



Office of the City Clerk

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

Legislation Text

File #: O2019-2779, **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 properties at 2911-2919 W. Fullerton Avenue, 2923-2933 W. Fullerton Avenue, and 2384-2392 N. Milwaukee Avenue are owned by Liberty Bank Savings and Loan Association of Chicago ("Developer"); and

WHEREAS, the Developer proposes to use the portion of the alley vacated herein for customer parking and unification of their property; 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 OF THE NORTH 85.64 FEET OF THE 16 FOOT WIDE PUBLIC ALLEY LYING SOUTH OF THE SOUTH LINE OF W. FULLERTON AVENUE AND WESTERLY ADJACENT TO LOT 41 IN BLOCK 3 IN BLANCHARD'S SUBDIVISION OF THE NORTH 22 RODS OF THAT PART WEST OF N. MILWAUKEE AVENUE OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 2, 1870 AS DOCUMENT 47188 IN COOK COUNTY, ILLINOIS, BEING 1,370 SQUARE FEET OR 0.031 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.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and AT&T/SBC, and their successors and 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 Commonwealth Edison and/or AT&T/SBC facilities. No construction, buildings, permanent structures or obstructions shall

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occur or be placed over the area herein vacated without express written release of easement by the involved utilities. Any future Developer-prompted relocation of facilities lying within the area herein vacated will be accomplished by the involved utility, and be done at the expense of the Developer, its successors or assigns.

SECTION 3. The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Co. ("Peoples Gas") 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. It is further provided that no buildings or other structures shall be erected upon or over said easement herein reserved for Peoples Gas 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. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without express written release of easement by the involved utility. Any future Developer-prompted relocation of Peoples Gas facilities lying within the area herein vacated will be accomplished by Peoples Gas, and completed at the expense of the Developer, 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 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 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 alley hereby vacated the sum of _____ dollars (\$ _____), which sum in the judgment of the City shall be equal to such benefits.

SECTION 6. The vacation herein provided for is 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, 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 7. This ordinance shall take effect and be in force from and after its passage and publication. 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

Approved as to Form and Legality

Lisa Misher
fr-man, 1st Ward
Deputy-Corporation Counsel

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Chicago Department of Transportation

CITY OF CHICAGO

03/09/19

Edward Siskel Corporation Counsel
Room 600 - City Mall Chicago, IL
60602-1289

Attention: Ms. Lisa Misher Deputy
Corporation Counsel

Re: Liberty Bank Savings and Loan Association of Chicago Commercial
Vacation File: 36-01-18-3874

Dear Mr. Siskel:

Pursuant to a request from Kenneth Holman, we are transmitting herewith for your review and approval as to form and legality an original and three (3) copies of an alley vacation in the block bounded by W. Fullerton Avenue, N. Milwaukee Avenue, W. Medill Avenue and N. Sacramento Avenue. This property is located in the 1st Ward.

Liberty Bank Savings and Loan Association of Chicago, is the owner of record to all of the surrounding properties. The people to contact in connection with this proposed ordinance are Attorney Tom Pikarski at 312-521-7001 and Mr. Kenneth Holman at 773-489-4366.

Originated by: .

Luann Hamilton Deputy Commissioner

RS: LH: RD

Alderman Proco Joe Moreno
(^Iderrtian; Anthra . -f\$

Sandra Foreman/w Attach! Efwg.-s.f. & Ord. (3) file copies

(2) Maps & Plats

30 NORTH LASA LL li STREET, SUITE 3 1.00. CHICAGO, ILLINOIS 60602

Howard B. Brookins, Jr.

ALDERMAN, 21stWARD

9011 South Ashland Ave Suite B Telephone: (773) 881-9300 Fax:(773)881-2152

CITY COUNCIL

CITY OF CHICAGO

COUNCIL CHAMBER

City Hall - Room 305 121 North LaSalle Street Chicago, Illinois 60602 Telephone: 312-744-4810 Fax:312-744-7738

COMMITTEE MEMBERSHIPS

Transportation & Public Way (Chairman)

Aviation

Budget & Government Operations

Economic, Capital & Technology Development Finance

Committees and Rules

Workforce Development & Audit

June 12, 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 LIBERTY BANK SAVINGS AND LOAN ASSOCIATION OF CHICAGO - 02019-2779 A proposed alley vacation in the block bounded by West Fullerton Avenue, North Milwaukee Avenue, West Medill Avenue and North Sacramento Avenue This ordinance was referred to Committee on April 10, 2019.

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

(Ward 1)

Howard Brookins, Jr., Chairman

Respectfully submitted,