



Office of the City Clerk

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

Legislation Text

File #: O2016-667, **Version:** 1

OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL MAYOR

February 10, 2016

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

Ladies and Gentlemen:

At the request of the Commissioner of Water Management, I transmit herewith ordinance authorizing a partial release of easements.

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, by Grants of Easement dated December 4, 1939 and recorded on January 3, 1940 in the Office of the Cook County Recorder of Deeds as document numbers 12417428 and 12417429, the Chicago Housing Authority granted to the City easements for sewer and water mains on the property described on Exhibit A attached hereto (the "Easement Property"); and

WHEREAS, the sewer and water mains previously located on the Easement Property have been relocated and/or abandoned in place; and

WHEREAS, this ordinance authorizes release of the easement on the Easement Property but does not affect the remaining easement area set forth in document No. 14136918, recorded on September 4, 1947; now, therefore,

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

SECTION 1. The Commissioner of the Department of Water Management ("Commissioner"), or his designee, is hereby authorized to execute a Partial Release of Easements, in substantially the form which is attached hereto and incorporated in this ordinance as Exhibit B, subject to the approval of the Corporation Counsel as to form and legality.

SECTION 2. The Commissioner, or his designee, is authorized to execute such additional documents as are reasonably necessary or appropriate to implement this ordinance, subject to the approval of the Corporation Counsel.

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 All ordinances, resolutions, motions or orders inconsistent with this ordinance are hereby repealed or amended to the extent of such conflict.

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

**EXHIBIT A -
LEGAL DESCRIPTION FOR PARTIAL EASEMENT RELEASE**

Parcel 1:

All that part of S. Vernon avenue (except the east thirty-three (33) feet thereof) as opened through Block Two (2), Ellis' West or First Addition to Chicago of West Eighty-six and Six Hundredths (86.06) acres of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34), Township Thirty-nine (39) North, Range Fourteen (14) East of the Third Principal Meridian, lying south of the south line of East Thirty-eighth (38th) Street opened by Plat of Opening recorded March 12, 2015 as document 1507113039 and lying north of the north line of East Pershing Road (also known as East Thirty-ninth (39th) Street) dedicated by Plat of Dedication recorded September 9, 1941 as document 12753088, in Cook County, Illinois.

Parcel 2:

All that part of E. 38th Pl. lying south of and adjoining the south line of lots one (1), fourteen (14) and fifteen (15) and the south line of lot fourteen (14) produced east sixteen (16) feet and produced west sixty-six (66) feet in Owners' Subdivision of Sub-lots Ten (10) to Nineteen (19), inclusive, except that part of Sub-lots Sixteen (16) and Seventeen (17), taken by the City for Vernon Street, all in William B. Egan's Subdivision, and lying north of and adjoining the north line of lots one (1) to nine (9), both inclusive, and the north line of lot three (3) produced east sixty-six (66) feet in William B. Egan's Subdivision of Lots Thirteen (13), Fifteen (15), Sixteen (16) and Seventeen (17) in Block Two (2) in Ellis' West or First Addition to Chicago aforementioned, in Cook County Illinois.

Property Address: 3800-3858 S. Vernon Avenue, Chicago, IL.

