



Office of the City Clerk

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

Legislation Text

File #: O2020-3450, 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 approximately 4050 W. Peterson Avenue and 4054 W. Peterson Avenue are owned by Ruie Transfer IL, Inc., an Illinois corporation ("Developer"); and

WHEREAS, the Developer proposes to use the portion of the alley to be vacated herein for parking for the adjacent new development; 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 the following ordinance; now therefore,

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

SECTION 1.

VACATION OF THE NORTH-SOUTH 16 FOOT ALLEY LYING NORTH OF AND ADJOINING THE NORTH RIGHT-OF-WAY LINE OF W. PETERSON AVENUE; LYING SOUTH OF AND ADJOINING THE NORTH LINE OF LOT 15 EXTENDED WEST TO THE NORTH EAST CORNER OF THAT PART OF LOT 16; LYING WEST OF AND ADJOINING THE WEST LINE OF SAID LOT 15; LYING EAST OF AND ADJOINING THE EAST LINE OF PART OF LOT 16, ALL IN BLOCK 19 IN KRENN AND DATO'S CRAWFORD - PETERSON ADDITION TO NORTH EDGEWATER, BEING A SUBDIVISION OF THE NORTHEAST FRACTIONAL 1/4 (EXCEPT THE NORTH 42 RODS) AND THE FRACTIONAL SOUTHEAST QUARTER OF SECTION 3 (NORTH OF INDIAN BOUNDARY LINE), TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 12, 1924 AS DOCUMENT NUMBER 8548903, IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINING 1,728 SQUARE FEET OR 0.040 ACRE, 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 vacations.

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SECTION 2.. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and Comcast and their 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; and also .for City of Chicago electrical operations having a controller on the same Commonwealth; Edison pole. 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 Comcast 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(ies). Any future Developer-prompted relocation of facilities lying within ^ will be accomplished by the involved utility, and be done at the sole 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, and prior to the recording of this ordinance, the Developer shall (a) deposit in the City Treasury of the City of Chicago, a quoted sum sufficient to defray the cost of necessary improvements to adjacent public paying; curb, and; related appurtenances associated with its project in the event that it defaults in its obligation to construct the directed improvements 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 (b) submit for field inspection and¹ approval of its construction of said improvements, to the CDOT Division of Infrastructure Management, Construction Compliance Unit, Room 905 City Hall, for return of the monies deposited (less any City-authorized fees).

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

Fifty-Two Thousand Dollars (\$ 52,000.00),
which sum in the judgment of the City will be equal to such benefits;

SECTION 5. The vacation herein provided for is made under the express condition that the Developer, its successors: and assigns, shall hold harmless, indemnify and defend the City of Chicago from all claims related to said vacation.

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 Department of Transportation's Superintendent of Maps and Plats.

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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.

Vacation Approved:

Commissioner of Transportation Approved as to Form and Legality

Arthur Dolinsky Senior Counsel

Introduced By:

Honorable Samantha Nugent Alderman; 39th Ward

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EXHIBIT "A"

PLAT

THE NORTH-SOUTH .16 FOOT ALLEY LYING NORTH OF AND ADJOINING THE NORTH RIGHT-OF-WAY LINE OF W. PETERSON AVENUE; LYING SOUTH OF AND ADJOINING THE NORTH LINE OF LOT .15 EXTENDED WEST TO THE NORTH EAST CORNER OF THAT PART OF LOT 16; LYING WEST OF, AND ADJOINING THE WEST LINE OF SAID LOT 15; LYING EAST OF, AND ADJOINING THE EAST LINE OF PART OF LOT 16; ALL IN BLOCK 19 IN KRENN AND DATO'S CRAWFORD-PETERSON ADDITION TO NORTH EDGEWATER; BEING A SUBDIVISION OF THE NORTHEAST FRACTIONAL 1/4 (EXCEPT THE NORTH 42 RODS) AND THE FRACTIONAL SOUTHEAST QUARTER OF SECTION 3 (NORTH OF INDIAN BOUNDARY LINE), TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 12, 1924 AS DOCUMENT NUMBER 8548903, IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINING 1,726 SQUARE FEET OR 0.040 ACRE, MORE OR LESS.

