



Office of the City Clerk

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

Legislation Text

File #: O2020-4848, **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 property at 4616 N. Winthrop Avenue is owned by Uptown 4601 Owner LLC, a Delaware limited liability company ("Developer"); and

WHEREAS, the properties at 1050 to 1054 W. Wilson Avenue are owned by 1050 Wilson Partners LLC, an Illinois limited liability Company; and

WHEREAS, 1050 Wilson Partners LLC has quit claimed its interest in the alley subject to an access easement; and

WHEREAS, the Developer proposes to use the portion of the alley remnant to be vacated herein for loading and accessory uses in support of an adjacent new mixed use building, as approved under Planned Development 1366 (PD1366); 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 the remaining 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:

THAT PART OF AN EASTERLY-WESTERLY 16 FOOT WIDE PUBLIC ALLEY, LYING IN THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT THE SOUTHEAST CORNER OF LOT 18 IN THE SUBDIVISION OF LOTS 172 TO 180 INCLUSIVE IN THE WILLIAM DEERING SURRENDEN SUBDIVISION RECORDED JULY 9, 1901 AS DOCUMENT NO. 3124155; SAID POINT ALSO BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF S. WINTHROP AVENUE; THENCE SOUTHEASTERLY, ALONG SAID SOUTHWESTERLY LINE, BEING A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 126.44 FEET, AN ARC DISTANCE OF 19.94 FEET, A CHORD BEARING SOUTH 62 DEGREES 25 MINUTES 30 SECONDS EAST, AND A CHORD DISTANCE OF 19.92 FEET TO THE MOST NORTHERLY CORNER OF LOT 2 IN WILLIAM H. VEON'S SUBDIVISION RECORDED DECEMBER 18, 1908 AS DOCUMENT NO. 4303954; THENCE SOUTH 64 DEGREES 08 MINUTES 33 SECONDS WEST, ALONG THE NORTHERLY LINE OF SAID LOT 2, A DISTANCE OF 61.59 FEET, TO THE NORTHWEST CORNER OF SAID LOT 2 AND BEING ON THE EASTERLY LINE OF PREVIOUSLY VACATED PORTION OF SAID ALLEY, RECORDED SEPTEMBER 5, 1925 AS DOCUMENT NUMBER 9026965; THENCE NORTH 01 DEGREES 00 MINUTES 35 SECONDS WEST, ALONG SAID EASTERLY LINE AND BEING THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF SAID LOT 2 A DISTANCE, A DISTANCE OF 17.63 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 18, BEING 46.42 FEET NORTHEASTERLY OF THE MOST SOUTHERLY CORNER OF SAID LOT 18; THENCE NORTH 64 DEGREES 08 MINUTES 33 SECONDS EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 42.32 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 826 SQUARE FEET OR 0.019 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 The Peoples Gas Light and Coke Co. a nonexclusive 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 The Peoples Gas Light and Coke Co. 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 an express written release of easement from The Peoples Gas and Coke Co. The Developer acknowledges that any future utility work initiated by it, its successors or assigns, involving The Peoples Gas and Coke Co. within the public way area vacated, requires prior review by the City's Office of Underground Coordination. Relocation of The Peoples Gas and Coke Co.'s facilities will be accomplished by The Peoples Gas and Coke Co. at the sole expense of the Developer, its successors or assigns. Any future release of easement by The Peoples Gas and Coke Co. shall include, at the option of The Peoples Gas and Coke Co., the abandonment in place of the existing facilities, equipment and appurtenances as may be located over, through, under, along and across the vacated area. It is further provided that all costs and expenses associated with the removal of abandoned facilities shall be borne exclusively by the Developer, its successors and assigns and not by The Peoples Gas and Coke Co.

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SECTION 3. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and ATT/SBC 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 public way 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 said facilities. No construction, buildings, permanent structures or other obstructions shall occur or be placed over the area herein vacated without the express written release of easement by the involved utilities. The Developer acknowledges that any future utility work initiated by it, its successors or assigns, involving the utilities herein reserved for within the public way areas vacated, requires prior review by the City's Office of Underground Coordination. Utility relocations will be accomplished by the involved utilities, at the sole expense of the Developer, its successors or assigns. Any future release of easement by the reserved utilities shall include, at the utility's option, the abandonment in place of the existing facilities, equipment and appurtenances as may be located over, through, under, along and across the vacated area. It is further provided that all costs and expenses associated with the removal of abandoned facilities shall be borne exclusively by the Developer, its successors and assigns and not by the abandoning utilities.