PINS: 17-34-411-011-0000; 17-34-412-013-0000; and 17-34-412-014-0000

**EXHIBIT A-
METES & BOUNDS LEGAL DESCRIPTION FOR PARTIAL EASEMENT RELEASE**

PARCEL 1:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 1 OF S VERNON AVENUE VACATED BY PLAT OF VACATION RECORDED MARCH 12, 2015 AS DOCUMENT 1507113040; THENCE SOUTH 88 DEGREES 43 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF E PERSHING AVENUE DEDICATED BY PLAT OF DEDICATION RECORDED SEPTEMBER 9, 1941 AS DOCUMENT 12753088, A DISTANCE OF 33.00 FEET TO A POINT ON THE WEST LINE S VERNON AVENUE AS VACATED BY ORDINANCE RECORDED OCTOBER 25, 1939 AS DOCUMENT 12387666 AND AMENDED BY ORDINANCE RECORDED SEPTEMBER 4, 1947 AS DOCUMENT 14136918; THENCE NORTH 01 DEGREES 24 MINUTES 57 SECONDS WEST, ALONG SAID WEST LINE, 143.00 FEET TO A POINT ON THE SOUTH LINE OF E 38TH PLACE VACATED BY ORDINANCE RECORDED OCTOBER 25, 1939 AS DOCUMENT 12387666; THENCE SOUTH 88 DEGREES 42 MINUTES 35 SECONDS WEST, ALONG SAID SOUTH LINE, 132.00 FEET TO THE SOUTHWEST CORNER OF SAID VACATED E 38TH PLACE; THENCE NORTH 01 DEGREES 24 MINUTES 57 SECONDS WEST, ALONG A WEST LINE OF SAID VACATED E 38TH PLACE, 50.00 FEET TO THE NORTHWEST CORNER OF SAID VACATED E 38TH PLACE; THENCE NORTH 88 DEGREES 42 MINUTES 35 SECONDS EAST, ALONG A NORTH LINE OF SAID VACATED E 38TH PLACE, 132.00 FEET TO A POINT ON THE WEST LINE OF SAID VACATED S VERNON AVENUE; THENCE NORTH 01 DEGREES 24 MINUTES 57 SECONDS WEST, ALONG SAID WEST LINE, 399.38 FEET TO A POINT ON THE SOUTH LINE OF E 38TH STREET OPENED BY PLAT OF OPENING RECORDED MARCH 12, 2015 AS DOCUMENT 1507113039; THENCE NORTH 88 DEGREES 09 MINUTES 35 SECONDS EAST, ALONG SAID SOUTH LINE, 33.00 FEET TO A POINT ON THE EAST LINE OF SAID VACATED S VERNON AVENUE; THENCE SOUTH 01 DEGREES 24 MINUTES 57 SECONDS EAST, ALONG SAID EAST LINE, 592.70 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 1 OF S VERNON AVENUE VACATED BY PLAT OF VACATION RECORDED MARCH 12, 2015 AS DOCUMENT 1507113040; THENCE NORTH 01 DEGREES 24 MINUTES 57 SECONDS WEST, ALONG THE WEST LINE OF SAID VACATED S VERNON AVENUE, 143.00 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF E 38TH PLACE VACATED BY ORDINANCE RECORDED OCTOBER 25, 1939 AS DOCUMENT 12387666; THENCE NORTH 88 DEGREES 42 MINUTES 35 SECONDS EAST, ALONG SAID WESTERLY EXTENSION, 33.00 FEET TO THE INTERSECTION OF THE EAST LINE OF SAID VACATED S VERNON AVENUE AND THE SOUTH LINE OF SAID VACATED E 38TH PLACE, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 24 MINUTES 57 SECONDS WEST, ALONG SAID EAST LINE, 50.00 FEET TO A POINT ON THE NORTH LINE OF SAID VACATED E 38TH PLACE; THENCE NORTH 88 DEGREES 42 MINUTES 35 SECONDS EAST, ALONG SAID NORTH LINE, 263.77 FEET TO THE WEST LINE OF S RHODES DRIVE AS DEDICATED BY DOCUMENT 0734522111; THENCE SOUTH 01 DEGREES 22 MINUTES 15 SECONDS EAST, ALONG SAID WEST LINE, 50.00 FEET TO A POINT ON THE SOUTH LINE OF SAID VACATED E 38TH PLACE; THENCE SOUTH 88 DEGREES 42 MINUTES 35 SECONDS WEST, ALONG SAID SOUTH LINE, 263.73 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

EXHIBIT B-PARTIAL RELEASE OF EASEMENT

(The Above Space for Recorder's Use Only)

Pursuant to City Council Ordinance published in the City Council Journal of Proceedings dated at

Pages to , the CITY OF CHICAGO, an Illinois municipal corporation ("CITY") hereby disclaims and releases all easement rights, title and interest it may have in the property described on Exhibit A attached hereto ("Easement Property") created pursuant to the Grants of Easement dated December 4, 1939 and recorded on January 3, 1940 as Document. Nos. 12417428 and 12417429 in the Office of the Cook County Recorder of Deeds. The water and sewer mains located in said Easement Property have been relocated and/or abandoned in place.

