north line of Lot 6 and 7 in said Potwin's Subdivision of the North 449 feet of Lot 1 and along the north line of Lot 5 in said J.W. Brophy's Subdivision, said north lines being also the south line of a 20 foot east-west alley, 96.27 feet to the west line of said Lot 5, said west line being also the east line of a 19.5 foot north-south alley; thence South 00 degrees 16 minutes 25 seconds East along said west line, 69.49 feet to the north line of Lot 3 in said J.W. Brophy's Subdivision; thence South. 89 degrees 36 minutes 17 seconds West along the north line of Lots 3 and 4 in said J.W. Brophy's Subdivision and along the north line of Page 2

Lots 7 through 11, inclusive, in said Subdivision of Lot 17 Potwin's of Lot 1, said north lines being the south line of a 16 foot east-west alley, 118.33 feet to the east line of said South Western Avenue, as widened; thence North 00 degrees 16 minutes 36 seconds West along said east line, 16.00 feet to the south line of Lot 6 in said

Subdivision of Lot 17 in Potwin's Subdivision of Lot 1 said south line being also the north line of a 16 foot eastwest alley; thence North 89 degrees 36 minutes 17 seconds East along said south line, 98.83 feet to the east line of Lot 6 in said Subdivision of Lot 17 in Potwin's Subdivision of Lot 1; thence North 00 degrees 16 minutes 25 seconds West along the east line of Lots 1 through 6, inclusive, in said Subdivision of Lot 17 in Potwin's Subdivision of Lot 1, being also the west line of a 19.5 foot north-south alley, 132.98 feet to the north line of said Lot 1, said north line being also the south line of a 16 foot east-west alley; thence South 89 degrees 35 minutes 40 seconds West along said north line, 98.83 feet to the east line of said South Western Avenue, as widened; thence North 00 degrees 16 minutes 36 seconds West along said east line, 16.00 feet to the Point of Beginning as shaded and indicated by the words "TO BE VACATED" on the drawing hereto attached, 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.

# | 2) An Alley Opening legally described as:

That part of Lot 2 in W.H.C. Sykes' Subdivision of Lots 6, 7 and 8 in the Subdivision of that part north of Monroe Street of the east four-fifths of Lot 2, in Block 9 in Rockwell's Addition to Chicago in the Northeast Quarter of Section 13, Township 39. North, Range 13 East and the West Half of the Northwest Quarter of Section 18, Township 39 North, Range 14 East of the Third Principal Meridian, recorded July 18, 1854, recorded January 18, 1901 as document number 3055545, in Cook County, Illinois, described as follows: Beginning at the northeast corner of said Lot 2; thence South 00 degrees 16 minutes 05 seconds East along the east line of said Lot 2, a distance of 128.57 feet to the north line of West Monroe Street, opened by Ordinance passed December 30, 1867; thence South 89 degrees 36 minutes 40 seconds West along said north line, 16.00 feet; thence North 00 degrees 16 minutes 05 seconds West along said Lot 2, said north line being also the south line of a 16 foot east-west alley; thence North 89 degrees 36 minutes 10 seconds East along said north line, 16.00 feet to the Point of Beginning as shaded and indicated by the words "TO BE VACATED" on the drawing hereto attached, 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 Commonwealth Edison, AT&T-Illinois/SBC and Comcast, their successors or assigns, an easement to operate, maintain, construct, replace, and renew overhead poles, wires, and associated equipment and underground conduit, cables, and associated equipment for the transmission and distribution of electrical energy and telephonic and associated services under,

# Page 3

over, and along the alleys as herein vacated, with the right of ingress and egress and the right to access to said facilities at all times for any and all purposes.

SECTION 3. The City of Chicago hereby reserves the alleys as herein vacated, as a right of way for existing City electrical facilities, and for the maintenance, renewal and reconstruction of said facilities of the construction of additional Municipally-owned electrical facilities. It is further provided that no buildings or other structures shall be erected on the said right of way herein reserved or other use made of said area which in the judgment of the respective Municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, and reconstruction of said facilities, or the construction of additional Municipally-owned service facilities.

SECTION 4. The vacation herein provided for is made upon the express condition that the Department of Housing Economic Development, shall ensure that the ultimate beneficiary of the assembled parcel deposit in the City Treasury of the City of Chicago, a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb to close the entrance to that part of the public alleys hereby vacated, similar to the sidewalk and curb at 1-39 S. Western Avenue. A Duty to Build Agreement is currently in place for construction of the new alley.

SECTION 5. The vacation herein provided for is also made upon the express condition that within 180 days after the passage of this ordinance the Department of Housing & Economic Development, shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with an attached drawing approved by authorized staff at the Chicago Department of Transportation,.Maps and Plats Unit.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication. The vacation and opening ordinances shall take effect and be in force from and after their recording.

