



# Office of the City Clerk

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

## Legislation Text

File #: O2022-2670, Version: 1

### INTERGOVERNMENTAL 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 4135-4145 W. Palmer Street, 4149-4157 W. Palmer Street, 2120-2144 N. Kedvale Avenue, 2148-2158 N. Kedvale Avenue, and 2149-2159 N. Keeler Avenue are owned by the Public Building Commission of the City of Chicago, an Illinois municipal corporation ("Developer"); and

WHEREAS, title to the properties at 4134-4142 W. Dickens Avenue, 4146-4156 W. Dickens Avenue, 2100-2116 N. Kedvale Avenue, and 2101-2145 N. Keeler Avenue is held by the City of Chicago, a municipal corporation, as trustee, in trust for the use of schools; and

WHEREAS, the Developer proposes to assemble its adjacent properties, including the, portions of alleys to be vacated for the benefit and use of William P. Nixon Elementary School, a Chicago Public School; and

WHEREAS, the City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of public use and the public interest to be subserved is such as to warrant the: vacation of the public alleys described in the following, ordinance; now, therefore,

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

#### SECTION 1. Legal Description

**Vacation of: THAT PART OF THE NORTH-SOUTH 16 FOOT WIDE PUBLIC ALLEY IN BLOCK 2 IN THE SUBDIVISION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AUGUST 21, 1882 AS DOCUMENT NUMBER #414938, LYING NORTH OF AND ADJOINING THAT PORTION OF SAID NORTH-SOUTH ALLEY VACATED BY ORDINANCE PASSED NOVEMBER 24, 1920 AND RECORDED MAY 24, 1921 AS DOCUMENT NUMBER #7153724; LYING EAST OF AND ADJOINING LOTS 12 TO 22 AND THAT PART OF LOT 23; LYING WEST OF AND ADJOINING LOTS 39 TO 49; TOGETHER WITH SAID NORTH-SOUTH ALLEY IN DELAMATER'S RESUBDIVISION OF LOTS 1 TO 11, ALL INCLUSIVE, IN SAID BLOCK 2, LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF W. PALMER STREET, LYING EAST OF AND ADJOINING LOTS 1 TO 5 AND WEST OF AND ADJOINING LOTS 6 TO 10; TOGETHER WITH THE EAST-WEST 16 FOOT WIDE PUBLIC ALLEY LYING NORTH OF AND ADJOINING LOT 12 AND ITS EXTENSION EAST TO, AND LOT 49 OF SAID BLOCK 2, AND LYING SOUTH OF AND ADJOINING LOT 5, ITS EXTENSION EAST TO,**

AND LOT 6 OF SAID DELAMATER'S RESUBDIVISION; TOGETHER WITH THE EAST-WEST 16 FOOT WIDE PUBLIC ALLEY LYING WITHIN LOTS 38 AND 39 AS OPENED BY ORDINANCE RECORDED MAY 24, 1921 AS DOCUMENT NUMBER #7153724, ALL INCLUSIVE, IN SAID BLOCK 2, ALL IN COOK COUNTY; ILLINOIS; SAID PARCEL CONTAINING 12,727 SQUARE FEET, OR 0.292 ACRE, MORE OR LESS, as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as EXHIBIT A, which drawing 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 travel use, and the public interest will be subserved by such vacations.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, AT&T/SBC, Comcast and 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 alleys 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 utilities or their 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 by each utility. Any future relocation of utility facilities being done at the behest of the Developer, shall be accomplished by the involved utility, and be done at the sole expense of the Developer, its successors or assigns.

SECTION 3. The Developer acknowledges that any remaining catch basins and catch basin outlets within the area to be vacated shall become Developer's private property and maintenance responsibility. In the event that the Developer wishes to abandon, modify or install new facilities, plans must be reviewed, approved and permitted by the Department of Water Management, Sewer Design Section, prior to the commencement of any work on the site. The Developer shall provide the Department of Water Management, Sewer Design Section, with as-built drawings submitted within 45 days of abandonment.

SECTION 4. The vacations herein provided for are made upon the express condition that within 180 days of the City Council passage of this ordinance, the Developer shall pay to the City Treasury of the City of Chicago, a quoted security deposit equal to the costs of the Developer's work for public paving, curb, and related appurtenances in accordance with the most current version of the Chicago Department of Transportation's Regulations for Opening, Repair and Construction in the Public Way and its appendices; or present evidence of fee waiver. Upon completion of work, a request for final field inspection and approval of the Developers' construction shall be made to the CDOT Division of Infrastructure Management, Construction Compliance Unit, Room=905 City Hall, prior to return of said security deposit less any service fee.

SECTION 5. 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 or its assign, shall file or cause to be filed for recordation with the Office of the Cook County Clerk / Recordings Division, a certified copy of this ordinance, together with the

associated full-sized plat as approved by the Department of Transportation's Superintendent of Maps and Plats.

**SECTION 6.** 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, the recording of the published ordinance and approved plat.

