



Office of the City Clerk

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

Legislation Text

File #: O2021-1873, Version: 1

COMMERCIAL DEDICATION/VACATION AND PUBLIC WAY EASEMENT 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 located at 158-182 N. May Street; 1133-1157 W. Lake Street, and 169-183 N. Racine Avenue are owned by Lake Street Corporation, an Illinois corporation, formerly-known as Leon's Sausage Company; and

WHEREAS, the properties located at 1132-1140 W. Randolph Street and 148-154 N. May Street, are owned by Randnob Holdings LLC, a Delaware limited liability company; and

WHEREAS Lake Street Corporation and Randnob Holdings LLC shall hereafter be referred to as, the "Developers"; and

WHEREAS, the Developers propose to use the portion of the alley remnant to be vacated therein for construction of a mixed-use retail development; in accordance with the associated Planned Development; and

WHEREAS, the City, [Council of the City; 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 property acceptance of the new alley dedication, as described in this ordinance;] now, therefore,

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

SECTION 1. The Commissioner of the Department of Transportation, or any of her designees, is each, hereby authorized and directed to approve a dedication of certain property owned by Lake Street Corporation, for use as a new east-west, 10-foot wide public alley, in the location as consented to by the adjacent title holder in EXHIBIT D, as legally described below and labeled as "HEREBY DEDICATED" on; the Plat of Dedication hereto attached as EXHIBIT A.

THAT PART OF LOT 14 AND THAT PART OF THE 18 FOOT WIDE NORTH-SOUTH VACATED ALLEY VACATED BY ORDINANCE PASSED NOVEMBER 26, 1986 AND RECORDED FEBRUARY 20, 1987 AS DOCUMENT NUMBER 87100801 BOTH INCLUSIVE, IN BLOCK 29 IN CARPENTER'S ADDITION TO CHICAGO, ANTE-FIRE, IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL

MERIDIAN,

AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 14 THENCE NORTH 00 DEGREES 03 MINUTES 17 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 14 ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF N. RACINE AVENUE 10.00 FEET; THENCE NORTH 89 DEGREES 51 MINUTES 25 SECONDS EAST 134.09 FEET TO EAST LINE OF SAID 18 FOOT VACATED ALLEY ALSO BEING THE WEST LINE OF LOT 13 IN BLOCK 29 IN CARPENTER'S ADDITION. AFORESAID; THENCE SOUTH 00 DEGREES 01 MINUTES 34 SECONDS EAST ALONG THE EAST LINE OF SAID 18 FOOT VACATED ALLEY ALSO BEING THE WEST LINE OF SAID LOT 13 A DISTANCE OF 10.00 FEET; THENCE SOUTH 89 DEGREES 51 MINUTES 25 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 14 AND ITS EASTERLY EXTENSION 134.09 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, SAID ABOVE: PARCEL CONTAINING 1,341 SQUARE FEET, OR 0.030 ACRES MORE OR LESS.

SECTION; 2. The Vacation shall be described as:

THAT PART OF THE 10 FOOT WIDE EAST-WEST PUBLIC ALLEY LYING NORTH OF AND ADJOINING THAT PART OF LOT 29 (EXCEPT THE WEST 3.60 FEET THEREOF) AND LOTS 30, 31 AND 32 (EXCEPTING PARTS OF SAID LOTS TAKEN FOR WIDENING OF WEST RANDOLPH STREET), AND LYING SOUTH OF AND ADJOINING LOT 21 ALL IN BLOCK 29 IN THE SUBDIVISION OF BLOCKS 7, 11, 13, 29, 47 AND 53 OF CARPENTER'S ADDITION TO CHICAGO, A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ANTE-FIRE, AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 21, ALSO BEING THE WEST RIGHT OF WAY OF N. MAY STREET; THENCE - SOUTH 00 DEGREES 00 MINUTES 09 SECONDS WEST 10.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 32, ALSO ON SAID WEST RIGHT OF WAY OF N. MAY STREET; THENCE SOUTH 89 DEGREES 51 MINUTES 36 SECONDS WEST ALONG THE NORTH LINE OF LOTS 32, 31, 30 AND THAT PART OF LOT 29, AFORESAID 96.14 FEET TO A POINT 3.60 FEET EAST OF THE NORTHEAST CORNER OF SAID LOT 29; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A LINE 3.60 FEET EAST AND PARALLEL TO THE WEST LINE OF LOT 29 AFORESAID 10.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 21; THENCE NORTH 89 DEGREES 51 MINUTES 36 SECONDS EAST ALONG THE SOUTH LINE OF LOT 21 AFORESAID, 96.14 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 961 SQUARE FEET OR 0.02 Acres more or less, as shaded and legally described by the words "HEREBY VACATED" on the Plat of Vacation hereto attached, as EXHIBIT B, which plat for greater clarity, is hereby made a part of this ordinance, 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 3. The Developers acknowledge that any private sewers, Appurtenances and connections within the area to be dedicated, shall be sealed, removed; or relocated to private property at the Developers' expense; in accordance with the standard procedures of the Department of Water Management; Sewer Section; or established as public through separate City Council action; if any existing private sewer is abandoned, the abandonment plans must be reviewed, approved; and permitted; by the Department of Water Management, Sewer Design Section prior to work.

SECTION 4. The Developers also acknowledges that they are responsible; for providing proper drainage in the alley, herein; dedicated, at their sole expense; and in accordance with plans; reviewed, approved and permitted by the Department of Water Management Sewer Design Section, prior to work; No new public, sewers shaft be established in the alley herein dedicated.

SECTION 5. The City of Chicago hereby reserves for the benefit of ATT/SBC and Comcast/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 within the public alley herein vacated, with the right of ingress and egress at all times. 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 structure or other obstructions shall occur or be placed upon the area herein vacated without an express written release of easement by the named utilities. The Developers acknowledge that any future utility work initiated by them, their successors or assigns, involving the utilities herein reserved for within the public way area 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 Developers, their successors and 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 Developers, and their successors, and assigns; and not by the abandoning utilities.

SECTION 6. The public way dedication herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, and prior to recording, the Developers shall deposit in the City Treasury of the City of Chicago, a quoted sum sufficient to defray the cost of work for public paving, curb, and related appurtenances associated with their project for use in the event that they default in their obligation to construct the directed improvements in accordance with the most current version of the Department of Transportation's Regulations for Opening, Repair and Construction, in the Public Way, and its appendices, and, in accordance with the Duty to Build Agreement executed by the contract purchase, attached herein and made a part of this ordinance as EXHIBIT C. The Division of Infrastructure Management, Construction Compliance Unit, Room 905; City Hall, shall return the deposit monies (minus service fee) upon inspection of the work and approval.

SECTION 7. The Commissioner of the Department of Transportation is hereby authorized to accept and approve a separate Public Way Easement Agreement or similar instrument restricting the private use and improvement of the '6' area labeled "HEREBY RESERVED FOR PUBLIC WAY EASEMENT" on the attached Plat of Dedication (EXHIBIT A), to a perpetual, non-exclusive, dedicated public access area for continued, unimpeded, open public

[pedestrian and vehicular access in conjunction with the dedicated public alley, subject to the approval of the Department of Transportation, and the Corporation Counsel as to form and legality;

SECTION 8. the vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developers shall pay 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

alleg hereby vacated the sum,
■- . . . dollars (\$),
which- sum in the judgment of this body will be equal to such benefits.

SECTION 9. The .vaeatjoh. arid. dedicatidn. are made: under the express con"dition; that the Developers, and. their successors and assigns, shall hold harmless, indemnify and defend the City of Chicago fromr fcall claims related to said vacation and dedication .

SECTION' 10. The vacation and dedication herein, set forth are made with; the, condition that within one hundred eighty (T80) days after the passage of this ordinance, the. Developers shall file or cause to be filed for recordation with the Office of the Recorder of Deeds of Cook County, Illinois acertified copy of this ordinance, together with the full-sized, Plat of Dedication and ;f?iat of Vacation as approved by. the- Department;, of Transportation's Superintendent: of Maps and Plats.

