



Office of the City Clerk

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

Legislation Text

File #: O2021-3954, Version: 1

TIME VACATION

EXTENSION

ORDINANCE

COMMERCIAL

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, pursuant to ordinance ("Original Ordinance") adopted by the City Council of the City of Chicago ("City Council") on July 22, 2020, and published in the Journal of the Proceedings of the City Council for such date at pages 19442 through 19447, the City Council approved the vacation of certain portions of public streets to Fulton Market 375 LLC, an Illinois limited liability company ("Developer"); and

WHEREAS, the Developer was unable to record the Original Ordinance and associated plat of vacation prior to the one hundred eighty (180) day deadline cited in Section 6 of said Original Ordinance, and the Developer's authority to record the plat of vacation has expired; and

WHEREAS, the City Council now seeks to extend the deadline for recording the Original Ordinance and plat of vacation, in accordance with the terms of Section 6 of the Original Ordinance, so that the Developer may successfully complete the vacations from the City; and

WHEREAS, the properties at 933-957 W. Kinzie Street, 901-925 W. Kinzie Street, 364-372 N. Sangamon Street, and 365-373 N. Sangamon Street are owned by Developer; and

WHEREAS, the Developer proposes to use the portions of the streets to be vacated herein for the construction of a thirty-three story office building; and

WHEREAS, the City Council, 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 those portions of the public streets described in this ordinance; now, therefore,

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

SECTION 1. VACATION OR

THAT PART OF W. KINZIE STREET PUBLIC RIGHT OF WAY, BEING A STRIP OF LAND 15.50 FEET

WIDE, IN THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 39

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NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF N. MORGAN STREET AND THE DIVISION LINE BETWEEN THE LANDS OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY AND THE LAND OF THE PITTSBURGH, CINCINNATI AND CHICAGO AND ST. LOUIS RAILWAY COMPANY AS ESTABLISHED BY AGREEMENT DATED FEBRUARY 11, 1903 AND RECORDED AS DOCUMENT NUMBER 13028398 ON FEBRUARY 9, 1943; THENCE NORTH 00 DEGREES 23 MINUTES 50 SECONDS WEST, ALONG SAID THE EAST RIGHT OF WAY LINE OF NORTH MORGAN STREET, A DISTANCE OF 15.50 FEET TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG A LINE BEING PARALLEL TO SAID THE DIVISION LINE, A DISTANCE OF 569.11 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00 DEGREES 25 MINUTES 07 SECONDS EAST, ALONG THE WEST RIGHT OF WAY LINE OF NORTH PEORIA STREET, A DISTANCE OF 15.50 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID THE DIVISION LINE, A DISTANCE OF 569.11 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS,

TOGETHER WITH ALL THAT PART OF N. SANGAMON STREET 66 FOOT WIDE PUBLIC RIGHT OF WAY BOUND BY AND LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 1 IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO, RECORDED AUGUST 31, 1836, ANTE-FIRE, LYING WEST OF AND ADJOINING THE WEST LINE OF LOTS 10 TO 13, ALL INCLUSIVE, IN BLOCK 3 IN THE SUBDIVISION OF BLOCK 3 OF CARPENTER'S ADDITION TO CHICAGO, ANTE-FIRE, LYING SOUTH OF AND ADJOINING THE DIVISION LINE BETWEEN LANDS OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY AND THE PITTSBURGH, CINCINNATI, CHICAGO AND ST. LOUIS RAIL ROAD COMPANY AS ESTABLISHED BY AGREEMENT DATED FEBRUARY 11, 1903 AND RECORDED AS DOCUMENT NUMBER 13028398 ON FEBRUARY 9, 1943 AND LYING NORTH OF AND ADJOINING A LINE 100 FEET SOUTH OF AND PARALLEL TO THE SAID DIVISION LINE BETWEEN LANDS OF THE CHICAGO AND NORTHWESTERN RAIL ROAD COMPANY AND THE PITTSBURGH, CINCINNATI, CHICAGO AND ST. LOUIS RAIL ROAD COMPANY, ALL IN COOK COUNTY, ILLINOIS, SAID ABOVE PARCEL CONTAINING 15,421 SQUARE FEET OR 0.354 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.

SECTION 2. The Developer acknowledges that the 24" private sewer running north-south on N. Sangamon Street between W. Kinzie Street and W. Carroll Street must be filled in, at its sole expense, from the manhole on W. Kinzie Street to 200' south of the south line of W. Kinzie Street, with an as-built drawing being submitted within 45 days of completion, to the Chicago Department of Water Management, Sewer Design Section. All remaining sewer structures and water facilities within the areas herein vacated shall become the Developer's, and its successors' and assigns', private property and maintenance responsibility. All sewer or water work must be reviewed, approved and permitted by the Department of Water Management prior to the commencement of work.

SECTION 3. The City of Chicago hereby reserves for the benefit of the Chicago Department of Transportation, Division of Engineering (CDOT Engineering), and its successors and

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assigns, a non-exclusive 5-foot easement as depicted on Exhibit A, along the south line of W. Kinzie Avenue within the area herein vacated, to maintain, replace and renew the adjacent City-owned overpass structure, with the right of ingress and egress at all times. The grade of the vacated public way covered by such easement shall not be altered in a manner so as to interfere with the operation and maintenance of adjacent CDOT Engineering facilities. No buildings, permanent structures or obstructions shall be placed over the 5-foot easement without a written release of easement by the Department of Transportation. The Developer and its successors and assigns, assume responsibility and the replacement cost for any damage to private materials placed on said easement area that may be damaged during the exercise of the City's easement rights.

SECTION 4. 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 at all times for any and all such purposes. 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 a written release of easement. 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 5. The vacations herein provided for are 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 parts of the public streets hereby vacated the sum
dollars (\$),
which sum in the judgment of this body will be equal to such benefits.

SECTION 6. The vacations 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 7. This ordinance shall take effect and be in force from and after its passage and publication. The vacations shall take effect and be in force from and after recording of this approved ordinance and plat of vacation.

Vacations Approved:

**Gial Commissioner
Department of Transportation**

Approved as to Form and Legality

Arthur Dolinsky Senior Counsel Department of Law

Introduced By:

**Honorable Walter Burnett \J
Alderman, 27th Ward**

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