



# Office of the City Clerk

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

## Legislation Text

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OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

November 14, 2018

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 authorizing acquisition of Burlington Northern-Santa Fe property for the El Paseo trail project.

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 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 Chicago Department of Transportation ("CDOT") and Chicago Department of Planning and Development ("DPD") have jointly proposed a series of projects for the extension of a multi-use recreational trail running along and beside Sangamon Street from 16th Street to Cermak Road, thence along Cermak Road to Blue Island Avenue, thence along and parallel to Blue Island Avenue to West 26th Street, thence along and parallel to West 26th Street to Sacramento Avenue, and thence in a southwesterly direction to a terminus on the north bank of the Sanitary Drainage and Ship Canal at South Central Park Avenue ("Trail

Project"); and

WHEREAS, on September 24, 2015, the City Council approved an ordinance (CJ p. 6739, et seq.) ("Prior Ordinance") authorizing the Corporation Counsel and DPD to negotiate with the owners of several parcels of real estate described therein for the purchase of such property in furtherance of the implementation of the Redevelopment Plan known as the "Pilsen Industrial Corridor," as amended, and in furtherance of the Trail Project; and

WHEREAS the Prior Ordinance states the negotiation is "subject to approval of the purchase price by the City Council;" and

WHEREAS, since the passage of the Prior Ordinance, DPD and CDOT have jointly identified additional parcels of real property which are located in and along the corridor of the Trail Project, the acquisition of which is necessary and appropriate for the development of the Trail Project; and

WHEREAS, the parcels identified in the Prior Ordinance and those identified subsequent thereto are listed on Exhibit A which is attached and incorporated ("Acquisition Parcels"); and

WHEREAS, the City Council of the City finds that it is useful, necessary and advantageous for the City to acquire the Acquisition Parcels for municipal purposes, including but not limited to the Trail Project, public ownership and control of the Acquisition Parcels, and for the establishment of public open space; and

WHEREAS, the City Council has determined that the acquisition of the Acquisition Parcels is useful, desirable, and necessary for the ownership and use thereof by the City; now, therefore,

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

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. It is hereby determined, declared and found that it is useful, desirable and necessary that the City of Chicago acquire fee interests, permanent

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easements or other property interests in the Acquisition Parcels ("Property Interests") for the municipal purpose of providing the construction or implementation of the Trail Project, or for any other lawful municipal purpose.

SECTION 3. The Corporation Counsel is hereby authorized to negotiate, on behalf of the City, the acquisition of the Property Interests with the respective owners of each of the Property Interests ("Owners").

SECTION 4. If the Corporation Counsel is able to agree with any Owner upon the price to be paid for the Owner's Property Interests, or a portion thereof ("Purchase Price"), then the Commissioner of CDOT or a designee of the Commissioner of CDOT (together, the "Transportation Commissioner"), is authorized to purchase the respective Property Interests, or a portion thereof, in the name of and on behalf of the City of Chicago with the purchase price for such Property Interests to be paid out of any funds of the City that are legally available for the Trail Project ("Available Funding"), including, without limitation, proceeds of any grants or other funds received by the City.

SECTION 5. If the Corporation Counsel is unable to agree with any Owner as to the purchase price for such Owner's Property Interests, or if any such Owner is unable to convey clear title to such Property Interest, or if the Owner cannot be found, then the Corporation Counsel may institute and prosecute condemnation proceedings in the name of and on behalf of the City for the purpose of acquiring the respective Property

Interest, or a portion thereof or interests therein, under the City's power of eminent domain, with compensation to be paid from Available Funding.

SECTION 6. The Transportation Commissioner and the Commissioner of the Department of Planning and Development (or a designee thereof) are each hereby authorized to execute such agreements and documents as may be necessary to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel. Such agreements and documents include agreements and other documents with quitclaim conveyance provisions and indemnification provisions relating to the condition or future use of the Acquisition Parcels, all as approved by the Corporation Counsel.

SECTION 7. If any provision of this ordinance shall be held invalid or unenforceable for any reason, the validity or enforceability of any of the other provisions of this ordinance shall not be affected by such holding.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and approval.

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Exhibit A

Acquisition Parcels (Subject To Final Survey And Title Commitment)

Acquisition Parcels in Prior Ordinance

17-20-404-026 17-20-414-001 17-20-415-001 17-20-425-001 17-20-426-001 17-20-434-001 17-20-443-001 17-20-435-001 17-20-433-003  
902 West 18th Street 927 West 18th Street 936 West 19th Street 919 West 19th Street 919 West 19th Place 933 West Cullerton 1426 South Sangamon 919 West 20th Place 947 West Cullerton

Acquisition Parcels subsequently identified

North of Cermak

17-20-443-001  
17-20-444-005  
17-20-444-004  
17-20-442-002  
17-20-442-003

2101 South Sangamon 926 West Cermak 932 West Cermak 946 West Cermak 2140 South Canalport

Along Cermak 17-29-200-033 17-29-502-001 17-29-502-001 17-29-502-001 17-29-502-055 17-29-502-051

1001 West Cermak 1125 West Cermak 1201 West Cermak 1301 West Cermak 1401 West Cermak 1501 West Cermak

Parallel to Blue Island

17-30-210-064 17-30-210-018 17-30-502-002 17-30-502-005 17-30-502-006  
2206 South Blue Island 2250 South Paulina 2326 South Wood 2400 South Wolcott 2601 South Western

Along 26th and Southwest to Canal

16-25-502-001 16-25-502-020 16-25-501-003 16-25-500-002 16-25-500-001  
2600 South Western 2602 South Western 2801 West 26th Street 2951 West 26th Street 2801 South Troy

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16-26-501-001      3326 West 31st Street  
16-35-501 -001      3201 South Central Park  
16-35-501 -002      3260 South Central Park

Plus any adjoining railroad easements for spurs, sidings, extensions of and connections to the rail line identified by the PINs listed above.

