



Office of the City Clerk

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

Legislation Text

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OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL
MAYOR

July 30, 2014

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

Ladies and Gentlemen:

At the request of the Commissioner of Aviation, I transmit herewith an ordinance conferring acquisition authority for the runway protection zone at Midway International Airport.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

ORDINANCE

WHEREAS, the City of Chicago ("City") is a duly constituted and existing municipality within the meaning of Section 1, Article VII, of the 1970 Constitution of the State of Illinois ("Constitution"), and is a home rule unit of local government under Section 6(a), Article VII, of the Constitution and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City owns and, through its Chicago Department of Aviation ("CPA"), operates the airport known as Chicago Midway International Airport ("Midway Airport"); and

WHEREAS, the City has determined that it is useful, desirable and necessary for the City to acquire for fair market value those certain parcels of real property located in the vicinity of Midway Airport that have been identified by the CDA as follows: Midway Parcel 153, commonly known as 5607-11 West 63rd Street, identified by Cook County as Permanent Index Number 19-20-203-017-0000; and Midway Parcel 154, commonly known as 5613 West 63rd Street, identified by Cook County as Permanent Index Number 19-20-203-016-0000 (collectively, the "Parcels"); and

WHEREAS, the Parcels are legally described on Exhibit A attached hereto and made a part hereof, and depicted on Exhibit B attached hereto and made a part hereof; and

WHEREAS, the Parcels are being acquired by the City for public purpose and use, namely, as a Runway Protection Zone or a Runway Safety Area, or both, as recognized by the Federal Aviation Administration ("FAA"); now, therefore,

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

SECTION 1. The above recitals are hereby incorporated by reference as if fully set forth in this ordinance and are 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 acquire the Parcels for public purpose and use in furtherance of the City's ownership and operation of Midway Airport.

SECTION 3. The Corporation Counsel is authorized to negotiate with the owners of the Parcels for the purchase of the Parcels.

SECTION 4. If the Corporation Counsel and the owner(s) of a Parcel are able to agree on the terms of the purchase, the Corporation Counsel is authorized to purchase the Parcel in the name of and on behalf of the City for the agreed price, with such purchase price to be paid out of any legally available funds of the City, including, without limitation, proceeds of any general airport revenue bonds previously issued, or grants or other funds received by the City. If the Corporation Counsel is unable to agree with the owner(s) of a Parcel on the terms of the purchase, or if an owner is incapable of entering into such a transaction with the City, or if an owner cannot be located, then the Corporation Counsel is authorized to institute and prosecute condemnation proceedings in the name of and on behalf of the City for the purpose of acquiring fee simple title to the Parcel under the City's power of eminent domain. The above grant of authority shall be construed to authorize acquisition of fewer than all the Parcels and shall also be construed to authorize the acquisition of less than all of any particular Parcel.

SECTION 5. The Commissioner of CDA is authorized to execute such documentation as may be necessary to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel.

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 be effective upon its passage and approval.

EXHIBIT A

**LEGAL DESCRIPTION OF PARCELS TO BE ACQUIRED FOR
CHICAGO MIDWAY INTERNATIONAL AIRPORT**

(SUBJECT TO FINAL SURVEY AND TITLE COMMITMENT)

LOT 5 IN BLOCK 1 IN THE FIRST ADDITION TO CLEARING, A SUBDIVISION OF THE EAST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 5613 WEST 63rd STREET
CHICAGO, ILLINOI 60638

PERMANENT INDEX NUMBER: 19-20-203-016-0000

LOT 3 (EXCEPT THE EAST 6 $\frac{1}{2}$ INCHES THEREOF) AND LOT 4 (EXCEPT THE WEST 6 INCHES THEREOF) IN BLOCK 1 IN THE FIRST ADDITION TO CLEARING, A SUBDIVISION OF THE EAST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 5607-11 WEST 63rd STREET
CHICAGO, ILLINOI 60638

PERMANENT INDEX NUMBER: 19-20-203-017-0000

EXHIBIT B

DEPICTION OF PARCELS TO BE ACQUIRED FOR CHICAGO MIDWAY INTERNATIONAL AIRPORT

(ATTACHED)