



Office of the City Clerk

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

Legislation Text

File #: O2019-239, Version: 1

COMMERCIAL VACATION 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 Catholic Bishop of Chicago, an Illinois corporation sole ("Grantor #1"), owns the properties at 1-35 W. Chicago Avenue, 728-754 N. State Street, 2-24 W. Superior Street, 749-755 N. Dearborn Street and 733-743 N. Dearborn Street, and has conveyed to JDL Superior LLC ("Developer") all of Grantor #1's reversionary interest in the north-south 12 foot public alley that is to be vacated pursuant to this ordinance, pursuant to Grantor #1's quit claim deed, dated November 29, 2018, and recorded on December 5, 2018, as document number 1833906205 ("Deed #1"); and

WHEREAS, Grantor #1's conveyance to Developer pursuant to Deed #1 is conditioned upon and subject to the following: "(1) successful vacation of the alley by Grantee, and (2) Grantee's closing on the purchase from Grantor of, and taking ownership of title to, the real property owned by Grantor and generally bounded by Chicago Avenue, State Street, Superior Street, and Dearborn Street in Chicago, Illinois; provided, if said closing and taking of ownership of title by Grantee does not occur by a date no later than March 31, 2019, then this Quit Claim Deed shall be of no force or effect"; and

WHEREAS, V&K Holdings LLC, an Illinois limited liability company ("Grantor #2"), owns the properties at 745-747 N. Dearborn Street, and has conveyed to Developer all of Grantor #2's reversionary interest in the north-south 12 foot public alley that is to be vacated pursuant to this ordinance, pursuant to Grantor #2's quit claim deed, dated November 29, 2018, and recorded on December 5, 2018, as document number 1833906206 ("Deed #2"); and

WHEREAS, Grantor #2's conveyance to Developer pursuant to Deed #2 is conditioned upon and subject to the following: "(1) successful vacation of the alley by Grantee, and (2) Grantee's closing on the purchase from Grantor of, and taking ownership of title to, that certain real property located at 745 North Dearborn, Chicago, Illinois; provided, if said closing and taking of ownership of title by Grantee does not occur by a date no later than March 31, 2019, then this Quit Claim Deed shall be of no force or effect"; and

WHEREAS Chicago Title Land Trust Company, as successor trustee to LaSalle National Bank, as trustee under trust agreement dated September 7, 1984 and known as trust number 106490 ("Grantor #3"), owns the properties at 729-731 N. Dearborn Street and 26-36 W. Superior Street and has conveyed to Developer all of Grantor #3's reversionary interest in the north-south 12 foot public alley that is to be vacated pursuant to this ordinance, pursuant to Grantor #3's quit claim deed, dated September 28, 2018, and recorded

on October 4, 2018, as document number 1827745045 ("Deed #3"); and

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WHEREAS, Grantor #3's conveyance to Developer pursuant to Deed #3 is conditioned upon and subject to the following: "(1) successful vacation of the alley by Grantee and (2) Grantee's reservation, for the benefit of Grantor, of an exclusive easement over the western eight (8) feet of the Property legally described in Deed #3; and

WHEREAS, the Developer proposes to use the portion of the alley to be vacated herein, in combination with the real property Developer is to purchase from Grantor #1 and Grantor #2, as more specifically set forth in Deed #1 and Deed #2, respectively, for the construction of a mixed-use development under Planned Development 1401, as approved by the City Council of the City of Chicago on February 28, 2018, and published on pages 68699-68732 of the Journal of the Proceedings of the City Council of Chicago for such date; 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 portion of the public alley described in this ordinance; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO: SECTION 1.

VACATION: THE NORTH-SOUTH PUBLIC ALLEY LYING EAST OF LOTS 16 THROUGH 26, BOTH INCLUSIVE AND WEST OF THE WEST LINE OF LOTS 15 AND 27 IN OGDEN AND TOOLE'S SUBDIVISION OF BLOCK 33 OF WOLCOTT'S ADDITION TO CHICAGO WITH BLOCK 50 IN KINZIE'S ADDITION TO CHICAGO, BEING A SUBDIVISION OF THE NORTHEAST FRACTION OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST, OF THE THIRD PRINCIPAL MERIDIAN, ANTE-FIRE RECORDED APRIL 13, 1852 PER DOCUMENT NUMBER 34032 AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 26 AFORESAID; THENCE SOUTH 89 DEGREES 49 MINUTES 47 SECONDS EAST ALONG THE SOUTH LINE OF W. CHICAGO AVENUE 12.00 FEET TO THE NORTHWEST CORNER OF LOT 27 AFORESAID; THENCE SOUTH 00 DEGREES 06 MINUTES 21 SECONDS WEST ALONG THE WEST LINE OF SAID LOTS 15 AND 27 AND WEST LINE OF THE EAST WEST ALLEY VACATED AUGUST 13, 1993, PER DOCUMENT NUMBER 93642445 A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 27 TO THE NORTHWEST CORNER OF LOT 15 A DISTANCE OF 278.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE NORTH 89 DEGREES 52 MINUTES 52 SECONDS WEST ALONG THE NORTH LINE OF W. SUPERIOR STREET 12.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 16; THENCE NORTH 00 DEGREES 06 MINUTES 21 SECONDS EAST ALONG THE EAST LINE OF LOTS 16 THROUGH 26 A DISTANCE OF 278.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. AREA OF PROPERTY = 3,336 SQ. FT. OR 0.08 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 Commonwealth Edison ("ComEd"), its successors or assigns, a non-exclusive utility easement to operate, maintain, construct, replace and renew overhead wires, poles, and associated equipment and underground conduit, cables, and associated equipment for the transmission and distribution of electrical energy, telephonic and associated services under, over and along the alley herein vacated, with the right of ingress and egress. The grade of the vacated public way shall not be altered in a manner so as to interfere with the operation and maintenance of ComEd facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without an express written release of easement by ComEd. Any future relocation of facilities lying within the area being vacated and initiated by Developer or its successors or assigns will be accomplished by ComEd, at the expense of the Developer or its successors or assigns.

