



# Office of the City Clerk

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

## Legislation Text

File #: SO2011-1466, Version: 1

### SUBSTITUTE 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, Swedish Covenant Hospital, a not-for-profit corporation organized and existing under and by virtue of the statutes of the State of Illinois ("Grantee") is the owner of the properties commonly identified as 2740-60 West Foster Avenue and 5201-25 North California Avenue (collectively the "Hospital Buildings"), Chicago, Illinois ("Property"); and

WHEREAS, Grantee has proposed the development of a pedestrian overpass (the "Pedestrian Overpass") to bridge the public right-of-way located in the north-south alley ("Alley") that separates the Hospital Buildings ("Alley"); and

WHEREAS, the Pedestrian Overpass will promote public health, safety and welfare by allowing patients, staff, and visitors to traverse between the Hospital Buildings protected from the weather and from vehicular traffic; and

WHEREAS, Grantee will expend substantial sums in constructing the Pedestrian Overpass and related construction to facilitate the interconnection between the Hospital Buildings; and

WHEREAS, the Pedestrian Overpass will require the use of the public right-of-way, specifically the air rights above the Alley; and

WHEREAS, the Department of Transportation has determined that the Pedestrian Overpass will not interfere with the City's traffic infrastructure and will benefit the citizens of the City of Chicago; and

WHEREAS, the City is willing to grant Grantee an easement on substantially the same terms and conditions set forth in the Public Way Easement Agreement (the "Public Way Easement Agreement" attached hereto and incorporated herein as Exhibit A;

***Now, Therefore, Be It Ordained by the City Council of the City of Chicago:***

SECTION 1. The forgoing recitals are hereby incorporated herein and adopted as the findings of the City Council.

SECTION 2. The Commissioner of the Department of Transportation (the "Commissioner") or a designee of the Commissioner is each hereby authorized, with the approval of the City's Corporation Counsel as to form and legality, to negotiate, execute and deliver an easement agreement the Public Way Easement Agreement between Grantee and the City substantially in the form attached hereto as Exhibit A and made a part hereof (the "Public Way Easement Agreement"), and such other supporting documents as may be necessary or appropriate to carry out and comply with the provisions of the Public Way Easement Agreement, with such changes, deletions and insertions as shall be approved by the persons executing the Public Way Easement Agreement.

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SECTION 3. 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 4. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall take effect upon its passage and publication.

Honorable Patrick J. O'Connor Alderman 40<sup>th</sup> Ward

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### **EXHIBIT A PUBLIC WAY EASEMENT AGREEMENT**

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Document comparison done by DeltaView on Wednesday, March 30, 2011 12:11:24 PM

Document 1 <file:///U:/My> Documents/ORD/Ellen's prior ordinance  
Swedish covenant overpass easement.DOC  
Document 2 <file:///U:/My> Documents/ORD/substitute ordinance Sv  
covenant overpass easement revised 033011 Clean.doc  
Rendering set Standard

**Legend;**

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Deletions	6
Moved from	1
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Format changed	0
Total changes	18

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