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Legislation Text

File #: O2023-1311, **Version:** 1

OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

March 15, 2023

TO THK 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 authorizing the acquisition of properties for development purposes.

Your favorable consideration of these ordinances will be appreciated.

ORDINANCE

WHEREAS, the City of Chicago (the "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, pursuant to ordinances adopted by the City Council of the City ("City Council") on May 17, 2000, and published at pages 30776 through 30953 of the Journal of the Proceedings of the City Council (the "Journal") for such date, the City Council: (i) approved a certain redevelopment plan and project ("Original Plan") for the Midwest Redevelopment Project Area (the "Original Area") pursuant to the Illinois Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1 et seq.) (the "Act"); (ii) designated the Original Area as a conservation area pursuant to the Act; and (iii) adopted tax increment allocation financing pursuant to the Act as a means of financing certain Original Area redevelopment project costs (as defined in the Act) incurred pursuant to the Original Plan; and

WHEREAS, conservation areas are those improved areas within a municipality which are deteriorating and declining and may become blighted if the deterioration is not abated (see 65 ILCS 5/11-74.4-3(b)); and

WHEREAS, the Original Plan was amended to increase project costs, by ordinance the City Council adopted on May 9, 2012, and published in the Journal for such date at pages 25884 through 26069 (the Original Plan, as amended, the "Amended Plan"); and

WHEREAS, the Original Area was amended to expand the boundaries of the Original Area, by ordinance the City Council adopted on December 9, 2015, and published in the Journal for such date at pages 14769 through 15117; and

WHEREAS, the parcels of property legally described on the attached Exhibit A (the "Acquisition Parcels") are located in the Original Area; and

WHEREAS, by Resolution No. 23-CDC-05, adopted by the Community Development Commission of the City ("CDC") on January 10, 2023, the CDC recommended the acquisition of the Acquisition Parcels; and

WHEREAS, by Resolution No. 23-008-21, adopted by the Chicago Plan Commission (the "Plan Commission") on January 19, 2023, the Plan Commission approved the acquisition of the Acquisition Parcels; and

WHEREAS, the City Council finds such acquisition to be for the same purposes as those set forth in Divisions 74.2 and 74.4 of the Illinois Municipal Code; and

WHEREAS, the City Council determines that such acquisition of the Acquisition Parcels, including the exercise of power of eminent domain, is necessary and appropriate for matters related to the City's government and affairs, and is also reasonably necessary to achieve the objectives of the Amended Plan, which include, among other things: reducing or eliminating conditions that have precluded development of the Original Area by the private sector; and

WHEREAS, the City Council finds that the acquisition of the Acquisition Parcels is necessary for a public purpose and is primarily for the benefit, use and enjoyment of the residents of the Original Area, as amended, and the general public, and will return long-vacant parcels to productive use; 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. It is hereby determined and declared that it is useful, desirable and necessary that the City acquire the Acquisition Parcels for a public purpose and for the benefit, use and enjoyment of the public and for the purpose of achieving the objectives of the Amended Plan.

SECTION 3. The Commissioner of the Department of Planning and Development (the "Commissioner") is authorized to negotiate with the owner(s) for the purchase of the Acquisition Parcels. If the Commissioner and the owner(s) are able to agree on the terms of the purchase, the Commissioner is authorized to purchase the Acquisition Parcels on behalf of the City for the agreed price. If the Commissioner is unable to agree with the owner(s) of the Acquisition Parcels on the terms of the purchase, or if the owner(s) is (are) unable or unwilling to enter into such a transaction with, or convey good title to the Acquisition Parcels to, the City, or if the owner(s) cannot be located, then the Corporation Counsel is authorized, in furtherance of the findings and public purposes set forth in this ordinance and in accordance with the authority conferred by the Illinois Constitution of 1970, art. VII, sec. 6(a) and the Illinois Compiled Statutes, including specifically but without limitation the provisions of Section 5/1 1-74.4-4(c) of the Illinois Municipal Code, to institute and prosecute condemnation proceedings on behalf of the City in accordance with the Illinois Eminent Domain Act, 745 ILCS 30/1-1-1 et seq., for the purpose of acquiring fee simple title to or a lesser interest in some or all of the Acquisition Parcels under the City's power of eminent domain. Such acquisition efforts shall commence with respect to the Acquisition Parcels within ten (10) years of the date of the publication of this ordinance. Commencement shall be deemed to have occurred upon the City's delivery of an offer letter to the owner(s)

of the Acquisition Parcels.

SECTION 4. The Commissioner or a designee of the Commissioner are each hereby authorized to negotiate, execute and deliver such documents as may be necessary or appropriate to implement the purposes and provisions of this ordinance, subject to the approval of the Corporation Counsel, including indemnification.

SECTION 5. 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 6. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. This ordinance shall be effective upon its passage and approval. EXHIBIT A

Acquisition Parcels (Subject to Final Survey and Title Commitment)

PARCEL 1:

P.I.N.	Address	Vacant or Improved
16-14-401-061-0000	3407 W. Harrison Street Chicago, IL	Vacant

THE NORTH 20 FEET OF LOT 12 IN SHERMAN COOPER'S SUBDIVISION OF LOTS 3 THROUGH 17, INCLUSIVE LOTS 27 THROUGH 34 INCLUSIVE, AND LOTS 38 THROUGH 41 INCLUSIVE ALL IN BLOCK 8 IN GEORGE K. SCHOENBERGER'S SUBDIVISION OF THE WEST 1/4 OF THE NORTH 40 RODS OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

P.I.N.	Address	Vacant or Improved
16-14-401-062-0000	3409 W. Harrison Street Chicago, IL	Vacant

THE NORTH 40 FEET OF LOT 11 IN SHERMAN COOPER'S SUBDIVISION OF LOTS 3 THROUGH 17, INCLUSIVE LOTS 27 THROUGH 34 INCLUSIVE, AND LOTS 38 THROUGH 41 INCLUSIVE ALL IN BLOCK 8 IN GEORGE K. SCHOENBERGER'S SUBDIVISION OF THE WEST 1/4 OF THE NORTH 40 RODS OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.