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

One Hundred Seven-Five Thousand dollars (\$ 175,000.00),
which sum in the judgment of this body 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 are 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 plat as approved by the Superintendent of Maps and Plats.

SECTION 6.. 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:

Gia

Commissioner of Transportation Approved as to Form and Legality

Arthur Dolinsky Senior Counsel

Introduced By:

Honorable James Cappleman Alderman, 46th Ward

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PLAT OF VACATION
OF

THAT PART OF AN EASTERLY-WESTERLY 111 FOOT WDE PUBLIC ALLEY, LYING IN THE VCST 1/2 OF IHF NOTIHEASI 1/4 OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY CESCRIQEO AS FCLLOWS:

AFFECTED P.I.N.'S
MAIL TO.

BEGINNING AT THE SOUTHEAST CONNER OF LOT 16 IN THE SUBDIVISION OF LOTS 172 TO 10(1 INCLUSIVE IN I-E WILLIAM UELRING SUHNLNDEN SUBDIVISION RECORDED JULY 0, 1901 AS DOCUMENT NO. 3124155, SAID POINT ALSO BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF S. WINTHROP AVLNUI; IHINCI SOUTHEASTERLY, ALONG SAID SUUTHWCSTEKLY LINE, BEING A CURVE, CONCAVE TO THE NOR 1H, HAVING A RADIUS OF T26.44 FEET, AN ARC DISTANCE OF 19 94 FEET, A CHORD BEARING SOUTH 62 DEGREFS 25 MINUTES 30 SECONDS EAST. AND A CHORD DISTANCE OF 19.92 FEET TO THE MOST NORTHERLY CORNER OF LOT 2 IN WILLIAM H. VEHON'S SUBDIVISION NECORDEO DECEMBER 18, 1908 AS DOCUMENT NO. 4303954; THENCE SOUTH 64 DEGREES 08 MINUTES J3 SECONDS WEST, ALONG THE NORTHERLY LINE OF SAID LOT 2, A DISTANCE OF 61.59 FEET, TO THE NORTHWEST CORNER OF SAID LOT 2 AND BEING ON THE EASTERLY LINE OF PREVIOUSLY VACATED P0HT1DN OF SAID ALLEY, RECORDED SEPTEMBER 3, 1925 AS DOCUMENT NUMBER 0028965; THENCE NORTH 01 DEGREES 00 MINUTES 35 SECONDS WEST, ALONG SAID EASTERLY LINE AND BEING THE NORTHERLY EXTENSION OF THE WESTERLY UNE OF SAJO LOT 2 A DISTANCE, A OISTANCE OF 17.83 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 18, BEING 40.42 FEET NCHTHEASTENLY OF THE MOST SOUTHERLY CORNER OF SAJO LOT 18; THENCE NORTH 64 DEGREES 08 MINUTES 33 SECONDS EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 42 32 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. SAID ABOVE DESCRIBED PARCEL CONTAINING 826 SQUARE FEET OR 0.019 ACRES, MORE OR LESS

W. LELAND AVENUE

WILSON AVENUE

(80' R.O.W.) (80' R.O.W.)
VACATED AREA
626 SQ. FT. SO TT. (0.019 ACRES)

SURVEYOR'S NOTES

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CITY DEPT. OF FINANCE

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4601 -4617 N BFIOADWAY STREET

CTTY OF CHICAGO, ILLINOIS

PLAT OF VACATION

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HOWARD B. BROOKINS, JR. ALDERMAN, 21ST WARD

9011 SOUTH ASHLAND AVE. SUITE B CHICAGO, ILLINOIS 60620 PHONE: 773-881-9300 FAX: 773-881-2152

CITY OF CHICAGO CITY COUNCIL

COUNCIL CHAMBER CITY HALL ROOM 305 121 NORTH LASALLE STREET CHICAGO, ILLINOIS 60602 PHONE: 312-744-4810 FAX: 312-744-7738

COMMITTEE MEMBERSHIPS TRANSPORTATION AND PUBLIC WAY (CHAIRMAN)

AVIATION

BUDGET & GOVERNMENT OPERATIONS

ECONOMIC, CAPITAL & TECHNOLOGY DEVELOPMENT

FINANCE

COMMITTEES AND RULES

WORKFORCE DEVELOPMENT & AUDIT

January 27, 2021 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 UPTOWN 4601 OWNER, LLC - 02020-4848 A proposed vacation of the remaining alley stub in the block bounded by West Wilson Avenue, North Broadway and West Leland Avenue. This ordinance was referred to Committee on October 07, 2020.

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

(Ward 46)

Howard Brookins, Jr., Chairman

Respectfully submitted,