



Office of the City Clerk

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

Legislation Text

File #: O2023-984, **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 11634-11658 S. Mackinaw Avenue, 11635-11659 S. Mackinaw Avenue, 3338-3348 E. 117th Street, 3352-3362 E. 117th Street, 11634-11658 S. Green Bay Avenue, 11635-11659 S. Green Bay Avenue, 3400-3410 E. 117th Street, 3314-3424 E. 117th Street, and 11634-11658 S. Avenue O are owned by DRC Management LLC, an Illinois limited liability company ("Developer"); and

WHEREAS, the Developer proposes to use the portions of the streets and alleys to be vacated herein for assembly and future development; 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 below; now, therefore,

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

SECTION 1.

VACATION OF:

THAT PART OF THE NORTH-SOUTH 66 FOOT WIDE PUBLIC RIGHT OF WAY OF S. MACKINAW AVENUE LYING EAST OF AND ADJOINING LOTS 53 THROUGH 60; LYING WEST OF AND ADJOINING LOTS 45 THROUGH 52; LYING SOUTH OF AND ADJOINING A LINE FROM THE NORTHWEST CORNER OF SAID LOT 52 TO THE NORTHEAST CORNER OF SAID LOT 53 AND LYING NORTH OF AND ADJOINING THE NORTH LINE OF E. 117TH STREET BEING A 66 FOOT WIDE PUBLIC RIGHT OF WAY, ALL INCLUSIVE IN MEA'S SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 15 EAST, OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 10, 1906, AS DOCUMENT NUMBER 3965096, ALL IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 17,684 SQUARE FEET, OR 0.406 ACRES, MORE OR LESS,

TOGETHER WITH THAT PART OF THE NORTH-SOUTH 16 FOOT WIDE PUBLIC ALLEY LYING EAST OF AND ADJOINING LOTS 45 THROUGH 52; LYING WEST OF AND ADJOINING LOTS 27 THROUGH 34; LYING SOUTH OF AND ADJOINING A LINE FROM THE NORTHWEST CORNER OF SAID LOT 27 TO THE NORTHEAST CORNER OF SAID LOT 52 AND LYING NORTH OF AND ADJOINING THE NORTH LINE OF E. 117TH STREET BEING A 66 FOOT WIDE PUBLIC RIGHT OF WAY, ALL INCLUSIVE IN MEA'S

SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 15 EAST, OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 10, 1906, AS DOCUMENT NUMBER 3965096, ALL IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 4,288 SQUARE FEET, OR 0.098 ACRES, MORE OR LESS,

TOGETHER WITH THAT PART OF THE NORTH-SOUTH 66 FOOT WIDE PUBLIC RIGHT OF WAY OF S. GREEN BAY AVENUE LYING EAST OF AND ADJOINING LOTS 27 THROUGH 34; LYING WEST OF AND ADJOINING LOTS 19 THROUGH 26; LYING SOUTH OF AND ADJOINING A LINE FROM THE NORTHWEST CORNER OF SAID LOT 26 TO THE NORTHEAST CORNER OF SAID LOT 27 AND LYING NORTH OF AND ADJOINING THE NORTH LINE OF E. 117TH STREET BEING A 66 FOOT WIDE PUBLIC RIGHT OF WAY, ALL INCLUSIVE IN MEA'S SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 15 EAST, OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 10, 1906, AS DOCUMENT NUMBER 3965096, ALL IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 17,693 SQUARE FEET, OR 0.406 ACRES, MORE OR LESS,

TOGETHER WITH THAT PART OF THE NORTH-SOUTH 16 FOOT WIDE PUBLIC ALLEY LYING EAST OF AND ADJOINING LOTS 19 THROUGH 26; LYING WEST OF AND ADJOINING LOTS 1 THROUGH 8; LYING SOUTH OF AND ADJOINING A LINE FROM THE NORTHWEST CORNER OF SAID LOT 1 TO THE NORTHEAST CORNER OF SAID LOT 26 AND LYING NORTH OF AND ADJOINING THE NORTH LINE OF E. 117TH STREET BEING A 66 FOOT WIDE PUBLIC RIGHT OF WAY, ALL INCLUSIVE IN MEA'S SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 15 EAST, OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 10, 1906, AS DOCUMENT NUMBER 3965096, ALL IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 4,290 SQUARE FEET, OR 0.098 ACRES, MORE OR LESS, WITH THE TOTAL AREA OF ALL SAID ABOVE PARCELS DESCRIBED BEING 43,955 SQUARE FEET, OR 1.009 ACRES, 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(s).