CDOT # 03-39-18-3862

PROJECT. No.;
2018-2308*1
issue oate: ',
0tV02gQ- "
SCALE: V=60'
SHEET. NUMBER

1 OF 2

PLAT PREPARED FOR: ,GW PROPERTIES
2211 N.' ELSTON AVE.. ' SUITE'304.; CHICAGO, IL 150614.
PLAT PREPARED BY:

UNITED SURVEY SERVICE, LLC

CONSITAION AND LAND. SURVEYORS' ' 7710 CENTRAL AVENUE. RIVER FOREST. ILLINOIS. 60305 TEL: (847) 299- 1010 FAX: (647) 2M - S88T E-MAIL: USURVEY@USANDCS.COM
<mailto:USURVEY@USANDCS.COM>

EXHIBIT "A" .PLAT OF VACATION

MAIL TO:
GW PRbPERTIES
.2211 N: ELSTON AVE,' SUITE 304. CHICAGO, II 60614

AFFECTED PERMANENT INDEX NUMBERS:

13-03-228 - 039-0000- PAKT OF LOT 1fl i3rO3.-220.T,04O-0p00 LOT.16

CITY CLERK

SURVEYOR'S NOTES:

THE BASIS OF BEARINGS IS ASSUMED.

CITY OF CHICAGO ZONED: 'BI-1. NEIGHBORHOOD SHOPPING DISTRICT

DATE OF COMPLETION OF FIELD WORK: MARCH 25,2020

NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENTS.

STATE OF ILLINOIS) <
) S S
COUNTY OF COOK)

I, ROY G; LAWNICZAK; DO HEREBY CERTIFY THAT I HAVE SURVEYED TUG ABOVE DESCRIBED PROPERTY AND THAT.THF • PLAT HEREON DRAWN IS A CORRECT-REPRESENTATION OF SAID SURVEY.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DIMENSIONS ARE SHOWN IN FEET AND DECIMALS AND ARE CORRECTED TO A TEMPERATURE OF 63° FAHRENHEIT.

COMPARE THIS PLAT; LEGAL DESCRIPTION AND ALL SURVEY MONUMENTS BEFORE BUILDING, AND IMMEDIATELY REPORT ANY DISCREPANCIES TO THE SURVEYOR.

RIVER FOREST. ILLINOIS. JUNE 02, A.D. 2020.

C.D.O.T.

#03-39-18-3862

CITY OF CHICAGO

06/01/2020

Mark: A. Flessner Corporation Counsel Room 600 -
City Hall Chicago, IL 60602-1289

Attention: Lisa Misher Deputy Corporation Counsel

Re:Proposed Vacation for Rule Transfer IL
Commercial File: 03-39-18r3862 j

Dear Mr. Flessner:

Pursuant to a request from Mr. Shai Wolkowicki, we are transmitting herewith for your review and approval as to form and legality an original and three (3) copies of a proposed vacation of a portion of the N-S alley in the block bounded by W. Peterson Avenue, N. Keystone Avenue* W. Glen lake Avenue and railroad tracks to the; west (approximately N. Kedvale Avenue). This property is located in the 39th Ward. t

Rule Transfer TL is the owner of record to the private;property adjoining the public alley to be vacated. The;people to contact ;in connection with :this; proposed' ordinance are Attorney Tyler Mahicior Ms: Leslie; Magnabosco at 312-345-5730 and Mr. Shjai Wolkowicki at 7-73-382-0591.

Section 2 of the ordinance reserves an easement for Commonwealth Edison and Comcast within the alley to be vacated; Section 3 requires the construction required deposit for curb and walk. All other underground utility agencies are either not involved or have made suitable accommodations. 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.

Gia Biagi Commissioner

Originated by

GB: WH: RD

cc: Aldernnan Samantha Nugent (39) Alderman.Brookins
Sandra.Fprernan/w Attach. Dwg.-s.f. & Ord.(3) file copies **Maps & Plats**