



Office of the City Clerk

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Legislation Text

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RICHARD M. DALEY
MAYOR
OFFICE OF THE MAYOR
CITY OF CHICAGO
February 9, 2011

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

Ladies and Gentlemen:

At the request of the Commissioner of Housing and Economic Development, I transmit herewith an ordinance authorizing an acceptance of property from the Chicago Park District.

Your favorable consideration of this ordinance will be appreciated.

ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of government by virtue of Article VII, Section 6 (a) 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, Chicago Park District ("Park District") is a body politic and corporate created pursuant to the Chicago Park District Act, 70 ILCS 1505/0.01, et seq., and a unit of local government under Article VII, Section 1 of the 1970 Constitution of the State of Illinois, and as such, has the authority to exercise control over and supervise the operation of all parks within the corporate limits of the City; and

WHEREAS, Article VII, Section 10 of the 1970 Constitution of the State of Illinois, authorizes state and local governing bodies to cooperate in the performance of their responsibilities by contracts and other agreements; and

WHEREAS, the Local Government Property Transfer Act, 50 ILCS 605/0.01 et seq. (the "Transfer Act"), authorizes and provides for municipalities to convey, grant or transfer real estate held by the municipality to any other municipality upon the agreement of the corporate authorities governing the respective parties; and WHEREAS, the Park District proposes to transfer to the City the approximately 0.37 acres of real property identified by the Park District as "Park 454," commonly known as 4109 S. Princeton Avenue, Chicago, Illinois, and more particularly described on Exhibit A to this ordinance (the "Park 454 Property"), subject to the terms and conditions of this ordinance; and

WHEREAS, the Park District also proposes to transfer to the City the approximately 0.51 acres of real property identified by the Park District as "Fred Smith Park," commonly known as 3622 S. Wabash Avenue, Chicago, Illinois, and more particularly described on Exhibit B to this ordinance (the "Fred Smith Park Property," and together with the Park 454 Property, the "Park District Properties"); and

WHEREAS, pursuant to the Transfer Act, the Board of Commissioners of the Park District, at its meeting of January 12, 2011, pursuant to Resolution No. 12 (the "Park District Resolution"), by a vote of not less than two-thirds of its full membership, has authorized the Park District to transfer the Park District Properties, which are not currently utilized as parks, to the City, subject to the City's prior passage of an ordinance declaring that it is necessary or convenient for the City to acquire such Park District Properties, and in consideration of the City's conveyance to the Park District of certain City-owned parcels which shall be integrated into and expand existing Park District parks (the "Park Expansion Parcels") and which are subject of a separate ordinance being concurrently approved by the City Council; and

WHEREAS, the City desires to acquire the Park 454 Property, which is located in the

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Stockyards Annex Tax Increment Financing Redevelopment Project Area (the "Stockyards Annex TIF Area") established pursuant to ordinances adopted by the City Council on December 11, 1996, and published in the Journal of Proceedings of the City Council (the "Journal") for such date at pages 35665-35886, for redevelopment in accordance with the goals and objectives of the redevelopment plan for the Stockyards Annex TIF Area; and

WHEREAS, the City desires to acquire the Fred Smith Park Property, which is located in the Bronzeville Tax Increment Financing Redevelopment Project Area established pursuant to ordinances adopted by the City Council on November 4, 1998, and published in the Journal for such date at pages 80642-80778, in order to provide additional parking for the Chicago Police Headquarters; and

WHEREAS, the City Council finds and declares that it is necessary or convenient for it to acquire and thereafter use, occupy or improve the Park District Properties for the public use and public purpose described above; and

WHEREAS, by Resolution No. 11-007-21, adopted on January 20, 2011, the Chicago Plan Commission recommended the transfer of the Park District Properties to the City; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF CHICAGO:

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

SECTION 2. The Commissioner of the Department of Housing and Economic Development (the "Commissioner"), or the Commissioner's designee, is hereby authorized, subject to the approval of the Corporation Counsel, to execute such documents and take such actions as are necessary for the City to accept title to the Park District Properties on behalf of the City.

SECTION 3. Notwithstanding Section 2 above, the City shall not accept title to the Park 454 Property until the Park District, at the Park District's expense, has taken the following actions (or caused such actions to be taken): (a) the existing order in Chicago Park District v. Jernberg Industries, Inc. (Case No. 01 CH 17812) shall have been modified (or vacated) in a manner reasonably acceptable to the City so as to permit the Park District to legally convey the Park 454 Property to the City and, if modified, to provide that any consideration paid by the defendant (or its successor or assign) shall be paid to the City; (b) the Park District shall have provided to the City written evidence of (1) the release of any conservation easement or similar easement or restrictive covenant limiting the use of the Park 454 Property to park or open space purposes (the "IDNR Conservation Easement"), imposed by or in favor of the Illinois Department of Natural Resources ("IDNR"), and (2) the IDNR's acceptance of an alternative Park District property, in lieu of the Park 454 Property, for encumbrance with such an IDNR Conservation Easement, and the actual encumbrance of such substitute property with such IDNR

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Conservation Easement; (c) the Park District shall have delivered to the City, for the City's reasonable review and approval, (1) all environmental reports and information the Park District has available in connection with the Park 454 Property to determine, to the City's reasonable satisfaction, that the Park 454 Property does not include any environmental conditions that would materially and adversely affect such property's redevelopment, and (2) a title commitment and survey establishing, to the City's reasonable satisfaction, that the Park 454 Property does not include any easements, encroachments, covenants or other title exceptions that would materially and adversely affect such property's redevelopment.

SECTION 4. 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 5. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. This ordinance shall be in full force and effect immediately upon its passage.

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EXHIBIT A Legal Description of Park 454 Property

(Subject to Final Title Commitment and Survey) Common Address: 4109 South Princeton Avenue

Legal Description: Lots 13, 14, and 15 in Block 7 in Hubbard, Crocker and Stone's Subdivision of 10 acres north of and adjoining the South 3/8 and East of and adjoining the West 22 Vi acres of the North 5/8 of the Northeast Quarter of Section 4, Township 38 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

PIN(s): 20-04-211-018 20-04-211-019 20-04-211-020 20-04-211-021 20-04-211-022

Area: Approximately 0.37 of an acre

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EXHIBIT B Legal Description of Fred Smith Park

(Subject to Final Title Commitment and Survey) Common: 3622 South Wabash Avenue

Legal Description: Lot 41 in Freeman's Addition to Chicago, being the 10 acres next and adjoining to the North 20 acres of the West Half of the Southwest Quarter of Section 34, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

PIN: 17-34-303-015-0000

Area: Approximately 0.51 of an acre.

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