This is a partial easement release and only applies to the property described on Exhibit A attached hereto. It shall not affect the remaining easement area set forth in Document No. 14136918 recorded on September 4, 1947.

IN WITNESS WHEREOF, the City of Chicago has caused this instrument to be duly executed in its name and behalf, by the Commissioner of the Department of Water Management, on or as of the day of , 2016.

CITY OF CHICAGO,
an Illinois municipal corporation

By:
Thomas H. Powers, P.E., Commissioner
Department of Water Management

State of Illinois County of Cook, SS. the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that , personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered as Commissioner, Department of Water Management, the said instrument as his free and voluntary act, and as the free and voluntary act of the City, for the uses and purposes therein set forth.

Given under my hand and official seal, this day of , 2016.

This Document Prepared By:

Office of the Corporation Counsel
City of Chicago
121 N. LaSalle Street #600
Chicago, Illinois 60602
(312) 744-0200

Notary Public

After Recording Mail To:

Terry Diamond
Neal & Leroy, LLC
120 N. LaSalle Street #2600
Chicago, Illinois 60602
(312) 641-7144

THIS TRANSFER IS EXEMPT PURSUANT TO THE PROVISIONS OF THE REAL ESTATE TRANSFER TAX ACT, 35 ILCS 200/31-45; AND SECTION 3-3 2-030B7(b) OF THE CHICAGO TRANSACTION TAX ORDINANCE.

EXHIBIT A -
LEGAL DESCRIPTION FOR PARTIAL EASEMENT RELEASE

Parcel 1:

All that part of S. Vernon avenue (except the east thirty-three (33) feet thereof) as opened through Block Two (2), Ellis' West or First Addition to Chicago of West Eighty-six and Six Hundredths (86.06) acres of the Southeast Quarter (SE ¹A) of Section Thirty-four (34), Township Thirty-nine (39) North, Range Fourteen (14) East of the Third Principal Meridian, lying south of the south line of East Thirty-eighth (38th) Street opened by Plat of Opening recorded March 12, 2015 as document 1507113039 and lying north of the north line of East Pershing Road (also known as East Thirty-ninth (39th) Street) dedicated by Plat of Dedication recorded September 9, 1941 as document 12753088, in Cook County, Illinois.

Parcel 2:

All that part of E. 38th Pl. lying south of and adjoining the south line of lots one (1), fourteen (14) and fifteen (15) and the south line of lot fourteen (14) produced east sixteen (16) feet and produced west sixty-six (66) feet in Owners' Subdivision of Sub-lots Ten (10) to Nineteen (19), inclusive, except that part of Sub-lots Sixteen (16) and Seventeen (17), taken by the City for Vernon Street, all in William B. Egan's Subdivision, and lying north of and adjoining the north line of lots one (1) to nine (9), both inclusive, and the north line of lot three (3) produced east sixty-six (66) feet in William B. Egan's Subdivision of Lots Thirteen (13), Fifteen (15), Sixteen (16) and Seventeen (17) in Block Two (2) in Ellis' West or First Addition to Chicago aforementioned, in Cook County Illinois.

Property Address: 3800-3858 S. Vernon Avenue, Chicago, IL.

