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Legislation Text

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OFFICE, OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL
MAYOR

November 19, 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 an ordinance providing acquisition authority for the St. Anthony's Hospital Project.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

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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, pursuant to the Constitution and the City's home rule powers, the City established the Community Development Commission ("Commission") as set forth in Section 2-124 of the Municipal Code of Chicago (the "Code"), to, among other things, designate redevelopment areas and approve redevelopment plans, and recommend the acquisition, assemblage, and disposition of parcels located in redevelopment areas, subject to the approval of the City Council of the City of Chicago ("City Council"); and

WHEREAS, by ordinance adopted by the City Council on June 13, 2007, and published at pages 2532 to 2626 of the Journal of Proceedings (the "TIF Ordinance") a certain redevelopment plan (the "TIF Plan") for the Little Village Industrial Corridor Redevelopment Project Area (the "TIF Area") was approved pursuant to the Illinois Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1, et seq.) (the "TIF Act"); and

WHEREAS, the City may, pursuant to the TIF Act and in conjunction with the goals and objectives of the TIF Plan, acquire by purchase or condemnation, property reasonably necessary to achieve the objectives of the TIF Plan; and

WHEREAS, pursuant to Chapter 2-45-040 of the Code, the Commissioner ("Commissioner") of the Department of Planning and Development of the City ("DPD"). has the power to develop and administer projects and programs involving zoning and land use of industrial and business TIF Act development and to acquire and dispose of property necessary or appropriate for the construction and operation of such project and programs falling within the TIF Area; and

WHEREAS, DPD has determined that it is useful, desirable and necessary that the City acquire those parcels of real property located at 3200 South Kedzie Avenue, 3230 West 31st Street, and 3354 West 31st Street and identified as P.I.N. 16-35-203-002; 16-35-203-004; and 16-35-203-008, as described on Exhibit A to this ordinance (the "Parcels") for the purpose of the city's development plans for the subject TIF Area and that the acquisition of the Parcels for assemblage and redevelopment would further the goals of the TIF Plan; and

WHEREAS, the City has determined that the acquisition of the Parcels, free and clear of leases, agreements, easements and encumbrances, is useful, advantageous or desirable for municipal purposes and the public welfare, within the meaning and authority of 65 ILCS 5/11-61-1 and 65 ILCS 20/21-19 of the TIF Act, and that such acquisition may include the acquisition of land and improvements as authorized under 735 ILCS 30/1 et seq., 735 ILCS 30/5-5-5, and 735 ILCS 30/25-7-103.12; and

WHEREAS, one of the goals and objectives of the Plan is to encourage new industrial development on underutilized industrial property and redevelopment of deteriorated and obsolete , properties on blocks within the Project Area; and

WHEREAS, the TIF Ordinance authorizes the use of eminent domain to acquire properties within the TIF Area to meet the requirements of the Plan; and

WHEREAS, in furtherance of the Plan, the City requires the acquisition of the Parcels, which are

located within the TIF Area; and

WHEREAS, the City desires to establish a schedule for expedited acquisition in order to achieve the objectives of the Plan pursuant to quick-take procedures; and

WHEREAS, the General Assembly in 735 ILCS 30/25-7-103.12 has authorized the use of quick-take eminent domain proceedings by municipalities for the purposes set forth in Division 74.2 and 74.3 of Article 2 of the Illinois Municipal Code, said purposes being the redevelopment of commercial or business areas to eradicate and eliminate commercial blight for redevelopment purposes, and for the same purposes when established pursuant to home rule powers; and

WHEREAS, the City under its home rule power finds that it useful and necessary to use quick-take to acquire the Parcels for the same purposes as those set forth in Divisions 74.2 and 74.3 of the Illinois Municipal Code (65 ILCS 5/11-74.2 and 74.3); and

WHEREAS, pursuant to Resolution No. 14-CDC-41 adopted on October 14, 2014, the Commission authorized the Department of Planning and Development to acquire the Parcels in furtherance of the TIF Plan in the TIF Area without further Commission action; and

WHEREAS, the Parcels are a component of a City property acquisition and assemblage plan and project to facilitate redevelopment in the Little Village Industrial Corridor, namely the new St. Anthony Hospital (the "Project"); 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 and declared that it is useful, desirable and necessary that the City acquire the Parcels for the purpose of facilitating the Project, which shall be for purposes of implementing the objectives of the Plan.

