



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Text

File #: O2014-3355, **Version:** 1

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 Planning and Development, I transmit herewith ordinance authorizing the execution of an utility easement agreement with ComEd and SBC-Ameritech.

Your favorable consideration of this ordinance will be appreciated.

Mayor

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, the City owns property located at the northwest corner of 63rd Street and Halsted Avenue (the "Premises") for which such property is being prepared for purposes of future development; and

WHEREAS, the City's Department of Planning and Development ("DPD") and the Department of Fleet

and Facility Management ("DFFM") propose to have installed certain electrical and communication services (together, the "Facilities") at the Premises in an effort to better serve the future development of the Premises; and

WHEREAS, DPD and DFFM intend to grant access and a non-exclusive utility easement to each of Commonwealth Edison Company, an Illinois corporation; SBC Ameritech a.k.a. Illinois Bell Telephone Company, an Illinois corporation; and Comcast of Chicago, Inc., organized and existing under the laws of the State of Illinois, (collectively, the "Grantees") upon, over, and/or across the Premises for the installation of their respective Facilities; and

WHEREAS, DPD and DFFM after due investigation and consideration, have determined that it is in the best interest of the City to grant to the Grantees, and for the Grantees to accept, a non-exclusive easement in the Easement Area ("Easement Area"), depicted on Exhibit A-1 and legally described on Exhibit A-2, both attached hereto and made a part hereof, for the Grantees' installation of their respective Facilities pursuant to a Grant of Easement, substantially in the form attached hereto as Exhibit B (the "Grant of Easement"), for the benefit of the City's future development of the Premises; now, therefore,

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

SECTION 1. The forgoing recitals are hereby incorporated herein and adopted as the findings of the City Council.

SECTION 2. The Commissioner of DPD and the Commissioner of DFFM (together, the "Commissioners"), or a designee of the Commissioners are each hereby authorized to execute, subject to the approval of the Corporation Counsel as to form and legality, a non-exclusive Grant of Easement substantially in the form attached hereto as Exhibit B, and any other such documentation as may be necessary to effectuate the transaction described herein.

SECTION 3. 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 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 immediately upon its passage and approval.

EXHIBIT "A-1"

PLAT OF EASEMENT (Attached)

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9575 W. Higgins Road, Suite 700.
Rosemont, Illinois 60018 Phone |847; 69.5-.TO60 Fax: (847J 696-4065

DATE"
04/21/2014
JOB NO: 7390
FILENAME: 7390EXB-20

EXHIBIT "A-2"

EASEMENT AREA

THAT PART OF LOTS 19, 22, 33, 34, 45, 46, THE 16-FOOT WIDE NORTH-SOUTH ALLEY LYING BETWEEN LOTS 33, 34, 45, AND 46, AND 66 FOOT WIDE GREEN STREET IN EHRLER & HESSERT'S SUBDIVISION OF THE NORTH 5-1/3 ACRES OF THE SOUTH 9-1/2 ACRES OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST SECTION 17, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN; ALSO PART OF SOUTH PEORIA DRIVE ESTABLISHED BY ORDINANCE RECORDED MAY 14, 1969 AS DOCUMENT 20841282, IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 9 IN SAID EHRLER & HESSERT'S SUBDIVISION; THENCE SOUTH 88 DEGREES 28 MINUTES 08 SECONDS WEST, ALONG THE NORTH LINE OF LOT 9, A DISTANCE OF 121.93 FEET; THENCE SOUTH 01 DEGREES 33 MINUTES 14 SECONDS EAST, 4.00 FEET; THENCE SOUTH 88 DEGREES 28 MINUTES 08 SECONDS WEST, 27.00 FEET; THENCE NORTH 01 DEGREES 33 MINUTES 14 SECONDS WEST, 25.87 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88 DEGREES 29 MINUTES 42 SECONDS WEST, 488.85 FEET; THENCE SOUTH 01 DEGREES 32 MINUTES 37 SECONDS EAST, 373.78 FEET TO A POINT ON A LINE THROUGH A POINT 14.00 FEET NORTH OF (AS MEASURED ALONG THE WEST LINE THEREOF) THE SOUTHWEST CORNER OF LOT 1 IN CATHLEEN E. SEEHANSEN'S SUBDIVISION RECORDED SEPTEMBER 24, 1874 AS DOCUMENT 192175 AND A POINT 14.00 FEET NORTH OF (AS MEASURED ALONG THE EAST LINE THERE OF) THE SOUTHEAST CORNER OF LOT 1 IN BOYD'S RESUBDIVISION RECORDED MAY 25, 1894 AS DOCUMENT 2048915; THENCE SOUTH 88 DEGREES 28 MINUTES 55 SECONDS WEST, ALONG SAID LAST DESCRIBED LINE, 10.00 FEET TO A POINT ON THE WEST LINE OF SAID SOUTH PEORIA DRIVE; THENCE NORTH 01 DEGREES 32 MINUTES 37 SECONDS WEST, 383.78 FEET; THENCE NORTH 88 DEGREES 29 MINUTES 42 SECONDS EAST, 498.85 FEET; THENCE SOUTH 01 DEGREES 33 MINUTES 14 SECONDS EAST, 10.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

