



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
[www.chicityclerk.com](http://www.chicityclerk.com)

## Legislation Text

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OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

April 30, 2014

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

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith ordinances authorizing acquisition of properties in the 200 block of West Cermak and an associated intergovernmental agreement with IDOT.

Your favorable consideration of these ordinances will be appreciated.

Mayor

Very truly yours,

### ORDINANCE

WHEREAS, the City of Chicago (the "City") is a home rule unit of government under Section 6(a), Article VII, of the Constitution of the State of Illinois; and may exercise any power and perform any function pertaining to its local government and affairs; and

WHEREAS, pursuant to Chapter 2-102-030 of the Municipal Code of the City, the Commissioner ("Commissioner") of the Department of Transportation of the City ("CDOT"), has the power and duty to control the acquisition of rights-of-way for and the improvement, construction, maintenance, and repair of the public

ways, and to supervise and control such projects; and

WHEREAS pursuant to Section 4-508 of the Illinois Highway Code (605 ILCS 5/4-508(d)), the State of Illinois, through the Illinois Department of Transportation (the "State"), is authorized to enter into written agreements with another highway authority for the disposition of excess land for no compensation, where the accepting highway authority accepts jurisdiction of the excess land; and

WHEREAS, pursuant to Section 2-101 of the Illinois Highway Code (605 ILCS 5/2-201), the State has authority to make changes in the State Highway System; and

WHEREAS, pursuant to Section 7-101 of the Illinois Highway Code (605 ILCS 5/7-101), municipalities are authorized to add streets or portions thereof to their municipal street system; and

WHEREAS, in 1968, the State acquired certain property contemplating construction of a new road, including parcels lying adjacent and east of the existing Wentworth Avenue right-of-way, between the rights-of-way of W. 16<sup>th</sup> Street on the north, W. Cermak Rd. on the south, S. Wentworth Avenue on the east and S. La Salle St. on the west, which parcels are depicted in Exhibit A attached hereto (collectively, the "Parcels"); and

WHEREAS, the State has jurisdictional authority over the Parcels for highway purposes;  
and

WHEREAS, the State does not use the Parcels; and

WHEREAS, the City desires to accept jurisdiction over the Parcels and utilize the Parcels for City home-rule unit of government purposes, including but not limited to, construction of a new north-south collector street under its Wells Wentworth Connector Improvement Project (the "Project") to improve safety and efficiency of local street traffic flow; to improve pedestrian and pedacycle access; and

WHEREAS, it is necessary, desirable and in the best interests of the City and the State that the jurisdiction of the Parcels be transferred from the State to the City, as well as the underlying land ownership of said Parcels for no compensation; now therefore,

Be it Ordained by the City Council of the City of Chicago:

SECTION 1. The above recitals are expressly incorporated in and made a part of this Ordinance as though fully set forth herein are adopted as the findings of the City Council.

SECTION 2. The Commissioner of the City's Department of Transportation (the "Commissioner") or a designee of the Commissioner are each authorized to execute, subject to the approval of the Corporation Counsel as to form and legality, one or more agreements with the State for the jurisdictional transfer of the Parcels from the State to the City and adding the Parcels to the municipal street system and the underlying City land ownership.

SECTION 3. The City Clerk is hereby directed to transmit two (2) certified copies of this ordinance to the Bureau of Land Acquisition, Department of Transportation of the State through the District Engineer of District 1.

SECTION 4. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby

repealed to the extent of such conflict

SECTION 5. This Ordinance shall take effect upon its passage and approval.

**EXHIBIT A**

**PARCELS SUBJECT TO THE JURISDICTIONAL TRANSFER FROM THE ILLINOIS  
DEPARTMENT OF TRANSPORTATION TO THE CITY OF CHICAGO, DEPARTMENT OF  
TRANSPORTATION**

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