



Office of the City Clerk

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

Legislation Text

File #: O2014-6859, Version: 1

COMMERCIAL VACATION 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 722-730 W. Court Place are owned by 725 Randolph LLC (the applicant and beneficiary of the vacation), and the addresses at 732-740 and 723-741 W. Court Place are owned by other, adjacent private property owners (the "Adjacent Owners"); and

WHEREAS, 725 Randolph LLC, proposes to use the portion of the Street and alley to be vacated herein for a dedicated drive with nonexclusive perpetual easement for all other Adjacent Owners, and with perpetual easement for continued open public pedestrian, and public vehicular access without build over; and

WHEREAS, the City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of part of public Street and alley, described in the following ordinance; now therefore,

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

SECTION 1 THE NORTH-SOUTH 16-FOOT WIDE PUBLIC ALLEY EAST OF AND ADJOINING LOT 12 IN BLOCK 68 OF CANAL TRUSTEE'S SUBDIVISION OF LOTS AND BLOCKS IN THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 31, 1848 (ANTE-FIRE), RERECORDED APRIL 9, 1872 AS DOCUMENT NO. 23136 AND RE-RECORDED SEPTEMBER 24, 1877 AS DOCUMENT NO. 151607, DESCRIBED AS FOLLOWS: THE WEST 16.00 FEET OF LOT 11 IN BLOCK 68 OF CANAL TRUSTEE'S SUBDIVISION OF LOTS AND BLOCKS IN THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 31, 1848 (ANTE-FIRE), RE-RECORDED APRIL 9, 1872 AS DOCUMENT NO. 23136 AND RE-RECORDED SEPTEMBER 24, 1877 AS DOCUMENT NO. 151607, ALL IN COOK COUNTY, ILLINOIS.

**ALSO,
THAT PART OF WEST COURT PLACE LYING WEST OF THE EAST LINE OF THE WEST 16.00 FEET OF LOT 11, EXTENDED SOUTH, IN BLOCK 68 OF CANAL TRUSTEE'S SUBDIVISION OF LOTS AND BLOCKS IN THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 31, 1848 (ANTE-FIRE), RE-RECORDED APRIL 9, 1872 AS DOCUMENT NO. 23136 AND RE-RECORDED SEPTEMBER 24, 1877 AS DOCUMENT NO. 151607, AND LYING EAST OF THE EAST LINE OF NORTH HALSTED STREET, EXTENDED SOUTH, AND**

LYING SOUTH OF THE SOUTH LINE OF LOTS 12 THROUGH 18, INCLUSIVE IN SAID BLOCK 68 AND SOUTH OF AND ADJOINING LOT 5 IN ASSESSOR'S DIVISION OF LOTS 19, 20 AND 21, ALL IN BLOCK 68 OF CANAL TRUSTEE'S

Page 1

SUBDIVISION OF LOTS AND BLOCKS IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 31, 1848 (ANTE-FIRE), RE-RECORDED APRIL 9, 1872 AS DOCUMENT NO. 23136 AND RERECORDED SEPTEMBER 24, 1877 AS DOCUMENT NO. 151607, ALL IN COOK COUNTY, ILLINOIS. TOTAL LAND AREA=11,144 SQ. FT.=0.256 ACRE, MORE OR LESS as shaded and legally described by the words HEREBY VACATED on the plat hereto attached as Exhibit A, 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 Commissioner of Transportation is hereby authorized to accept and approve a redevelopment agreement or similar instrument restricting the use and improvement of the public way vacated in Section 1 of this ordinance to a perpetual, non-exclusive dedicated drive with a nonexclusive, perpetual easement for the other Adjacent Owners, and a perpetual easement for continued, unimpeded open public pedestrian and vehicular access without build over, and for such use and improvements that are accessory, as that term is defined in the Chicago Zoning Ordinance, subject to the approval of the Department of Transportation, and the Corporation Counsel as to form and legality.

SECTION 3. The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Co. an easement to operate, maintain, repair, renew and replace existing underground facilities and to construct new facilities in all of the area to be vacated, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas Light and Coke Co. or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal, or replacement of said facilities, or the construction of additional facilities. Any future vacation-beneficiary prompted relocation of Peoples Gas facilities lying within the area being vacated will be accomplished by Peoples Gas, and done at the expense of beneficiary of the vacations.

SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, AT&T/SBC and their successors or assigns, a non-exclusive utility easement to operate, maintain, construct, replace and renew overhead wires, poles, and associated equipment and underground conduit, cables, and associated equipment for the transmission and distribution of electrical energy, telephonic and associated services under, over and along the alley and street herein vacated, with the right of ingress and egress. The grade of the vacated public way shall not be altered in a manner so as to interfere with the operation and maintenance of Commonwealth Edison and/or AT&T/SBC facilities. No buildings, permanent structures or obstructions shall be placed over Commonwealth Edison and/or AT&T/SBC facilities without express written release of easement by the respective utility. Any future vacation-beneficiary prompted relocation of Commonwealth Edison and/or AT&T/SBC facilities lying within the area being vacated will be accomplished by Commonwealth Edison, AT&T/SBC and done at the expense of beneficiary of the vacations.

