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Legislation Text

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OFFICE OF THE MAYOR

CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

July 24, 2019

TO THE HONORABLE, THE CITY COUNCIL OF THE CITY
OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith an ordinance authorizing amendments to previously executed agreements with various railroads and the Chicago Park District regarding the Wells-Wentworth Connector.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

AMENDATORY 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, on June 27, 2018, the City Council approved an ordinance (C. J. pp. 80028 - 80037) ("Ordinance") authorizing the acquisition of certain property interests from the Illinois Central Railroad Company (ICR), Union Pacific Railroad Company ("UPR"), Burlington Northern Santa Fe Railroad ("BNSF") and the Chicago Park District, and the execution by the Commissioner of the Chicago Department of

Transportation ("CDOT") of agreements with such parties, as necessary and appropriate to complete the construction of railroad bridges over Wells Street and Wentworth Avenue, in connection with the extension and connection of South Wells Street and South Wentworth Avenue between West Roosevelt Road and West 16th Street ("Project"); and

WHEREAS, the Ordinance omitted an express statement of the authority of Commissioner of CDOT to execute agreements that included a City obligation to indemnify, defend and hold harmless a party to the extent deemed necessary by the Commissioner in connection with the performance of obligations authorized for such agreements; now therefore,

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

SECTION 1. Section 7 of the Ordinance is hereby amended to add the underscored language as follows:

"SECTION 7. In addition to the authority set forth in Sec. 2-102-030(w)(2) of the Municipal Code of Chicago, the Transportation Commissioner is also authorized to execute such additional agreements, amendments, and documents as are reasonably necessary or appropriate to implement this ordinance, including the construction and installation of the Project. Such agreements, amendments and documents may include such indemnification, defense and hold harmless of a party as the Transportation Commissioner deems necessary and appropriate for completion Of the Project, subject to the approval of the Corporation Counsel as to form and legality."

SECTION 2. Paragraph 1 of Exhibit E of the Ordinance is hereby further amended to add the underscored language as follows:

"Amendment. Effective upon execution of the Agreement, the terms and conditions of the Existing SCAL Bridge Easement are hereby amended as provided herein."

SECTION 3. Exhibit E of the Ordinance is hereby further amended to add the following new paragraph:

"6. The City shall indemnify defend and hold harmless one or more of the Railroad Parties."

SECTION 4. Exhibit F of the Ordinance is hereby amended to add the following new paragraph:

"6. The City shall indemnify defend and hold harmless ICR."

SECTION 5. 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 6. This ordinance shall take effect and be in force from and after its passage and approval.