



Office of the City Clerk

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

Legislation Text

File #: O2017-2021, Version: 1

COMMERCIAL 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 1300-1334 W. Kinzie Street are owned by Peppercorn 400, LLC an Illinois limited liability company ("Developer"); and

WHEREAS, the Developer proposes to use the portion of the street to be vacated herein for landscaping and parking; 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 those portions of public street, described in the following ordinance; now therefore,

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

SECTION 1.

PARCEL 1:

THAT PART OF W. KINZIE STREET LYING SOUTH OF AND ADJOINING LOT 49 IN BLOCK 1 IN SUBDIVISION OF LOT "E" OF COOK COUNTY CIRCUIT COURT PARTITION OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 2, 1856 AS DOCUMENT 69073, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 49 IN BLOCK 1 IN SAID SUBDIVISION OF LOT "E" OF COOK COUNTY CIRCUIT COURT PARTITION, SAID POINT ALSO BEING ON THE WEST LINE OF N. ELIZABETH STREET AS DEDICATED BY DOCUMENT 69073; THENCE SOUTH 00 DEGREES 16 MINUTES 37 SECONDS EAST, ALONG THE SOUTHERLY EXTENSION OF SAID WEST LINE, 30.70 FEET TO THE NORTH FACE OF AN EXISTING RETAINING WALL; THENCE SOUTH 89 DEGREES 56 MINUTES 27 SECONDS WEST, ALONG SAID LAST DESCRIBED LINE, 98.50 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE COMMON LINE BETWEEN BLOCK 1 IN THE SUBDIVISION OF LOT "E" OF COOK COUNTY CIRCUIT COURT PARTITION AND BLOCK 7 IN THE SUBDIVISION OF BLOCKS 6 AND 7 ASSESSORS DIVISION RECORDED MARCH 2, 1865 AS DOCUMENT 92429; THENCE NORTH 00 DEGREES 16 MINUTES 37 SECONDS WEST, ALONG THE SOUTHERLY EXTENSION OF SAID COMMON LINE, 30.55 FEET TO THE

SOUTHWEST CORNER OF LOT 49 IN BLOCK 1 IN SAID SUBDIVISION OF LOT "E" OF COOK COUNTY

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CIRCUIT COURT PARTITION, SAID POINT ALSO BEING ON THE INTERSECTION OF THE WEST LINE OF N. ELIZABETH STREET AND THE NORTH LINE OF W. KINZIE STREET AS DEDICATED BY DOCUMENT 69073; THENCE NORTH 89 DEGREES 51 MINUTES 29 SECONDS EAST, ALONG THE NORTH LINE OF SAID W. KINZIE STREET AND SOUTH LINE OF LOT 49 IN BLOCK 1 IN SAID SUBDIVISION OF LOT "E" OF COOK COUNTY CIRCUIT COURT PARTITION, A DISTANCE OF 98.50 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

CONTAINING 3,017 SQUARE FEET OR 0.069 ACRES, MORE OR LESS. PARCEL 2: THAT PART OF W. KINZIE STREET LYING SOUTH OF AND ADJOINING LOTS 50 THROUGH 59 (INCLUSIVE) AND A 16-FOOT WIDE VACATED NORTH-SOUTH ALLEY IN BLOCK 7 IN THE SUBDIVISION OF BLOCKS 6 AND 7 ASSESSORS DIVISION IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 2, 1865 AS DOCUMENT 92429, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 59 IN BLOCK 7 IN SAID SUBDIVISION OF BLOCKS 6 AND 7 ASSESSORS DIVISION, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT 49 IN BLOCK 1 IN THE SUBDIVISION OF LOT "E" OF COOK COUNTY CIRCUIT COURT PARTITION RECORDED APRIL 2, 1856 AS DOCUMENT 69073; THENCE SOUTH 00 DEGREES 16 MINUTES 37 SECONDS EAST, ALONG THE SOUTHERLY EXTENSION OF THE COMMON LINE BETWEEN BLOCK 1 IN THE SUBDIVISION OF LOT "E" OF COOK COUNTY CIRCUIT COURT PARTITION AND BLOCK 7 IN THE SUBDIVISION OF BLOCKS 6 AND 7 ASSESSORS DIVISION, 30.55 FEET TO THE NORTH FACE OF AN EXISTING RETAINING WALL; THENCE SOUTH 89 DEGREES 56 MINUTES 27 SECONDS WEST, ALONG SAID LAST DESCRIBED LINE AND THE WESTERLY EXTENSION THEREOF, 281.58 FEET TO THE EASTERLY LINE OF N. OGDEN AVENUE AS OPENED BY ORDINANCE PASSED FEBRUARY 18, 1919; THENCE NORTH 27 DEGREES 20 MINUTES 35 SECONDS EAST, ALONG SAID EASTERLY LINE, 33.98 FEET TO A POINT ON THE NORTH LINE OF W. KINZIE STREET AS DEDICATED BY DOCUMENT 92429, SAID POINT ALSO BEING A POINT ON THE SOUTH LINE OF LOT 50 IN BLOCK 7 IN SAID SUBDIVISION OF BLOCKS 6 AND 7 ASSESSORS DIVISION; THENCE NORTH 89 DEGREES 51 MINUTES 29 SECONDS EAST, ALONG SAID NORTH LINE, 265.82 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