SECTION 5. The City of Chicago hereby reserves the alley and street as herein vacated, as a right of way for an existing Water Department main and appurtenances thereto, and for the installation of any

additional water mains and appurtenances which in the future may be

Page 2

located in the alley and street as herein vacated, and for the maintenance, renewal, and reconstruction of such facilities, with the right of ingress and egress at all times upon reasonable notice. 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 municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities. It is further provided that any vacation-beneficiary prompted adjustments to water facilities in the area to be vacated, and the repair, renewal or replacement of any private materials, or private property damaged in the area to be vacated as a result of the City exercising its easement rights shall be done at the beneficiary's expense.

SECTION 6. The City of Chicago hereby reserves the area herein vacated, as a right of way for existing Water Department sewers and sewer structures, for the installation of any additional sewers, sewer structures and appurtenances now located, or which in the future may be located in the alley and street as herein vacated, and for the maintenance, renewal and reconstruction of such facilities. It is also provided that, the City shall have 24 hour access to the area to be vacated; that no buildings or other permanent structures shall be erected on said right of way herein reserved, or other use made of said area, which in the sole discretion and judgment of the respective municipal officials having control of the aforesaid service facilities, would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities; and that all sewers structures shall be exposed to grade. It is further provided that any vacation-beneficiary prompted adjustments to sewer facilities in the area to be vacated; and the repair, renewal or replacement of any private materials, or private property damaged in the area to be vacated as a result of the City exercising its easement rights shall be done at the expense of the beneficiary of the vacations.

SECTION 7. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the 725 Randolph LLC shall 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 at the entrance to those parts of the alley and street hereby vacated, in accordance with current Department of Transportation Construction Guidelines for construction of public way.

SECTION 8. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, 725 Randolph LLC shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owner of the property abutting said part of public street and alley hereby vacated the sum
dollars (\$),
which sum in the judgment of this body will be equal to such benefits.

SECTION 9. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, 725 Randolph LLC 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 and attached plat, together with a redevelopment agreement complying with Section 2 of this ordinance as approved by the Corporation Counsel, and a full size plat approved by the Department of Transportation / Superintendent of Maps & Plats.

Page 3

SECTION 10. This ordinance shall take effect and be in force from and after its passage. The vacations shall take effect and be in force from and after recording.

Vacations Approved:

Rebekah Scheinfeld

Rebekah Scheinfeld Commissioner of Transportation

Approved as to Form and Legality
Richard Wendy Deputy Corporation Counsel

Alderman, 27th Ward

Page 4

EXHIBIT "A"

PLAT OF VACATION

The North-South 16-foot wide public alley east of and adjoining Lot 12 to Block 68 of Canal Trustee's Subdivision of Lots and Blocks in the Southwest
X of Section 9, Township 39 North, Range 14, East of the Third Principal Meridian, recorded August 31, 1848 (Ante-Fire), Re-recorded April 9, 1872 as

Document No. 23136 and Re-recorded September 24,1877 as Document No. 151607, described as follows: The West 16.00 Feet of Lot 11 in Block 68 of Canal Trustee's Subdivision of Lots and Blocks in the Southwest K of Sectiou 9, Township 39 North, Range 14, East of the Third Principal Meridian, recorded August 31, 1848 (Ante-Fire), Re-recorded April 9, 1872 as Document No. 23136 and Re-recorded September 24,1877 as Document No. 151607, all in Cook County, Illinois. Also, That part of West Court Place lying west of the east line of (he west 16.00 Feet of Lot 11, extended south, in Block 68 of Canal Trustee's Subdivision of Lots and Blocks to the Southwest Y* of Section 9, Township 39 North, Range 14, East of the Third Principal Meridian, recorded August 31,1848 (Ante-Fire), Re-recorded April 9, 1872 as Document No. 23136 and Re-recorded September 24,1877 as Document No. 151607, and lying east of the east line of North Hoisted Street, extended south, and tying south of the south line of Lots 12 through 18, inclusive va said Block 68 and south of and adjoining Lot 5 in Assessor's Division of Lots 19,20 and 21, all in Block 68 of Canal Trustee's Subdivision of Lots and Blocks in the Southwest K of Section 9, Township 39 North, Range 14, East of the Tliird Principal Meridian, recorded August 31.1848 (Ante-Fire), Re-recorded April 9,1872 as Document No. 23136 ind Re-recorded September 24,1877 as Document No. 151607, allin Cook County, Illinois.

Total Land Area-11,144 sq. fL>0.256 acre, mGre or less

SUCVEY NOTES.
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PRE?ARED FOIL MICHAEL EZGU1 EASY PAH, LLC J00 SXOK1E BLVD, SUTTE 200
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SURVEYOR'S CERTIFICATE

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MM SURVEYING CO., INC.

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