Approved as to Form and Legality

Page 4

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to Chicago in the Northeast Quarter of Section 13. Township 39 North. Range 13 East and the West Half of the Northwest Quorter of Section 18. Township 39 North. Ronge 14 East of the Third Principal Merdian, recorded July IB. 1854, a part of said block having been subsequently divided as: Powin's Subdivision of the North 49 feet of Lot 1. Bick 69. In sol Rockwell's Addition to Chicago, recorded August 14, 1886 os document number 992656; Subdivision of that part North of Morroe Street of the East Four-fifths of Lot 2. Bick 9 In sold Rockwell's Addition to Chicago, recorded July 18, 1883 as document number 4926554; J.W. Brophy's Subdivision of Lot 18. 9. and I to Lot 8. 9. and I to 1. Bick 9 In sold Rockwell's Addition to Chicago, recorded July 11, 1894 os document number 4926565; Subdivision of Lot 71. Bick 9 In sold Rockwell's Addition to Chicago, recorded July 13, 1883 as document number 491619; Subdivision of Lot 71. Bick 9 In sold Rockwell's Addition to Chicago, recorded July 13, 1883 as document number 491619; Subdivision of Lot 71. Bick 9 In sold Rockwell's Addition to Chicago, recorded July 13, 1883 as document number 491619; Subdivision of Lot 71. Bick 9 In sold Rockwell's Addition to Chicago, recorded July 13, 1883 as document number 492678, Subdivision of Lot 71. Bick 9 In sold Rockwell's Addition to Chicago, recorded July 13, 1845 as to the west line of Lot 1 In sold North's Subdivision of the North 449 feet Jot 11, 1804 for the west line of Lot 1 and Pothim's Subdivision of the North 449 feet Jot 11, 1804 for the west line of Lot 1 and Pothim's Subdivision of the North 449 feet Jot 11, 1804 for the west line of Lot 1 and Pothim's Subdivision of the North 449 feet, Joresaid, Joresaid Joresaid Subdivision of the North 449 feet, Joresaid, Joresaid Joresaid

County of Cook)

The City of Chicago, Department of Housing ond Economic Development, o Municipal Corporation of the State of Illinois, hereby certifies thot It is the owner of the property described hereon and hos caused the same to be surveyed ond opened for a Public Alley. In witness whereof said City of Chicago, Deportment of Housing and Economic Development, has caused this Instrument to be signed by its duly authorized officials on Its behalf this day of , A.O..

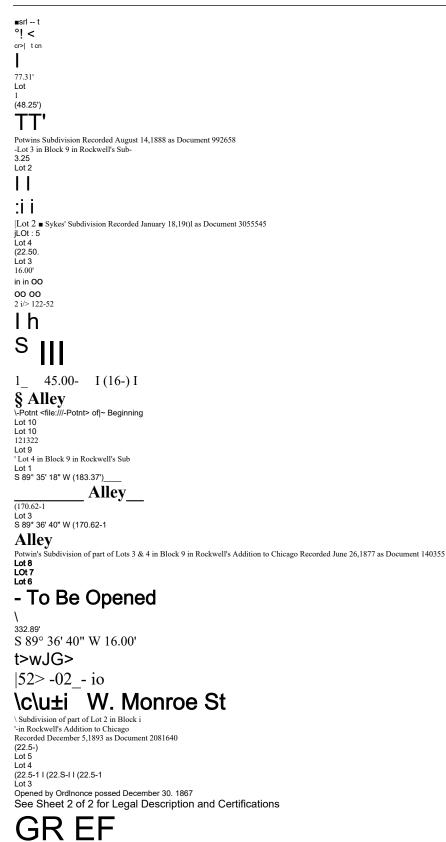
By: Attested By: Name Name Title Stote of Illinois) County of Cook) I. Title SSI , a Notary Public In and for

sold County, In the Stote oforesold, do hereby certify thot personally known to me to be the same persons whose nomes are subscribed tothe foregoing Instrument as such owners, appeared before me this doy in person and acknowledged that they signed the

annexed plat as their own free and voluntary act for the uses and purposes therein set forth. Given under my hond and notarized Seal this \_doy of\_. A.D.\_. Notary Public My Commission expires:. State of Illinois) SS) County of Cook) This Is to certify that I, William J. Fleming, an Illinois Professional Land Surveyor, have surveyed the property described above, that the plot drawn hereon Is o correct representation of sold survey, ond that this Professional Service conforms to the current Illinois Minimum Standards of Practice applicable to Boundary Surveys. Dated at Chicago, Illinois on this 28th doy of April, A.D. 2011. Illinois Professional Land Surveyor 35-3226 Expires 11/30/2012 s AmluamjA \ FLEMING ig r \^35-3226/f .j '''/.n,..«»<sup>N</sup> ٦I זכ ago. IL 50631-2001 773/3990112 www.graehM.com < http://www.graehM.com>Unds Professional Desk CofporaUon 104400938 6501 VfestHogjraF OViwOfloMLMWIn 280 \* Chi Plat of Vacation CDOT Drawing 18-02-10-3194 2/2 Plat of Opening W. Madison St. North line of the Northwest Ouorter of Section 18-39-14 n (50') т~т"т N 89° 35' 18" E \_\_\_\_ 404.52' Potwin's Subdivision of part of Lot 1 in Block 9 I in Rockwell's Addition to Chicago 10 rr **T**<sup>8</sup> CD > < С d) -t-i CO <D CO [ S 89'135' 40I' W Lot 1 118 IT <sup>^</sup>Pending Vacation Alley -98T8T- Lot IJ (50') |g J 1? Lot 1 2 in . <\J CO ■ İ Lot "1 <o

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Plat of Opening CDOT Drawing 18-02-10-3194 State of Illinois) SS) County of Cook) I.

, a Notary Public In and for

said County, in the State aforesaid, do hereby certify that

personally known to me to be the same persons whose names are subscribed to the foregoing instrument os such owners, oppeared before me this doy in person and acknowledged that they signed the annexed plat as their own free and voluntary act for the uses and purposes therein set forth. Given under my hand and notarized Seal this \_day of \_\_\_\_, A.D\_

Notary Public

My Commission expires: .

City of Chicago Department of Housing and Economic Development

REUISONS PROJECT NUMBER: 20113019.01 DATE 42K011 DRAWN BY: WJF CMECKEDBY IAO PROJECT MANAGER; WJF SCALE: I\* FOE SHEET NUMBER

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FILE NO. 13-02-10-3194 TOTAL AREA TO BE OPENED = 2.057. St\* Ft. FILE NO. 13-02-10-3194 TOTAL AREA TO DE VACATED = 13, 709. 5<\. Ft.