Section 3. The Corporation Counsel of the City of Chicago ("Corporation Counsel") is authorized to negotiate with the owner(s) of the Parcels for the purchase of the Parcels.

Section 4. If the Corporation Counsel is able to agree with the owner(s) of the Parcels upon the price to be paid for such Parcels, or a portion thereof, the Corporation Counsel is authorized to purchase the Parcels, or a portion thereof, in the name of and on behalf of the City of Chicago 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 grants or other funds received by the City. If the Corporation Counsel is unable to agree with the owner(s) of the Parcels on the purchase price, or if an owner is incapable of consenting to the sale, or if an owner cannot be located, or cannot deliver fee simple title, then the Corporation Counsel may institute and prosecute condemnation proceedings, including "quick-take" proceedings, in the name of and on behalf of the City for the purpose of acquiring fee simple title or other property interest(s) in the Parcels, or a portion thereof, under the City's power of eminent domain.

Section 5. A schedule for the acquisition of the Parcels is hereby adopted as follows:

- A. Acquire fee simple title to the Parcels no later than July 1, 2017.
- B. Commence construction no later than August 31, 2017.
- C. Complete construction for the Project no later than June 30, 2022.

Section 6. The Commissioner, or a designee of the Commissioner, is authorized to (i) execute such documentation as may be necessary to implement the provisions of this ordinance; (ii) amend, modify, or change the schedule for the acquisition of the Parcels set forth in Section 5; (iii) determine whether the acquisition of the Parcels, or a portion thereof, or less than fee simple title is necessary to implement the Project; and (iv) direct the transfer of the Parcels, or any portion thereof, to the developer of the Project, all subject to the approval of the Corporation Counsel.

Section 7. The Commissioner is further authorized to execute such documents as may be necessary to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel.

Section 8. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or enforceability of such provision shall not affect any of the other provisions of this ordinance.

Section 9. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 10. This ordinance shall be effective upon its passage and approval.

Exhibit A

Legal Description of Parcels (Subject to Final Title and Survey)

ALL THAT PART OF THE NORTHEAST V* OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. LYING SOUTH OF THE CENTERLINE OF THE WEST FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER.

(EXCEPTING THEREFROM THE EAST 762.00 FEET THEREOF, LYING NORTH OF THE SOUTH 291.50 FEET;

AND EXCEPTING THE SUTH 291.50 FEE OF THE EAST 625.00 FEET THEREOF;

AND EXCEPTING THAT PART THEREOF CONVEYED TO THE CHICAGO AND ILLINOIS WESTER RAILROAD BY DEED DATED JULY 9, 1906 AND RECORDED IN BOOK 9485 PAGE 55 AS DOCUMENT 3900240;

AND EXCEPTING THEREFROM THAT PART DESCRIBED AS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID QUARTER-QUARTER SECTION, WHICH IS 50.00 FEET, NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE NORTH ALONG THE WEST LINE OF SAID QUARTER-QUARTER SECTION, A DISTANCE OF 282.50 FEET TO THE CENTERLINE TO WEST FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER; THENCE NORTHEASTERLY ALONG SAID CENTERLINE OF SAID RIVER FORK, A DISTANCE OF 255.49 FEET, MORE OR LESS TO A POINT, WHICH IS 461.00 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION AND 1112.20 FEET WEST OF THE EAST LINE OF SAID QUARTER-QUARTER SECTION; THENCE