EXHIBIT B FORM OF GRANT OF EASEMENT (Attached)

[This space for recorder use only]

GRANT OF EASEMENT

For good and valuable consideration, the receipt whereof is hereby acknowledged, THE CITY OF CHICAGO, an Illinois municipal corporation and home rule unit of government, (hereinafter called "Grantor"), in consideration of the sum of Ten Dollars and other valuable consideration, receipt of which is hereby acknowledged, does hereby warrant, grant and convey unto: COMCAST OF CHICAGO, INC., organized and existing under the laws of the State of Illinois; COMMONWEALTH EDISON COMPANY, an Illinois corporation; and SBC AMERITECH ILLINOIS A.K.A ILLINOIS BELL TELEPHONE COMPANY, an Illinois corporation, and unto their respective successors, assigns, lessees, licensees, and agents (collectively, the "Grantees"), a nonexclusive easement in perpetuity; upon, over, and/or across the below described property, with the right to construct, reconstruct, add, remove, operate and maintain, its telecommunication system, consisting of such poles, anchors, guys, wires, cables, buried cables, conduits, terminals, manholes, other related fixtures and appurtenance's that the Grantees may from time to time require for the purpose of telecommunications, including the right of ingress and egress from the public right of way for the purpose of this grant and the right to clear and keep cleared such trees, roots, bushes and other obstructions from the easement upon that certain real property ("Property") described as follows:

**PLAT OF EASEMENT AND EASEMENT AREA ATTACHED
AS EXHIBITS "A-1 "AND "A-2"**

1. Grantor represents and warrants to the Grantees that Grantor is the true and lawful owner of the Property and has full right and power to grant and convey the rights conveyed herein.

2. Grantees each hereby agree to restore all Property disturbed by its activities in use of the easement to the condition exiting prior to the disturbance.

3. Grantees each shall have the right to remove or trim such trees in the Easement Area as are necessary to exercise the rights conveyed herein.

4. Grantor shall not construct improvements in the Easement Area or change the finish grade of the Easement Area without the consent of the Grantees.

5. All the poles, cables, wire, conduits, manholes, transformers, pedestals, and other facilities located within

the Easement Area depicted on Exhibit A-1 and as described on Exhibit A-2 are referred collectively herein as the "Equipment". It is expressly understood by the parties that each of the Grantees shall be solely responsible for the performance and maintenance of any of the Equipment that Grantees install within the Easement Area. Grantor shall have no liability or obligation for the laying, installing, constructing, maintaining, operating, inspecting, altering, replacing and removing any Equipment within the Easement Area except for any repair or replacement necessary as a result of damages caused by Grantor's negligence or willful misconduct.

6. Grantees each shall perform any and all construction in the Easement Area in accordance with the applicable laws governing such construction.

7. Grantor expressly reserves the right, at Grantor's sole cost and expense, to pave the surface of the Easement Area with porous asphaltic or other suitable hard surface paving material, and to use the same for the parking of motor vehicles and for driveways, roadways, and sidewalks and for other purposes, provided same shall not interfere with Grantees' respective full use and enjoyment of the easement rights hereby granted.

8. Grantees each agree to hold harmless and indemnify Grantor from and against any liens, encumbrances, damage, costs, claims, litigation and causes of action arising from the installation, repair, maintenance, removal, replacement, or other work done in connection with said Equipment, except to the extent the same arises out of or results from the negligence or willful misconduct of Grantor, its employees or contractors.