CONTAINING 8,309 SQUARE FEET OR 0.191 ACRES, MORE OR LESS

as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit A, which plat 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 vacation.

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SECTION 2. 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 vacation, its successors or assigns.

SECTION 3. The City of Chicago hereby reserves an easement over the area herein vacated for existing Water Department sewer and associated sewer structures, and for the installation of any additional sewers, as now located, or which in the future may be located in the street 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, permanent structures, or trees (within 10 feet of the sewer structure) shall be erected on said easement herein reserved, or other use made of said area, which in the sole discretion 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. It is further provided that any vacation-beneficiary prompted adjustments to the area herein vacated be submitted to the Department of Water for review and express approval prior to construction. Any repair, renewal or replacement of private improvements, or private property damaged within the vacation area as a result of the City exercising its easement rights shall be repaired/replaced at the expense of the beneficiary of the vacation, its successors or assigns

SECTION 4. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer 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 in accordance with the most current version of the Chicago Department of Transportation's Regulations for Opening, Repair and Construction in the Public Way and its appendices,

SECTION 5. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer 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 hereby... vacated the sum

Seven Hundred Thirty-Six thousand! dollars (\$ 736,000.00),
which sum in the judgment of this body will be equal to suelh benefits.

SECTION 6. The vacation herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developer shall file or cause to be filed for recordation with the Office of the Recorder of Deeds of Cook County,

SECTION 7. This ordinance shall take effect and be in force from and after its passage. The vacation shall take effect and be in force from and after recording of the approved plat.

Vaaction Approved:
Rebekah Scheinfeld Commissioner of Transportation

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Approved as to Form and Legality

Lisa Misher
Chief Assistant Corporation Counsel

Honorable Walter Burnett Alderman,
27th Ward

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EXHIBIT "A"

PROPERTY DESCRIPTION PARCEL 1:
THAT PART OF W. KINZIE STREET LYING SOUTH OF AND ADJOINING LOT 49 IN BLOCK 1 IN SUBDIVISION OF LOT "E" OF COOK COUNTY CIRCUIT COURT PARTITION OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 2, 1856 AS DOCUMENT G9073, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 49 IN BLOCK 1 IN SAID SUBDIVISION OF LOT "E" OF COOK COUNTY CIRCUIT COURT PARTITION, SAID POINT ALSO BEING ON THE WEST LINE OF N. ELIZABETH STREET AS DEDICATED BY DOCUMENT 69073; THENCE SOUTH 00 DEGREES 16 MINUTES 37 SECONDS EAST, ALONG THE SOUTHERLY

