



Office of the City Clerk

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

Legislation Text

File #: O2018-3217, **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 1640-1658 W. 38th Street, 1639-1657 W. 37th Place and 3733-3757 S. Paulina Street, are owned by The Catholic Bishop of Chicago, an Illinois Corporation Sole ("Developer"); and

WHEREAS, the Developer, currently uses the site as part of its campus for the adjacent Blessed Sacrament Catholic Church; and

WHEREAS, the Developer, is currently occupying the portion of the public alley to be vacated with a building constructed in 1953, but seeks to remedy the situation by vacating the overbuilt area, and dedicating a new public alley to the north for public egress; 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 that part of public alley, described in the following ordinance; now therefore,

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

SECTION 1.

Dedication:

THAT PART OF THE NORTH-SOUTH VACATED 16 FOOT PUBLIC ALLEY VACATED PER DOCUMENT NUMBER 7351246 RECORDED DECEMBER 13, 1921, LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 1, LYING SOUTH OF A LINE DRAWN FROM THE NORTHEAST CORNER OF LOT 1 TO THE NORTHWEST CORNER OF LOT 2, LYING WEST OF AND ADJOINING THE WEST LINE OF LOT 2 AND THE SOUTHERLY EXTENSION THEREOF AND LYING NORTH OF THE SOUTH LINE OF SAID LOT 2 PRODUCED WEST TO THE EAST LINE OF LOT 1 AFORESAID, ALL IN WILSHIRE'S SUBDIVISION OF THE SOUTH HALF OF BLOCK 29 IN CANAL TRUSTEE'S SUBDIVISION OF THE EAST HALF OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 14 EAST, OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS SAID AREA BEING 2,006 SQ. FT. OR 0.05 ACRES MORE OR LESS as shaded and legally

described by the words "HEREBY DEDICATED" on the plat hereto attached as Exhibit A, which drawing for greater clarity, is hereby made a part of this

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ordinance, be and the same is hereby opened and the public interest will be subserved by such dedication.

Vacation:

THAT PART OF THE NORTH-SOUTH PUBLIC ALLEY LYING EAST OF LOT 1 IN WILSHIRE'S SUBDIVISION OF THE SOUTH HALF OF BLOCK 29, IN CANAL TRUSTEE'S SUBDIVISION OF THE EAST HALF OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JANUARY 30, 1903 AS DOCUMENT NUMBER 3348099 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 00 DEGREES 15 MINUTES 26 SECONDS WEST 125.33 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE EAST-WEST 16 FOOT PUBLIC ALLEY IN WILSHIRE'S SUBDIVISION AFORESAID AND THE EAST LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 57 MINUTES 49 SECONDS EAST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE 16 FOOT PUBLIC ALLEY 21.08 FEET TO THE MOST NORTHERLY NORTHWEST CORNER OF LOT 32 IN WILSHIRE'S SUBDIVISION AFORESAID; THENCE SOUTH 45 DEGREES 25 MINUTES 07 SECONDS WEST ALONG THE NORTHWEST LINE OF LOT 32 AFORESAID 7.11 FEET TO THE MOST WESTERLY NORTHWEST CORNER OF SAID LOT 32; THENCE SOUTH 00 DEGREES 15 MINUTES 42 SECONDS EAST ALONG THE WEST LINE OF LOT 32 AFORESAID 120.35 FEET TO THE SOUTHWEST CORNER OF SAID LOT 32; THENCE SOUTH 89 DEGREES 59 MINUTES 18 SECONDS WEST ALONG THE NORTH LINE OF W. 38th STREET 16.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, SAID AREA BEING 2,017 SQ. FT. OR 0.05 ACRES MORE OR LESS as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit B, 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 vacation.

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SECTION 2. The dedication herein provided for is accepted upon the express condition that the Developer shall be responsible for adhering to certain terms of the Chicago Department of Water Management, as follows:

1. Any existing private sewers in the areas to be dedicated will be sealed and removed at the expense of the beneficiary, in accordance with the standard procedures of the Department of Water Management, Sewer Section.

2. If and when the existing private main sewers and appurtenances are abandoned, the abandonment plans must meet the Department of Water Management, Sewer Design Section's requirements.