9. This is a non-exclusive easement. Grantor hereby reserves the right to grant easements to other utilities or services which may intersect or transect the easement granted hereunder.

10. All notices required to be given under this Grant of Easement shall be either hand delivered, by courier, or sent by the United States mail, Certified Mail Return Receipt Requested, postage prepaid, or sent by facsimile (with evidence thereof) to the addresses and facsimile numbers as follows:

To Grantor:

City of Chicago
121 N. LaSalle Street
Chicago, Illinois 60602
Attn: Deputy Corporation Counsel
Real Estate and Land Use Div. Fax: (312) 742-0277
With a copy to:

City of Chicago
121 N. LaSalle Street
Chicago, Illinois 60602
Attn: Deputy Corporation Counsel
Real Estate and Land Use Div. Fax: (312) 742-0277

If to COMMONWEALTH EDISON:

If to COMCAST:

Comcast Cable Communication, Inc.
688 Industrial Drive Elmhurst, Illinois 60126 Attn:
Robert L. Schulter, Jr. Regional Right of Way
Manager Fax: (630)600-6390

If to SBC AMERITECH:

Notice shall be deemed given on the date of receipt.

11. It is agreed that this Grant of Easement covers all the agreements between the parties regarding the subject matter hereof and no representatives or statements, verbal or written, have been made modifying, adding to or changing the terms of this Grant of Easement.

12. This Easement is binding upon and shall inure to the benefit of the heirs, successors, assigns, and licensees of the parties hereto.,

GRANTOR: GRANTEES:

City of Chicago
121 N. LaSalle Street
Chicago, Illinois 60602

Commonwealth Edison Company

Comcast Cable Communication

SBC AMERITECH

IN WITNESS WHEREOF, this Grant of Easement has been executed
by as on behalf of the City of
Chicago this day of , 2014.

CITY OF CHICAGO

COMMONWEALTH EDISON

COMPANY

By:

By:

Its:

Its:

COMCAST OF CHICAGO

SBC AMERITECH

By:

By:

Its: Its:

Approved as to Form and Legality:

STATE OF ILLINOIS)

) SS

COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the said County and State aforesaid, hereby certify that _____ of said corporation, personally known to me to be the same persons whose names are subscribed the foregoing instrument, appeared before me this day in person and acknowledged that they or their duly authorized designee signed and delivered said instrument as their own free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this _____, day of _____, 2014.

My Commission Expires: (SEAL)

Notary Public

STATE OF ILLINOIS)

) SS

COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the said County and State aforesaid, hereby certify that _____ of said corporation, personally known to me to be the same persons whose names are subscribed the foregoing instrument, appeared before me this day in person and acknowledged that they or their duly authorized designee signed and delivered said instrument as their own free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes set forth therein.

Notary Public

STATE OF ILLINOIS)
COUNTY OF COOK) SS

I, the undersigned, a Notary Public in and for the said County and State aforesaid, hereby certify that _____ of _____ of the City of Chicago, personally known to me to be the same person whose names are subscribed the foregoing instrument, appeared before me this day in person and acknowledged that his duly authorized designee signed and delivered said instrument as his free and voluntary act and as the free and voluntary act of the City of Chicago for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this _____, day of _____, 2014.

My Commission Expires: (SEAL)

Notary Public

This document was drafted by:
Karen Bielarz
Senior Counsel
City of Chicago
Department of Law
121 N. LaSalle Street
Room 600
Chicago, Illinois 60602

Return this document to:

EXHIBIT "A-1"

PLAT OF EASEMENT (Attached)

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HERETOFORE OPENED BY DOCUMENT 208412B2

SPENCER AVE DEO. PER. DOC. 192175

SPENCER AVE DEP.

N01°32'37"W 383.78' spencer ave dep. per. Crocker's resub.

S. HALSTED STREET

9575 W. Higgins Stood, Suite 700.

Rosemont, Illinois 40018 Phone: (847) 696-4060 Fax: (847.) 696-4065

DATE:

04/21/2014

JOS NO-7390

FILENAME: 7390EXB-20

EXHIBIT "A-2"

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