



Office of the City Clerk

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Legislation Text

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OFFICE OF THE MAYOR

CITY OF CHICAGO

LORIE E. LIGHTFOOT

MAYOR

March 23, 2022

TO THE HONORABLE, THE CITY
COUNCIL OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Planning and Development, I transmit herewith ordinances providing for a quick take acquisition authority for properties located within the City.

Your favorable consideration of these ordinances will be appreciated.

ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, and as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, on November 13, 2002, the City Council of the City ("City Council") approved a certain redevelopment plan and project ("Redevelopment Plan") for the Commercial Avenue Redevelopment Project Area ("Redevelopment Area"), pursuant to the Illinois Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1 et seq.) ("Act"); designated the Redevelopment Area as a redevelopment project area pursuant to the Act; and adopted tax increment allocation financing pursuant to the Act as a means

of financing certain Redevelopment Area redevelopment project costs (as defined in the Act) incurred pursuant to the Redevelopment Plan; and

WHEREAS, pursuant to an ordinance (the "Acquisition Ordinance") adopted by the City Council on January 27, 2021, and published at pages 26678 to 26681 in the Journal of Proceedings of the City Council of such date, the City Council approved the acquisition of certain property located within the Redevelopment Area and identified on Exhibit A attached hereto (the "Acquisition Property") for public purposes and for purposes of implementing the objectives of the Redevelopment Plan; and

WHEREAS, the Acquisition Ordinance authorizes the Corporation Counsel to negotiate for the purchase of the Acquisition Property, and, if unable to acquire the property through negotiation, to institute eminent domain proceedings; and

WHEREAS, in 2019, the City launched the Invest South/West commercial corridor improvement initiative; and

WHEREAS, the goal of the Invest South/West program is to re-activate neighborhood cores that have historically served as focal points for pedestrian activity, shopping, services, transportation, public spaces and quality-of-life amenities for local residents; and

WHEREAS, the South Chicago community is one of 10 communities selected as a part of the initial phase of the Invest South/West program, and the priority corridor in South Chicago is Commercial Avenue from 85th to 92nd streets, as well as adjacent blocks on 92nd; and

WHEREAS, the Acquisition Property is located in the Invest South/West Commercial Avenue corridor; and

WHEREAS, in November 2020, the Department of Planning and Development ("DPD") issued an RFP for the Invest South/West site located at 8840-54 South Commercial Avenue (the "RFP Site"), which includes the Acquisition Property, and in August 2021, DPD selected a winning respondent; and

WHEREAS, the winning respondent proposed a mixed-use development for the RFP Site, including rehabilitation of one of the buildings located on the Acquisition Property (the "Invest S/W Commercial Avenue Project"); and

WHEREAS, the City and the winning respondent are targeting a construction start date in the first quarter of 2023; and

WHEREAS, in order to meet this construction start date, the City needs ownership of the RFP Site, including the Acquisition Property, to allow the winning respondent to obtain zoning entitlements and funding commitments and to begin work on demolition and site remediation; and

WHEREAS, the two buildings on the Acquisition Property are vacant and in a state of disrepair, and delays in acquisition could lead to further deterioration; and

WHEREAS, the City desires to establish a schedule for expedited acquisition of the Acquisition Property in order to implement the Invest S/W Commercial Avenue Project and achieve the objectives of the Redevelopment Plan; and

WHEREAS, the Illinois General Assembly in 735 ILCS 30/25-7-103.12 has authorized the use of quick-take eminent domain proceedings by municipalities having a population of more than 500,000 for the purposes set forth in Divisions 74.2 and 74.3 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-74.2 and 74.3), said purposes being the redevelopment of commercial or business areas to eradicate and eliminate commercial blight for redevelopment purposes, and for the same purposes when established pursuant to home rule powers; and

WHEREAS, the City Council finds that the acquisition of the Acquisition Property for the purpose of implementing the Invest S/W Commercial Avenue Project is for the benefit of the residents of the City; and

WHEREAS, the use of quick-take will allow the Invest S/W Commercial Avenue Project to move forward in accordance with the schedule contained herein; and

WHEREAS, the City under its home rule power finds that it is useful and necessary to use quick-take proceedings to acquire the Acquisition Property for the same purposes as those set forth in Divisions 74.2 and 74.3 of the Illinois Municipal Code (65 ILCS 5/11-74.2 and 74.3); now, therefore,

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

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. The City Council hereby finds, pursuant to its home rule power and the Redevelopment Plan, that it is useful, necessary, desirable and in the best interests of the City to

acquire the Acquisition Property by "quick-take" condemnation proceedings for the purpose of implementing the Invest S/W Commercial Avenue Project in accordance with the schedule adopted herein.

SECTION 3. A schedule for the redevelopment of the Acquisition Property is hereby adopted as follows: (1) acquire fee simple title to the Acquisition Property on or before August 31, 2022; (2) convey the Acquisition Property to the winning respondent on or before December 15, 2022; (3) commence construction of the Project on or before March 31, 2023; and (4) complete construction of the first phase of the Invest S/W Commercial Avenue Project on or before June 30, 2024.

SECTION 4. The Corporation Counsel is hereby authorized to acquire the Acquisition Property by "quick-take" condemnation proceedings.

SECTION 5. The Commissioner of DPD (the "Commissioner"), or a designee of the Commissioner, is authorized to (1) execute such documentation as may be necessary to implement the provisions of this ordinance, (2) amend, modify, or change the schedule for the acquisition of the Acquisition Property set forth in

Section 3, and (3) determine whether the acquisition of the Acquisition Property, or a portion thereof, or less than fee simple title is necessary to implement the Invest S/W Commercial Avenue Project, all subject to the approval of the Corporation Counsel.

SECTION 6. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 7. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby amended to the extent of such conflict.

SECTION 8. This ordinance shall be effective upon its passage and approval.

EXHIBIT A ACQUISITION PROPERTY

(SUBJECT TO FINAL SURVEY AND TITLE COMMITMENT)

<u>P.I.N.</u>	<u>Address</u>	<u>Vacant or Improved</u>
26-06-209-035 & -036	8840-44 S. Commercial Avenue Improved Chicago, Illinois	