SECTION 11. This ordinance shall take effect and be in force from and after its passage and publication. The vacation and dedication shah take effect, and be in force from and after recording of the approved ordinance and associated plats.

Vacation,. Dedication Approved:

Gia; BiagT Commissioner of Transportation

Approved as to Form and Legality

Introduced By:

Honorable Walter Burnett | Alderman, 27th Ward

SUBDIVISION CF BLOCK'29 OF CARPENTER'S ADDITION TO .CHICAGO- [ANTE-F1RE]]

EXHIBIT "A" "

PLAT OF iiiieAti£>N

SEE PAGE 2 FOR IE G A L ' O E S C R I P T I O N :

^G^PHie'SGALE

'O .-JO' '40-

£ IN FEET. I

r = w-

LAKE STREET CDOT# 08-27-20-3934

AFFECTED PINS: ~ /
1T4SU2T-007*000 - LOTS 11 & 14'
17-084274Iir<d00:-LbT,'13
17-08-427-0124000 - LOTS 13 416

LEGAL DESCRIPTION:

THAT. PARTvof.?LOT 14VAND 'THAT PART. OF THE'IB FOOT WIDE
N6RTH:Sbjjth VACATED ALLEY VACATED BY, ORDINANCE PASSED
NOVEMBER: 26; ■ 1986 AND, RECORDED .FEBRUARY 1Z0,' 1987 AS
DOCUMENT NUMBER 87100801 BOTH INCLUSIVE,: IN BLOCK 29-IN
CARPENTER'S ADDITION TO CHICAGO, ANTE-FIRE, IN THE
SOUTHEAST QUARTER OF SECTION 8,TOWNSHIP 39 NORTH, RANGE
14;EAST OF'THE THIRD PRINCIPAL MERIDLAN,'AND DESCRIBED AS
FOLIOWS]'EGINNING AT THESOUTHWEST CORNER OF SAID LOT 14
THENCE NORTH DO DEGREES OJ MINUTES 17 SECONDS WEST ALONG
THE WEST UNE OF SAID LOT 14 ALSO BEING, THE EASTERLY RIGHT OF
WAY UNE OF N. RACINE AVENUE 10.00 FEET; THENCE.NORTH 69
DEGREES SI MINUTES 25 SECONDS/EAST 134.09 FEET TO EAST, UNE
OF SAID 18 FOOT VACATED ALLEY: ALSO BEING THE WEST LINE OF
LOT 13 IN BLOCK 29 IN 'CARPENTER'S ADDTION AFORESAID; THENCE
SOU™ 00 DECREES.01 MINUTES 34 SECOND5 EAST ALONG THE EAST
UNE.OF SAID « FOOT VACATED'ALLEY ALSO BEING THE. WEST UNE
Of, SAID-J.b'T,iu" ^ THENCE SOUTH 69
CHICAGO DEPARTMENT OF FINANCE
DEGREES SI MINUTES 25 SECONDS' WEST. ALONG THE SOUTH UNE
OF"SAID?Lpri4 AND'rfS■ EASTERLY EXTENSION 134*p9'FEET TO THE
roiNT; OF BEGINNING/ WjCOOK CXM*/.IUJN" SAIDhABOVE
PARCELrCONTAINING 't FEET,'OR OIOM ACRES MORE OR
LEssr "'-"

CHICAGODEPARTMENTOF-TRANSPORTATION.

OWNER'S CERTIFICATE:

: Steele oMlli.iDI5) County'of')ss

of the property, dasalbed hereon and that A has caused the said property lo do "" surveyed and declcatbd far Public Fught of Way as shown hereon. ■■ . dobs rtensbi' certify thai il ls lhb owner

OWNER'S CERTIFICATE:

Stated) Illinois) *)Countyof jss

of me property described hereon and that it has caused lha iald property north of and adjoining the hereby dedicated public right of way to do surveyed and hereby reserved far Public Way Easemenl.as shown hereon.