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, its successors and 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 streets and alleys herein vacated, with the right of ingress and egress. The grade of the vacated public ways shall not be altered in a manner so as to interfere with the operation and maintenance of Commonwealth Edison 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 said utility. Any future Developer-prompted relocation of facilities lying within the areas being vacated will be accomplished by the said utility, and be completed at the sole expense of the Developer, its successors or assigns.

SECTION 3. The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Company ("Peoples Gas") an easement over S. Greenbay Avenue to operate, maintain, repair, renew and replace an existing four (4") inch gas main and to construct new facilities in S. Greenbay Avenue, 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, or other use made of the 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 reservation area without an express written release of easement by said utility. Any future Developer-prompted relocations of Peoples Gas facilities lying within the reservation area will be accomplished by Peoples Gas, and completed at the sole expense of the Developer, its successors or assigns.

Save for the above reservation, Peoples Gas shall abandon in place all and any part of the existing gas mains, service piping, associated equipment and appurtenances, and all or any portion of its equipment as may be located over

through, under along and across the areas of vacation set forth in this ordinance. It is further provided that all costs and expenses associated with the removal of any abandoned facilities shall be borne exclusively by the Developer, its successors or assigns.

SECTION 4. The City of Chicago hereby reserves the entire width and length of S. Greenbay Avenue as herein vacated, an easement for an existing twenty-four inch (24") Department of Water Management main and appurtenances thereto, and for the installation of any additional water mains and appurtenances which in the future may be located in said street for the maintenance, renewal, and reconstruction of such facilities, with the right of ingress and egress at all times upon reasonable notice. It is further provided that the City shall have 24 hour access and that no buildings or other structures shall be erected upon or above the said right of way herein reserved, or other use made of said area, which in the judgment of the municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities. It is further provided that all costs and expenses associated with any Developer prompted adjustments to Department of Water Management facilities in the area to be vacated, and the repair, renewal or replacement of any private materials, or private property damaged in the area to be vacated as a result of the City exercising its easement rights shall be borne exclusively by the Developer, its successors or assigns.

The Developer acknowledge that the existing twelve-inch (12") water main located in S. Greenbay Avenue shall be abandoned. The abandoned water main will become the private property and maintenance responsibility of the Developer and its successors and assigns. Abandonment and reconfiguration work involving City water facilities will be accomplished by the Department of Water Management at the Developer's expense. Abandonment/reconfiguration expenses shall be paid to the Department of Water Management prior to the recording of this vacation ordinance.

All future improvements within the vacated S. Green Bay Avenue must be reviewed, approved and permitted in advance by the Department of Water Management Engineering Section prior to work.

SECTION 5. The Developer acknowledges that the existing twelve-Inch (12") sewer main and associated appurtenances located in S. Green Bay Avenue shall become the private property and maintenance responsibility of the Developer and its successors. The Developer must assume all liability for these facilities and be responsible for all maintenance and repairs for reuse. In the event that the Developer wishes to abandon or remove these facilities, plans must be reviewed, approved and permitted by the Department of Building Sewer Permit Section prior to the commencement of any work. .

SECTION 6. 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 part of public streets and alleys hereby vacated the sum

One Hundred Ten Thousand dollars (\$ 110,000.00),
which sum in the Judgment of this body will be equal to such benefits.

SECTION 7. The vacations herein provided for are made under the express condition that the Developer, and its successors and assigns, shall hold harmless, indemnify and defend the City of Chicago from all claims related to said vacations.

SECTION 8. 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 Cook County Clerk/ Recordings Division, a certified copy of this ordinance, together with the associated full-sized plats as approved by the Superintendent of Maps and Plats.

SECTION 9. 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 the published ordinance and approved plat.

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SECTION 9. 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 the published ordinance and approved plat. Vacations Approved:

Giabiac Commissioner of Transportation

Honorable Alderman Susan Sadlowski Garza Alderman, 10th Ward

CDOT File Number: 19-10-22-4027

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