SECTION 3. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer or its successors or assigns 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 sidewalks 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 4. The vacation herein provided for is made upon the express condition that prior to the Developer's or its successor's or assign's filing for recordation with the Office of the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance, together with the full-sized plats as approved by the Acting Superintendent of Maps and Plats (see Section 5 below), the Developer or its successors or assigns 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 Three Million One Hundred Seventy Thousand Dollars (\$3,170,000) (such amount, the "Original Appraised Value"), which sum in the judgment of this body will be equal to such benefits.

SECTION 5. The vacation herein provided for is made upon the express condition that within ninety (90) days after the passage of this ordinance, the Developer or its successors or assigns shall file or cause to be filed for recordation with the Office of the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance, together with the associated full-sized plats as approved by the Acting Superintendent of Maps and Plats.

SECTION 6. The vacation herein provided for is made upon the express condition that not later than July 30, 2019 (the "Outside Compliance Date"): (a) the Developer or its successors or assigns shall be in title to all the properties that abut the north-south alley to be vacated pursuant to this ordinance; (b) after the Developer or its successors or assigns have acquired title to all the properties that abut the north-south alley to be vacated pursuant to this ordinance, the Developer or its successors or assigns shall pay for an appraisal, ordered by the City's Department of Law, no later than thirty (30) days following the later of the date on which the City's Department of Law (Attn: Deputy Corporation Counsel, Real Estate and Land Use Division) or the City's Department of Transportation (Attn: Acting Superintendent of Maps) receives written notice from the Developer or its successors or assigns of such acquisition, which notice must

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include a title policy that identifies the Developer or its successors or assigns as the title holder to the properties that abut the north-south alley to be vacated pursuant to this ordinance, and made by a qualified MAI appraiser approved by the Department of Transportation, of such north-south alley (such appraisal, the "Updated Appraisal"); and (c) the Developer or its successors or assigns shall pay the City an amount equal to

the difference between the value of such north-south alley as determined by the Updated Appraisal (such amount, the "Updated Appraised Value") and the Original Appraised Value. In the event that conditions (a), (b) and (c) of the preceding sentence are not satisfied by the Outside Compliance Date, then the City shall have the right to: (x) record a lien against the vacated north-south alley in an amount equal to the difference between the Updated Appraised Value and the Original Appraised Value; and (y) the right to withhold the issuance of building permits and certificates of occupancy for any developments constructed on the to be vacated north-south alley or any properties abutting such alley and owned by the Developer or its successors or assigns. In the event the dollar amount of the Updated Appraised Value is less than the dollar amount of the Original Appraised Value, the City shall not owe any amounts to the Developer.

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

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Vacation Approved:

Rpbekah Scheinfeld Commissioner of Transportation

Approved as to Form and Legality

Lisa Misher
Deputy Corporation Counsel

Honorable Brian Hopkins Alderman, 2nd Ward
Vacation Approved:

Rebekah Scheinfeld Commissioner of Transportation
Approved as to Form and Legality

Lisa Misher
Deputy Corporation Counsel

Alderman, 2nd Ward

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Chicago Department of Transportation

city of chicago

12/06/18

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

Attention: Ms. Lisa Misher Deputy
Corporation Counsel

Re: Proposed Vacation for JDL Superior LLC Commercial File:
09-02-18-3846

Dear Mr. Siskel:

Pursuant to a request from Mr. Jim Letchinger, we are transmitting herewith for your review and approval as to form and legality an original and three (3) copies of a proposed vacation the N-S 12' wide dedicated alley in the block bounded by W. Chicago Avenue, W. Superior Street, N. State Street and N. Dearborn Street. This property is located in the 2nd Ward.

The Catholic Bishop of Chicago and V&K Holdings LLC are the owners of record to the properties adjoining the public alley to be vacated. The Catholic Bishop of Chicago and V&K Holdings LLC have quitted their interests in the alley to JDL Superior LLC contingent upon successful closing on the sale of the adjacent lots (due end of December 2018). The people to contact in connection with this proposed ordinance are Attorneys Katie Jahnke Dale and Paul Shadle at 312-368-2153 and 312-368-3493 respectively; and Mr. Letchinger at 312-642-7005.

An easement for Corned has been reserved in Section 2. A deposit to CDOT will be required for curb and walk work as mandated by Section 3. All other underground utility agencies are either not involved or have made suitable arrangements. Section 4 of the ordinance requires compensation to the City for the land being conveyed. Sections 5 and 6 are standard language regarding the ordinance.

Scheinfeld Commissioner
Originated by:

__uann Hamilton Deputy Commissioner

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

Workforce Development and Audit

January 23, 2019 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 JDL SUPERIOR, LLC - 02019-239 A proposed vacation of the North-South 12' wide dedicated alley in the block bounded by West Chicago Avenue, West Superior Street, North State Street and North Dearborn Street This ordinance was referred to Committee on December 12, 2018.

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

(Ward 2)

Respectfully submitted,

Anthony
Chairman

Beale,

Approved Approved