EXTENSION OF SAID WEST LINE, 30.70 FEET TO THE NORTH FACE OF AN EXISTING RETAINING WALLs THENCE SOUTH 89 DEGREES 56 MINUTES 27 SECONDS WEST, ALONG SAID LAST DESCRIBED LINE, 98.50 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE COMMON LINE BETWEEN BLOCK 1 IN THE SUBDIVISION OF LOT "E" OF COOK COUNTY CIRCUIT COURT PARTITION AND BLOCK 7 IN THE SUBDIVISION OF BLOCKS 6 AND 7 ASSESSORS DIVISION RECORDED MARCH 2, 1865 AS DOCUMENT 92429; THENCE NORTH 00 DEGREES 16 MINUTES 37 SECONDS WEST, ALONG THE SOUTHERLY EXTENSION OF SAID COMMON LINE, 30.55 FEET TO THE SOUTHWEST CORNER OF LOT 49 IN BLOCK 1 IN SAID SUBDIVISION OF LOT "E" OF COOK COUNTY CIRCUIT COURT PARTITION, SAID POINT ALSO BEING ON THE INTERSECTION OF THE WEST LINE OF N. ELIZABETH STREET AND THE NORTH LINE OF W. KINZIE STREET AS DEDICATED BY DOCUMENT 69073; THENCE NORTH 89 DEGREES 51 MINUTES 29 SECONDS EAST, ALONG THE NORTH LINE OF SAID W. KINZIE STREET AND SOUTH LINE OF LOT 49 IN BLOCK 1 IN SAID SUBDIVISION OF LOT "E" OF COOK COUNTY CIRCUIT COURT PARTITION, A DISTANCE OF 98.50 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, CONTAINING 3.017 SQUARE FEET OR 0.069 ACRES, MORE OR LESS.

PLAT OF VACATION

PARCEL 2:
THAT PART OF W. KINZIE STREET LYING SOUTH OF AND ADJOINING LOTS 50 THROUGH 59 (INCLUSIVE) AND A 16-FOOT WIDE VACATED NORTH-SOUTH ALLEY IN BLOCK 7 IN THE SUBDIVISION OF BLOCKS 6 AND 7 ASSESSORS DIVISION IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 2, 1865 AS DOCUMENT 92429, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 59 IN BLOCK 7 IN SAID SUBDIVISION OF BLOCKS 6 AND 7 ASSESSORS DIVISION, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT 49 IN BLOCK 1 IN THE SUBDIVISION OF LOT "E" OF COOK COUNTY CIRCUIT COURT PARTITION RECORDED APRIL 2, 1856 AS DOCUMENT 69073; THENCE SOUTH 00 DEGREES 16 MINUTES 37 SECONDS EAST, ALONG THE SOUTHERLY EXTENSION OF THE COMMON LINE BETWEEN BLOCK 1 IN THE SUBDIVISION OF LOT "E" OF COOK COUNTY CIRCUIT COURT PARTITION AND BLOCK 7 IN THE SUBDIVISION OF BLOCKS 6 AND 7 ASSESSORS DIVISION, 30.55 FEET TO THE NORTH FACE OF AN EXISTING RETAINING WALL; THENCE SOUTH 89 DEGREES 56 MINUTES 27 SECONDS WEST, ALONG SAID LAST DESCRIBED LINE AND THE WESTERLY EXTENSION THEREOF, 281.58 FEET TO THE EASTERLY LINE OF N. OGDEN AVENUE AS OPENED BY ORDINANCE PASSED FEBRUARY 18, 1919; THENCE NORTH 27 DEGREES 20 MINUTES 35 SECONDS EAST, ALONG SAID EASTERLY LINE, 33.98 FEET TO A POINT ON THE NORTH LINE OF W. KINZIE STREET AS DEDICATED BY DOCUMENT 92429, SAID POINT ALSO BEING A POINT ON THE SOUTH LINE OF LOT 50 IN BLOCK 7 IN SAID SUBDIVISION OF BLOCKS 6 AND 7 ASSESSORS DIVISION; THENCE NORTH 89 DEGREES 51 MINUTES 29 SECONDS EAST, ALONG SAID NORTH LINE, 265.82 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

P.I.N.: 17-08-500-001-
ZON1NG: PMD 4 RAIL YARD (CHICAGO & NORTHWESTERN RAILWAY)

9575 W Hirjgms Poac. Sui*; 700 Rcsftmo.n: iilinois AOOiS

CD0T*08-27-16-3746

CONTAINING 8,309 SQUARE FEET OR 0.191 ACRES, MORE OR LESS.

EXHIBIT "A"
PLAT OF VACATION

COOK CO.

CITY - DEPARTMENT OF FINANCE

CDOT

ADJACENT PINS 17-08-140-003
17-08-140-005
17-08-500-001

CDOT*08-27-16-3746

EXHIBIT "A"
PLAT OF VACATION

SURVEYOR'S NOTES:

1. ALL DIMENSIONS SHOWN HEREON ARE MEASURED UNLESS NOTED.
2. BASIS OF BEARINGS: TRUE NORTH BASED ON GEODETIC OBSERVATION
IL EAST ZONE.

3. NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENTS UPON THE PLAT.

4. PREPARED FOR/AND MAIL TO: DLA
PIPER LLP (US)
203 NORTH LASALLE STREET, SUITE 1900 CHICAGO,
ILLINOIS 60601-1293 PHONE: 312.368.2153

5. LAST DATE OF FIELD WORK: AUGUST 13, 2015.

6. CURRENT ZONING: C3-3 COMMERCIAL, MANUFACTURING AND
EMPLOYMENT DISTRICT

STATE OF ILLINOIS)
COUNTY OF COOK) SS

WE, SPACECO, INC., AN ILLINOIS PROFESSIONAL DESIGN FIRM, NUMBER 184-001157 DO HEREBY DECLARE THAT WE HAVE PREPARED THE PLAT HEREON DRAWN FOR THE PURPOSE OF VACATING A PUBLIC STREET AS SHOWN, AND THAT THE PLAT IS A IS A TRUE AND CORRECT REPRESENTATION OF SAID VACATION.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF. NO DISTANCES OR ANGLES SHOWN HEREON MAY BE ASSUMED BY SCALING.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY, AS APPLICABLE TO PLATS OF VACATION.

GIVEN UNDER OUR HAND AND SEAL THIS 20TH DAY OF MARCH, 2017 IN ROSEMONT, ILLINOIS.

SHEET 3 OF 3

CD0T*08-27-16-3746

Chicago Department of Transportation

CITY OF CHICAGO

Mr. Edward Siskel Corporation Counsel Room 600 - City Hall Chicago, IL 60602-1289

Attention: Ms. Lisa Misher
Chief Assistant Corporation Counsel

Re: Proposed Vacation for Peppercorn 400, LLC Commercial File: 08-27-16-3746

Ward: 27

Compensation Amount: \$736,000.00 Introduction Date: 03/29/2017 Committee Date: 06/22/2017 Council

Date: 06/28/2017

Dear Mr. Siskel:

Pursuant to a request from Phillip Denny, we are transmitting herewith for your review and approval as to form and legality an original and three (3) copies of a proposed vacation of all of the remaining width and length of W. Kinzie Street between N. Ogden Avenue and N. Elizabeth Street. This property is located in the 27th Ward.

Peppercorn 400 LLC is the owner of record to the properties adjoining the public street to be vacated. The adjacent railroad has quitted its interests. The people to contact in connection with this proposed ordinance are attorney Katie Jahnke Dale at 312-368-2153 and Mr. Phillip Denny at 312-388-8777.

An easement has been reserved for People's Gas in Section 2 of the ordinance. The City will maintain an easement for public sewer structures in Section 3. A deposit for curb and walk work is required in Section 4. Section 5 of the ordinance provides for compensation to the City for that part of the public street to be vacated. Sections 6 & 7 are standard language regarding the ordinance.

Deputy Commissioner RS: LH: RD

cc: Alderman Walter Burnett Alderman

Anthony Beale

Sandra Foreman/w Attach. Dwg.-s.f. & Ord. (3) file copies (2) Maps &
Plats

30 NORTH LASALLE STREET, SUITE 1100, CHICAGO, ILLINOIS 60602

CITY COUNCIL

City of Chicago

COUNCIL CHAMBER

City Hall-Second Floor 121 North LaSalle Street Chicago, Illinois 60602 telephone 312-744-4096

FAX: 312-744-8155

COMMITTEE MEMBERSHIPS

Transportation & Public Way (Chairman)

Budget and Government Operations

Committees, Rules and Ethics

Education and Child Development

Finance

Public Safety

ANTHONY A. BEALE

Alderman, 9th Ward 34 East 11 2th Place Chicago, Illinois 60628 Telephone (773) 785-1100 Fax (773) 785-2790

E-MAIL: WARD09@CITYOFCHICAGO.ORG <<mailto:WARD09@CITYOFCHICAGO.ORG>>

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body pass A proposed vacation of all of the remaining width and length of West Kinzie Street between North Ogden Avenue and North Elizabeth Street. This ordinance was referred to the Committee on March 29, 2017.

This recommendation was concurred unanimously by a viva voce vote of the members of the Committee with no dissenting vote.

Anthony Beale, Chairman

(Ward 27)