NORTHEASTERLY ALONG THE CENTERLINE OF SAID RIVER FORK, A DISTANCE OF 74.36 FEET TO A POINT, WHICH IS 486.99 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID RIVER FORK, A DISTANCE OF 100.00 FEET TO A POINT, WHICH IS 538.04 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID RIVER FORK, A DISTANCE OF 7.80 FEET TO A POINT, WHICH IS 541.54 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION AND 949.61 FEET WEST OF THE EAST LINE OF SAID QUARTER-QUARTER SECTION; THENCE SOUTHEASTERLY ALONG THE LINE, A DISTANCE OF 252.93 FEET TO A POINT, WHICH IS 291.50 FEET NORTH OF SAID QUARTER-QUARTER SECTION AND 911.34 FEET WEST OF THE EAST LINE OF SAID QUARTER-QUARTER SECTION; THENCE EAST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION, A DISTANCE OF 286.34 FEET TO A POINT, WHICH IS 291.50 FEET NORTH OF SAID QUARTER-QUARTER SECTION AND 625.00 FEET WEST OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH ALONG A LINE PARALLEL TO THE EAST LINE OF SAID QUARTER-QUARTER SECTION, A DISTANCE OF 241.50 FEET TO THE NORTH RIGHT OF WAY LINE OF THE ILLINOIS CENTRAL GULF (FORMERLY RIGHT OF WAY OF CHICAGO AND ILLINOIS WESTERN RAILROAD) RAILROAD, WHICH POINT IS 50.00 FEET NORTH OF SAID QUARTER-QUARTER SECTION AND 625.00 FEET WEST OF SAID QUARTER-QUARTER SECTION; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF THE ILLINOIS CENTRAL GULF FORMERLY RIGHT OF WAY OF CHICAGO AND ILLINOIS WESTERN RAILROAD) RAILROAD AND WHICH LINE IS 50.00 FEET NORTH OF SAID QUARTER-QUARTER SECTION, A DISTANCE OF 707.51 FEET TO THE POINT OF BEGINNING);

AND:

THE EAST 613.12 FEET OF THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THE EAST 33.00 FEET TAKEN FOR SOUTH KEDZIE AND EXCEPT FROM SAID TRACT THE SOUTH 291-1/2 FEET THEREOF) LYING SOUTH OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF SAID QUARTER-QUARTER SECTION, WHICH IS 747.76 FEET NORTH OF THE SOUTHWEST CORNER OF SAID QUARTER-QUARTER SECTION RUNNING THENCE WEST PARALLEL TO AND 747.76 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION, A DISTANCE OF 528.12 FEET; THENCE SOUTHWESTERLY TO A POINT, WHICH IS 613.12 FEET WEST OF THE EAST LINE OF SAID QUARTER-QUARTER SECTION AND 698.67 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION, IN COOK COUNTY, ILLINOIS.

AND:

THE WEST 148.88 FEET OF THE EAST 762.00 FEET OF THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE CENTERLINE OF THE WEST FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER (THE SAID CENTERLINE OF SAID WEST FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 461.00 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION AND 1112.20 FEET WEST OF THE EAST LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID RIVER FORK, A DISTANCE OF 74.36 FEET TO A POINT, WHICH IS 486.99 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID RIVER FORK, A DISTANCE OF 100.00 FEET TO A POINT, WHICH IS 538.04 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-

QUARTER SECTION; THENCE NORTHESTERLY ALONG THE CENTERLINE OF SAID RIVER FORK, A DISTANCE OF 103.00 FEET TO A POINT, WHICH IS 584.30 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID RIVER FORK, A DISTANCE OF 103.00 FEET TO A POINT, WHICH IS 627.92 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID RIVER FORK, A DISTANCE OF 10.14 FEET TO A POINT, WHICH IS 631.94 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION AND 762.00 FEET WEST OF THE EAST LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID RIVER FORK, A DISTANCE OF 89.86 FEET TO A POINT, WHICH IS 667.54 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID RIVER FORK, A DISTANCE OF 69.48 FEET TO A POINT, WHICH IS 613.12 FEET WEST OF THE EAST LINE OF SAID QUARTER-QUARTER SECTION AND 687.95 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID QUARTER-QUARTER SECTION, A DISTANCE OF 10.72 FEET TO A POINT, WHICH IS 698.67 FEET NORTH FROM THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION AND 613.12 FEET WEST OF THE EAST LINE OF SAID QUARTER-QUARTER SECTION) (EXCEPT FROM THE ABOVE DESCRIBED TRACT THE SOUTH 291.50 FEET THEREOF), IN COOK COUNTY, ILLINOIS.

Commonly known as: 3200 South Kedzie Avenue; 3230 West 31st Street; and 3354 West 31st Street, all located in Chicago, Illinois.

Property Index Numbers: 16-35-203-002-0000; 16-35-203-004-0000; and 16-35-203-008-0000

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