Vacation Approved:

Commissioner  
Department of Transportation

Introduced By:

Honorable Carfos Ra Alderman, 35<sup>th</sup> Ward

CDOT File Number: 34-35-22-4012  
CDOT# 34-35r-22-4012

**TERRA**

**ENGINEERING LTD.**

TEL (312)487-0123 FAX: (312) 487-0220 [www.terraengineer1no.com](http://www.terraengineer1no.com) <<http://www.terraengineer1no.com>> ^  
•SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, NOTES, SIGNATURE BLOCKS AND SURVEYOR'S CERTIFICATES

EXHIBIT A PLAT OF VACATION  
ALLEYS FN BLOCK 2 IN SUB. OF W1/2 OF SE 1/4 OF NE 1/4 UN. ' ' OELAMATER'S RESUB. '

PART OF CPS NIXON  
ELEMENTARY CAMPUS  
CHICAGO, IL 1

EXHIBIT "A"

## PLAT OF VACATION

### "LEGAL DESCRIPTION"

THAT PART OF THE NORTH-SOUTH 16 FOOT WIDE PUBLIC ALLEY IN BLOCK 2 IN THE SUBDIVISION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34. TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THRO PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AUGUST 21, 1882 AS DOCUMENT NUMBER #414836. LYING NORTH OF AND ADJOINING THAT PORTION OF SAID NORTH-SOUTH ALLEY VACATED BY ORDINANCE PASSED NOVEMBER 24, 1920 AND RECORDED MAY 24, 1921 AS DOCUMENT NUMBER 17153724; LYING EAST. OF AND ADJOINING LOTS 12 TO 22 AND THAT PART OF LOT 23; LYING WEST OF AND ADJOINING LOTS 39 TO 49; TOGETHER WITH SAO NORTH-SOUTH ALLEY. IN OELAMATERS RESUBOMSION OF LOTS 1 TO 11, Aa INCLUSIVE, IN SAID BLOCK. 2, LYING SOUTH OF AND ADJONIN^THE SOUTH UNE OF W. PALMER STREET. LYING EAST OF AND ADJOINING LOTS 1 TO '5. AND WEST OF. ANO ADJOHNG COTS 6 TO 10; TOGETHER WITH THE EASTrWEST 16 FOOT WIDE PUBLIC ALLEY: LYING NORTH OF AND ADJOINING. LOT 12 AND ITS EXTENSION EAST TO, AND LOT 49 OF SAID BLOCK 2. AND LYING SOUTH OF AND ADJOINING LOT .5.,ITS EXTENSION EAST TO. AND LOT 6 OF SAID OELAMATERS RESUBDMSKJN; TOGETHER WITH THEEAST-WEST t6 POOT WIDE PUBLIC ALLEY LYING WITHIN LOTS 3B ANO 39 AS OPENED BY ORDINANCE RECORDED MAY 24, 1921 "AS OOCUMENT NUMBER f71S3724. ALL INCLUSIVE. IN SAID BLOCK 2, ALL IN COOK COUNTY, ILLINOIS; .....

SAD PARCEL CONTAINING 12,727 SQUARE FEET, OR 0.292 ACRE, MORE OR LESS.

CHICAGO DEPARTMENT OF FINANCE

CHICAGO  
TRANSPORTATION

DEPARTMENT

OF

COOK COUNTY

AFrTCTEp p,l.N-'y

**PREPARED FOR:**

CHICAGO BOARD OF EDUCATION 42 W. MADISON STREET CHICAGO, IL 80602

**MAIL, Tfr**

SCOTT R. BORSTEIN, ESQ. NEAL AND LEROY. LLC 20 S. CLARK STREET. SUITE 2050 CHICAGO, IL 60603

13-34-221-006 (Lots 12 through 38) 13-34-221-021 (Allay opened by Doe: 7153724) 13-34-221-022 (Lots 1 through 10) 13-34-221-023 (Lots 39 through 49)

**SURVEYOR'S CERTIFICATE**

STATE OF ILLINOIS COUNTY OF COOK

**GENERAL NOTES:**

1. ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
2. ALL BEARINGS AND DISTANCES ARE BASED ON ILLINOIS STATE PLANE COORDINATE "SYSTEM, EAST ZONE, NADS3 (2011 ADJUSTMENT), GPS DERIVED.
3. NO DIMENSIONS SHALL BE DERIVED FROM SCALE MEASUREMENT.
4. PER THE CITY OF CHICAGO ZONING WEBSITE, THROUGH JUNE 22, 2022. THE SUBJECT PROPERTY RS-3. RESIDENTIAL SINGLE-UNIT (DETACHED)

**CDOTI 34-35-22-4012**

ENGINEERING LTD.

THIS IS TO CERTIFY THAT L. THOMAS E. BAUMGARTNER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAS SURVEYED THE "PROPERTY DESCRIBED IN THE CAPTION ABOVE, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS PROFESSIONAL STANDARDS FOR A BOUNDARY SURVEY.

WITNESS MY HAND AND SEAL IN CHICAGO, ILLINOIS, THIS 8TH DAY OF SEPTEMBER, 2022.

*Thomas E. Baumgartner, Illinois Land Surveyor No. 3142*

*LICENSE EXPIRATION 11-30-2022*

PROJECT U: "" DRAWN BY: CHECKED BY: APPROVED BY: CLIENT:  
CHICAGO BOARD OF EDUCATION  
42 W. MADISON STREET CHICAGO, IL 60602

ALLEYS IN BLOCK 2 IN SUB. OF W1/20FSE 1/4 OF NE 1/4 4 IN OELAMATER'S RESUB.

PART OF CPS NIXON ELEMENTARY CAMPUS i. CH1CA00.IL

FIELD WORK COMPLETED OCTOBER 28, 2020.