3. Private structures are not allowed in the public right of way without an ordinance established by the City Council. Existing private structures must be relocated into private property, abandoned or established through a City Council ordinance.

4. It is the owner's / developer's responsibility to provide proper drainage in the areas to be dedicated. When the final plans are available, the owner's / developer's engineering staff must discuss those plans with Sewer Section Engineering Personnel.

5. Any underground sewer work, including the public main sewers and sewer structures associated with the proposed dedication, must be submitted for review and installed at the expense of the beneficiary. The maintenance of the public sewers and sewer structures will be accepted by the Department of Water Management only, after physical and videotape inspection approved by the Department of Water Management.

6. Permits are required to be obtained by a Licensed Drainlayer from the Department of Buildings - Sewer Permit Section for all underground sewer work, in both the public way and on private property. As-built plans of the public alley sewer and combined public main sewers indicating the street location of the main sewer(s) and appurtenances must be submitted to the Department of Water Management for record purposes within 30 days of completion.

SECTION 3. The dedication for public way herein provided for is made upon the express condition that the Developer shall construct the newly dedicated public alley, 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, and in accordance with the executed Duty to Build Agreement attached herein and made a part of this ordinance as Exhibit C.

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 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 alley hereby vacated the sum

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dollars (\$ 50/ODD. 6b).

which shall in the judgment of this body will be equal to such benefits.

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SECTION 5. The vacation and dedication herein provided for are made upon the express condition that within 180 days after the passage of this ordinance, the Developer, 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, together with the attached plats as approved by the Acting Superintendent of Maps and Plats.

SECTION 6. This ordinance shall take effect and be in force from and after its passage. The vacation and dedication shall take effect and be in force from and after recording of the approved plats.

Commissioner of Transportation Approved as to
Form and Legality

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Lisa Misher ^

Chief Assistant Corporation Counsel

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ARCHDIOCESE OF CHICAGO

Office of Real Estate
835 N. Rush Street
Chicago, IL 60611
tel 312.534 8210 fax 312.534.8392
www.archchicago.org <<http://www.archchicago.org>>
Eric Wollan
Director of Capital Assets ewollan@archchicago.org <<mailto:ewollan@archchicago.org>>

DUTY TO BUILD AGREEMENT FOR CREATION OF NEW STREET/ALLEY

In support of my current application with the Chicago Department of Transportation's Public Way unit, for a dedication of my private property for new public way, I hereby state that I am an applicant or the company agent for the applicant company involved in the project, and that I have the authority to agree to the below terms of the dedication.

PLEASE INITIAL AGREEMENT

I am aware that I am responsible for the construction of all public and private rights of way (streets, alleys, etc.) described on the Plat of Subdivision/Dedication associated with unique

CDOT FILE:

I further understand that all rights of way (both public and private) must be built to City specifications as detailed in the most current version of CDOT's Regulation for Openings, Construction and Repair in the Public Way.

Lastly, I understand that construction deposits will be required to assure that the work is done correctly. An inspection will be conducted by the City upon completion of the work. The City of Chicago reserves the right to require demolition and reinstallation of any facilities that are judged to be sub par or that do not adhere to the City's standards.

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Phone/fax:

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Notary:

CITY COUNCIL

City of Chicago

COUNCIL CHAMBER

FAX: 312-744-8155

COMMITTEE MEMBERSHIPS

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

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 1 12th Place Chicago.
Illinois 60628 TELEPHONE (773)785-1100 Fax: (773)
785-2790 e-mail: ward09@cityofchicago.org
<mailto:ward09@cityofchicago.org>

December 12, 2018

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 the proposed ordinance transmitted herewith for a VACATIONS to THE CATHOLIC BISHOP OF CHICAGO (BLESSED SACRAMENT CHURCH) - 02018-3217 A proposed vacation and dedication of 16' wide, north-south alley in the block bounded by West 37th Place, West 38th Street, South Paulina Street and South Ashland Avenue. This ordinance was referred to Committee on April 18, 2018.

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

(Ward 12)

Anthony Beale, Chairman

Respectfully submitted,