PINS: 17-34-411-011-0000; 17-34-412-013-0000; and 17-34-412-014-0000

1

EXHIBIT A -

METES & BOUNDS LEGAL DESCRIPTION FOR PARTIAL EASEMENT RELEASE PARCEL 1:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 1 OF S VERNON AVENUE VACATED BY PLAT OF

VACATION RECORDED MARCH 12, 2015 AS DOCUMENT 1507113040; THENCE SOUTH 88 DEGREES 43 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF E PERSHING AVENUE DEDICATED BY PLAT OF DEDICATION RECORDED SEPTEMBER 9, 1941 AS DOCUMENT 12753088, A DISTANCE OF 33.00 FEET TO A POINT ON THE WEST LINE S VERNON AVENUE AS VACATED BY ORDINANCE RECORDED OCTOBER 25, 1939 AS DOCUMENT 12387666 AND AMENDED BY ORDINANCE RECORDED SEPTEMBER 4, 1947 AS DOCUMENT 14136918; THENCE NORTH 01 DEGREES 24 MINUTES 57 SECONDS WEST, ALONG SAID WEST LINE, 143.00 FEET TO A POINT ON THE SOUTH LINE OF E 38TH PLACE VACATED BY ORDINANCE RECORDED OCTOBER 25, 1939 AS DOCUMENT 12387666; THENCE SOUTH 88 DEGREES 42 MINUTES 35 SECONDS WEST, ALONG SAID SOUTH LINE, 132.00 FEET TO THE SOUTHWEST CORNER OF SAID VACATED E 38TH PLACE; THENCE NORTH 01 DEGREES 24 MINUTES 57 SECONDS WEST, ALONG A WEST LINE OF SAID VACATED E 38TH PLACE, 50.00 FEET TO THE NORTHWEST CORNER OF SAID VACATED E 38TH PLACE; THENCE NORTH 88 DEGREES 42 MINUTES 35 SECONDS EAST, ALONG A NORTH LINE OF SAID VACATED E 38TH PLACE, 132.00 FEET TO A POINT ON THE WEST LINE OF SAID VACATED S VERNON AVENUE; THENCE NORTH 01 DEGREES 24 MINUTES 57 SECONDS WEST, ALONG SAID WEST LINE, 399.38 FEET TO A POINT ON THE SOUTH LINE OF E 38TH STREET OPENED BY PLAT OF OPENING RECORDED MARCH 12, 2015 AS DOCUMENT 1507113039; THENCE NORTH 88 DEGREES 09 MINUTES 35 SECONDS EAST, ALONG SAID SOUTH LINE, 33.00 FEET TO A POINT ON THE EAST LINE OF SAID VACATED S VERNON AVENUE; THENCE SOUTH 01 DEGREES 24 MINUTES 57 SECONDS EAST, ALONG SAID EAST LINE, 592.70 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 1 OF S VERNON AVENUE VACATED BY PLAT OF VACATION RECORDED MARCH 12, 2015 AS DOCUMENT 1507113040; THENCE NORTH 01 DEGREES 24 MINUTES 57 SECONDS WEST, ALONG THE WEST LINE OF SAID VACATED S VERNON AVENUE, 143.00 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF E 38TH PLACE VACATED BY ORDINANCE RECORDED OCTOBER 25, 1939 AS DOCUMENT 12387666; THENCE NORTH 88 DEGREES 42 MINUTES 35 SECONDS EAST, ALONG SAID WESTERLY EXTENSION, 33.00 FEET TO THE INTERSECTION OF THE EAST LINE OF SAID VACATED S VERNON AVENUE AND THE SOUTH LINE OF SAID VACATED E 38TH PLACE, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 24 MINUTES 57 SECONDS WEST, ALONG SAID EAST LINE, 50.00 FEET TO A POINT ON THE NORTH LINE OF SAID VACATED E 38TH PLACE; THENCE NORTH 88 DEGREES 42 MINUTES 35 SECONDS EAST, ALONG SAID NORTH LINE, 263.77 FEET TO THE WEST LINE OF S RHODES DRIVE AS DEDICATED BY DOCUMENT 0734522111; THENCE SOUTH 01 DEGREES 22 MINUTES 15 SECONDS EAST, ALONG SAID WEST LINE, 50.00 FEET TO A POINT ON THE SOUTH LINE OF SAID VACATED E 38TH PLACE; THENCE SOUTH 88 DEGREES 42 MINUTES 35 SECONDS WEST, ALONG SAID SOUTH LINE, 263.73 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.