_a:D.2021.:

fir-

■ State- of Illinois) :Cburity of■")jss'

, a Notary Public In and for>lhe, County arrd StelB,

:afpresajd.- do hereby certify that.

'Uie.saWe person who appeared before mo this d<yin:p<rtson.s'nd acknowledged thai he '(she) is the owner of the property described on th'a pfat hereon ^rewn'and that as such iowfiei he (she)'signed, sealed and delivered the said instrument forthe uses and^d purposes therein sot forth; Given under my hand arid seal tinis"'. dBy'df .'. "" "A.O.202V..'

: Stale of Illinois)' ICounty'of;)ss

a Nolarv' Public in and for the County and Sieta
-aforesaid, do hereby certify that :... - - "' PorsonoDv Known to me lobe:

the same person who appeared before me this day In person and admwloed trial to (she) is lha owner of lha property described on the plat hereon drawn and thai as such: . .owner tie'.(she) signed, sealed and delivered tie'iald Instrument for the uses arid purposes thereir'set forth. Given under my hand.and ml 'lhis' day of A:d',2021,

lyolary Public -

SURVEY PREPARED FORV AND.MAILTO:

.Gabriel Leah'u: -2234 W." North/Avenue Chicago; Il. 60647 ■

IUr^Y^'.NbTES:

SURVEYOR'S: LICENSE EXPIRES: Noveinbor, 30, 2626.,

ZONING: vB, 1 (Neighborhood Shopping District)-2 (Neighborhood, Mixed Use District):

FIELD MEASUREMENTS COMPLETED ON OCTOBER 23, 2019;

Note: (R): & (M)'deriot9s Record'j^N^'^ilis^m i^eii&mlji.-

Distances are marked in feet and decimal parts thereof. Compare all points. BEFORE building by a party and at a time report any differences BEFORE damage is done.

For easements, building lines and other restrictions not shown on survey plat refer to your abstract deed, contract, sue policy and local building line regulations.

Noiary Public

SURVEYOR'S, CERTIFICATE
State of Illinois) County of Cook) ss

We, GREMLEY & BIEDERMANN, INC. hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey, corrected to a temperature of 59° Fahrenheit.

Field measurements completed on Nov 10, 2019 Signed on 11/10/2019 By: I
V I - fc^V Hi .

Professional Illinois Land Surveyor No. This professional service conforms to the standards for a boundary survey.

EXHIBIT "B" PLAT OF VACATION

THAT PART OF THE 10.00 FEET WIDE EAST WEST PUBLIC ALLEY LYING NORTH OF AND ADJOINING THAT PART OF LOT 29 (EXCEPT THE WEST 3.50 FEET THEREOF) AND LOTS 30, 31 AND 32 (EXCEPTING PARTS OF SAID LOTS TAKEN FOR WIDENING OF: WEST RANDOLPH STREET), AND LYING SOUTH OF AND ADJOINING LOT 11 AND LOT 12 IN BLOCK 29 IN THE SUBDIVISION OF BLOCKS,

"7, 11, 13, 29, V AND Disi o

A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 1, ...

"TOWNSHIP 33 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ANTE-FIRE, AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 11, ALSO BEING THE WEST RIGHT OF WAY OF N. MAY STREET; THENCE; SOUTH 00 DEGREES 00 MINUTES 09 SECONDS WEST 10.00 FEET. TO THE NORTHEAST CORNER OF SAID LOT 32, ALSO ON SAID WEST RIGHT OF WAY OF N. MAY STREET; THENCE SOUTH 89 DEGREES 51 MINUTES 36 SECONDS WEST ALONG THE NORTH LINE OF LOTS 32, 31, 30 AND THAT PART OF LOT 29 AFORESAID 96.14 FEET TO A POINT 3.60 FEET EAST OF THE NORTHEAST CORNER OF SAID LOT 19; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A LINE 3.60 EAST AND PARALLEL TO THE WEST LINE OF LOT 29 AFORESAID 10.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 11; THENCE NORTH 89 DEGREES 51 MINUTES 36 SECONDS EAST ALONG THE SOUTH LINE OF LOT 29 AFORESAID 96.14 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 96.14 SQUARE FEET OR 0.02 ACRES MORE OR LESS.

