



Office of the City Clerk

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

Legislation Text

File #: O2022-660, 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 1615-1657 N. Neva Avenue, 1614-1656 N. Nordica Avenue, 7101-7121 W. Wabansia Avenue and 7125-7141 W. Wabansia Avenue are owned by Harlem and North Development ("Developer"); and

WHEREAS, the Developer proposes to use the portion of the alley remnant to be vacated herein for construction of a multifamily residential development as approved by the City Council of Chicago under Planned Development 1448 on July 24, 2019; 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 this ordinance; now therefore,

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

SECTION 1.

VACATION OF:

THE NORTH-SOUTH 16 FOOT WIDE PUBLIC ALLEY LYING SOUTH OF AND ADJOINING THE SOUTH RIGHT OF WAY OF W. WABANSIA AVENUE; LYING EAST OF AND ADJOINING THE EAST LINE OF LOTS 107 THROUGH 117; LYING WEST OF AND ADJOINING THE WEST LINE OF LOTS 82 THROUGH 92 AND LYING NORTH OF AND ADJOINING A LINE FROM THE SOUTHEAST CORNER OF SAID LOT 107 TO THE SOUTHWEST CORNER OF SAID LOT 92 (ALSO BEING THE NORTH RIGHT OF WAY OF AN EAST-WEST 16 FOOT WIDE PUBLIC ALLEY), ALL INCLUSIVE, IN MADSEN'S NORTH OF OAK PARK SUBDIVISION, AS RECORDED JUNE 22, 1921, AS DOCUMENT NO. 7181567 BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINING 7,076 SQUARE FEET OR 0.162 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 vacation.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and AT&T/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 alley herein vacated, with the right of ingress and egress. The grade of the vacated public alley shall not be altered in a manner so as to interfere with the operation and maintenance of Commonwealth Edison and/or AT&T/SBC facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without a written release of easement by the involved utilities. Any future Developer-prompted relocation of facilities lying within the area being vacated will be accomplished by the involved utility, and be done at the expense of the Developer, 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, 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
Two Hundred Forty Thousand dollars (\$ 240,000.00),
which sum in the judgment of this body will be equal to such benefits.

SECTION 4. 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 5. 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 also file or cause to be filed for recordation with the Office of the Cook County Clerk/ Recordings Division, 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.

Vacation Approved:

Commissioner of Transportation

Introduced by:

Qct -ZT/

Honorable Chris Taliaferro Alderman, 29th Ward

PROJECT No.: 2021-29355 Issue date:

9/9/2021

SCALE: V'-10'

SHEET NUMBER

1 OF 2

PLAT PREPARED BY-

UNITED SURVEY SERVICE, LLC

CONSTRUCTION AND LAND SURVEYORS 7710 CENTRAL AVENUE, RIVER FOREST, ILLINOIS 60305 TEL.: (847) 299. 1010 FAX : (847) 299 - 5887 E-MAIL: USURVEY@USANDCS.COM
<mailto:USURVEY@USANDCS.COM>

EXHIBIT "A" PLAT OF VACA

AFFECTED P.I.N.:

PINMANLK I INURX -JUMB=H: 13- ^1 - Ji" ■ 1X1". LO" 11/

PERMANENT INDEX NUMBER: 13-31 -322 - 002 LOT 110

PERMANENT INDEX NUMBER: 13 - 31 -322 - 003 LOT 115

PERMANENT INDEX NUMBER: 13 - 31 - 322 - 004 LOT 114

PERMANENT INDEX NUMBER: 13 - 31 • 322 - 005 LOT 113

PERMANENT INDEX NUMBER: 13 - 31 - 322 - 006 LOT 112

PERMANENT INDEX NUMBER: 13-31 -322-007 LOT 111

PERMANENT INDEX NUMBER: 13-31 -322 - 008 LOT 110

PERMANENT INDEX NUMBER: 13 - 31 ■ 322 - 009 LOT 109

PERMANENT INDEX NUMBER: 13-31-322-010 LOT 108

PERMANENT INDEX NUMBER: 13 - 31 - 322 - 011 LOT 107

PERMANENT INDEX NUMBER: 13 - 31 -322 - 039 LOT 02

PERMANENT INDEX NUMBER: 13 - 31 -322 - 041 LOT S3

PERMANENT INDEX NUMBER: 13-31-322-043 LOT 94 PERMANENT INDEX NUMBER: 13 - 31 -322 - 045 LOT B5

PERMANENT INDEX NUMBER: 13 - 31 -322 - 047 LOT 86 PERMANENT INDEX NUMBER: 13 - 31 - 3?? - 049 LOT 17

PERMANENT INDEX NUMBER: 13 - 31 -322-061 LOT B0 PERMANENT INDEX NUMBER: 13 - 31 • 322 - 053 LOT 89

PERMANENT INDEX NUMBER: 13-31 -322-055 LOT 90 PERMANENT INDEX NUMBER: 13 - 31 - 322 - 05/ LOT 01

PERMANENT INDEX NUMBER: 13 - 31 -322 - 059 LOT 9?

C.D.O.T.

SURVEYOR'S NOTES:

THE BASIS OF BEARINGS IS ASSUMED.

CITY OF CHICAGO ZONED:
PD 1448 ■ PLANNED DEVELOPMENT 1448

DATE OF COMPLETION OF FIELD WORK : SEPTEMBER 8, 2021

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 PREPARED THE PLAT OF VACATION FOR THE PURPOSE SHOWN HEREON.
HIS 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 68° FAHRENHEIT.
RIVER FOREST, ILLINOIS, FEBRUARY 2, AD. 2022.

ROY G. LAWNICZAK, REGISTERED ILLINOIS LAND SURVEYOR NO. 35-2290 LICENSE EXPIRES: NOVEMBER 30, 2022
PROFESSIONAL DESIGN FIRM LICENSE NO.: LICENSE EXPIRES: APRIL 30, 2023

PROJECT No.: **2021-29355**

ISSUE DATE: 9/3/2021

SCALE: 1"=40'

SHEET NUMBER

2 OF 2

PLAT PREPARED FOR/MAIL TO:
NOVAK DEVELOPMENT CO.
3423 N. DRAKE AVENUE, CHICAGO, ILLINOIS.

PLAT PREPARED BY:

UNITED SURVEY SERVICE, LLC

CONSTRUCTION AND LAND SURVEYORS 7710 CENTRAL AVENUE, RIVER FOREST, IL 60305 TEL.: (847) 299 - 1010 FAX : (847) 299 - 5887 E-MAIL: USURVEY@USANDCS.COM
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NO. REVISIONS DATE

- 2
- 3
- 4
- 5
- 6