



# Office of the City Clerk

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## Legislation Text

File #: SO2011-3113, Version: 1

### **SUBSTITUTE ORDINANCE FOR RELEASE OF PUBLIC WAY EASEMENT**

WHEREAS, on April 23, 1986, the City Council of the City of Chicago ("City") passed a certain ordinance (referred to herein as the "Original Ordinance"), which such Original Ordinance was recorded on May 27, 1984 with the Office of the Cook County Recorder of Deeds as Document Number 86209649, attached hereto as Exhibit A. vacating a certain north-south public alley referred to herein as the "Subject Property" and described in the Original Ordinance as;

"all of the north-south 20-foot public alley lying west of the west line of Lots 1 to 16, both inclusive; lying east of the east line of Lots 17 and 22; lying east of the east line of the 40-foot public alley vacated by Document No. 20386525, being a line drawn from the southeast corner of Lot 17 to the northeast corner of Lot 22, lying south of a line drawn from the northwest corner of Lot 1 to the northeast corner of Lot 17, and lying north of a line drawn from the southwest corner of Lot 16 to the southeast corner of Lot 22 all in Subdivision of the W. 1/2 of Block 24 in Canal Trustee's Subdivision of the W. 1/2 and the W. 1/2 of the N.E. 1/4 of Section 17, Township 39 North, Range 14 East of the Third Principal Meridian; said public alley herein vacated being further described as all of the first north-south 20-foot public alley lying west of S. Aberdeen Street in the block bounded by W. Jackson Boulevard, W. Van Buren Street, S. Racine Avenue and S. Aberdeen Street'; and WHEREAS, in the third paragraph of Section 2 of the Original Ordinance ("Reserved Easement"), a true and correct copy of which is set forth below, the City of Chicago made a reservation of rights as follows:

"The City of Chicago hereby reserves an easement over all of the public alley herein vacated, as a right of way for existing City electrical facilities and for maintenance, renewal and reconstruction of said facilities or the construction of additional municipally-owned electrical facilities."

WHEREAS, the City, upon due investigation and consideration, has determined there are no existing City electrical facilities within the Subject Property and no need for construction of additional municipally-owned electrical facilities on the Reserved Easement within the Subject Property; and

WHEREAS, the Developer, namely Target Corporation, a Minnesota corporation, is currently developing the site bounded by Aberdeen on the East, Jackson on the north, Van Buren on the South, and the first north-south alley to the East of Racine, and is requesting a release of the Reserved Easement; and

WHEREAS, the City, upon due investigation and consideration, has determined the public interest now warrants a release of the Reserved Easement rights reserved in the third paragraph of Section 2 of the Original Ordinance; now, therefore,

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. The recitals above are incorporated herein.

SECTION 2. The release of the Reserved Easement, in its entirety, appearing in the third paragraph of Section 2 of the Original Ordinance is hereby approved.

SECTION 3. The Commissioner of the Department of Transportation is hereby authorized to execute, subject to the approval of the Corporation Counsel, a Release of Reserved Easement in substantially the form attached as Exhibit B. and such other supporting documents as may be necessary or appropriate to carry out and comply with the provisions of the Release of Reserved Easement, with such changes, deletions and insertions as shall be approved by the persons executing the Release of Reserved Easement.

SECTION 4. Except as expressly set forth herein, the Original Ordinance remains in full force and effect.

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. This ordinance shall take effect upon its passage and approval.