W: LAKE STREET,

(RECORD: 80 FT. PUBLIC RECORD.)

'cduvatoMj euumcjh

LOT
10
LOT
9?
r. LOT
' a
LOT
7
LOT
6"
LOT
4
LOT
3
LOT
2
LOT 1

LOT 15

I II I (li.il/ <http://li.il/>

J. I. I il. .! Jt3.U<L^±W '

&ttf-| 'X iMW-I «: 24.5^1 S^ SOUTH IUNE 0B:LOT5-29. iojil; «V 32.

.W. RANDOLPH [STREET

™JP,; (RECORD 150 :FT. :PUBUCIR.O.W.)
LEGEND
005131 al* n avagEea tatf uc.
gass-. -m ».-utEtn<t.

GRFMeV. i BIEDERMANN, ASM. ■
'BUILDING HATCH'
HERGBY VACATED

PLCiCwaunM

I vl
TO BE DEDICATED
CONCRETEHATCH:

V,K wan EutM MMLCutAU. IL UIK

2019-27087-002^;
CDOF# 08-27-20-3934

■: RECORD LINES
■: UNDERLYING LOTS
-» FENCELINE
AERIAL WIRES
R. ■RECORD■ M.: = MEASURED R.O.W.■» RIGHTOF, WAY
tiSi UTILITY ROLE

./BOUNDARY LINES

EXHIBIT. ?B"
PLAT OF VACATION

COOKCO.i

SURVEYOR'S NOTES:

'EIELD MEASUREMENTS COMPLETED ON DECEMBER 17. 2018.

THE ZONING CLASSIFI'CAiON OF THE PROPERTY SHOWN HEREON IS C1-1. AND :C1-2 AS □
ELINEATE0;6NTHCITYOF CHICAGb;OEPARTMENT OF. ZONING: WEBSITE;. -

Note R. & M. denotes Record and Measured distances respectively.

.Distances art) markedjn-feet and decimal par^lherepf. Compare all pqIntsBEFORE building by same arid at bribe| report
anydiftowces BEFORE damage is done.

For easements; buStog'iries and otKer rBstricUons not shown on survey plat refer to your ■'aiisiri'^<leeHi<xnimci',
littc'policy.and toeSi buildingi itrie regulaUons.-,

NO dimensions shall be assumed by:scale measurement upon this plat.

Unless otherwise noted hereon the Bearing Basis, Elevation Datum and Coordinate Datum If used is ASSUMED.

COPYRIGHT GREMLEY. & BIEDERMANN, INC':.201B "ABRight" Reserved"

AFFECTED RINS:

■1748-427^119'- LOT 21 ,17-08-427'-0'19 - LOTS 29 4 30 174)
8^2^20 - LOTS 30 & 31 17-0a-427<l21> LOTS 31 a 32

SURVEY PREPARED FOR ANDJvIAL TO;

LG'OEOVELOPMENT GROUP LLC 2234'W.'N6rTH'AVENUE CHICAG6'IL,60S47

158 nam euni lfflUL CiiuM. it. HUO ' Trunar {ml M tiSt' Ekiil- ufWHjCS-Surwt an
aaa'A'

2019-27087-002

1KB.

CDot# 08-27-20-3934

SURVEYORS CERTIFICATE

'6tate of Illinois) County of Cook)ss

We, GREMLEY A BIEDERMANN, INC. hereby cwWythat wo h'avo 6uryoyod tho hereon described property and that the plat hereon drawn is a correct representation of said survey corrected to a temperature of 62° Fahrenheit

Field measuraniioila completed on SEPTEMBER 5,2019.

'gonad on rf^&y r/Z Z&Zl*.

By: TM

Prorosalonalllljngl» Land Surveyor No.:Z3iOg My ncenaa expires November 30,2020 This professional service conforme to the curranllllinoja.minimum standards for.a.bC4indary,survey.'-