}

INTERGOVERNMENTAL ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6 (a) ofthe 1970 constitution ofthe 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 2325-2359 W. Madison Street, 1-39 S. Western Avenue, 2324-2358 W. Monroe Avenue (the "Properties") are owned by the City; and

WHEREAS, the City's Department of Housing & Economic Development proposes to assemble the Properties including portions of certain alleys to be vacated, as legally described herein; and the opening of a new alley for public use, as legally described in the following ordinance; and

WHEREAS, the City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of public use and the public interest to be subserved is such as to warrant the vacation of part of the public alleys and the opening of a new public alley legally described in the following ordinance; now, therefore,

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

SECTION 1. | 1) An Alley Vacation legally described as:

That part of the east-west and north-south public alleys in Block 9 of Rockwell's Addition to Chicago in the Northeast Quarter of Section 13, Township 39 North, Range 13 East and the West Half of the Northwest Quarter of Section 18, Township 39 North, Range 14 East ofthe Third Principal Meridian, recorded July 18, 1854, a part of said block having been subsequently divided as: Potwin's Subdivision of the North 449 feet of Lot 1, Block 9 in said Rockwell's Addition to Chicago; Potwin's Subdivision ofthe North 267.8 feet of Lots 3 and 4, Block 9, in said Rockwell's Addition to Chicago, recorded August 14, 1888 as document number 992658; Subdivision of that part North of Monroe Street of the East Four Fifths Lot 2 Block 9, in said Rockwell's Addition to Chicago recorded August 1, 1894 as document number 2081640; W.H.C. Sykes' Subdivision of Lots 6, 7, 8 and 9 in the Subdivision of that part North of Monroe Street of the East Four-fifths of Lot 2, Block 9 in said Rockwell's Addition to Chicago, recorded January 18, 1901 as document number 3055545; J.W. Brophy's Subdivision of Lots 8, 9 and 10 in the Subdivision of the North 449 feet of Lot 1, Block 9 in said Rockwell's Addition to Chicago, recorded July 13, 1883 as document number 481619; Subdivision of Lot 17 in Potwin's Subdivision of Lot 1, Block 9 in said Rockwell's Addition to Chicago, recorded November 4, 1881 as document number 357148; in Cook County, Illinois, described as follows:

Beginning at the intersection ofthe south line of Lot 18 in said Potwin's Subdivision of the North 449 feet of Lot 1 with the east line of South Western Avenue as widened per Ordinance passed April 27, 1925, Order of Possession dated January 3, 1945, Superior Court General Number 420818, said south line being also the north line of a 16 foot east-west alley; thence North 89 degrees 35 minutes. 40 seconds East along said south

line of Lot 18 and the south line of Lot 1 in Potwin's Subdivision ofthe North 449 feet, aforesaid, 118.34 feet to the west line of Lot 2 in said Potwin's Subdivision of the North 449 feet, said west line being also the east line of a 19.5 foot north-south alley; thence South 00 degrees 16 minutes 25 seconds East along said west line, 75.49 feet to the south line of said Lot 2; thence North 89 degrees 35 minutes 59 seconds East along the south line of Lots 2 through 5, inclusive, in Potwin's Subdivision of the North 449 feet, aforesaid, being the north line of a 20 foot alley and along the north line of the 5.5 foot alley dedicated by document recorded December 3, 1929 as number 10545885 and along the south line of Lots 1 through 5, inclusive, in Subdivision of that part North of Monroe Street of the East Four Fifths Lot 2 Block 9, aforesaid, being the north line of a 20 foot alley, 237.91

feet to the west line of Lot 2 in said Potwin's Subdivision of the North 267.8 feet of Lots 3 and 4, said west line being also the east line of a 20 foot north-south alley; thence South 00 degrees 16 minutes 03 seconds East along said west line, 69.94 feet to the easterly extension of the south line of Lot 1 in said W.H.C. Sykes' Subdivision; thence South 89 degrees 36 minutes 10 seconds West along the easterly extension of said south line, 20.00 feet to the east line of said Lot 1, said east line being also the west line of a 20 foot north-south alley; thence North 00 degrees 16 minutes 03 seconds West along said east line, 49.94 feet to the north line of said lot 1, said north line being also the south line of a 20 foot east-west alley; thence South 89 degrees 35 minutes 59 seconds West along said north line, 77.31 feet to the west line of said Lot 1, said west line being also the east line of a 16 foot north-south alley; thence South 00 degrees 16 minutes 16 seconds East along said west line, 49.94 feet to the south line of said Lot 1, said south line being also the north line of a 16 foot east-west alley; thence North 89 degrees 36 minutes 10 seconds East along said south line, 57.99 feet to the Northerly extension of the west line of the east 16.00 feet of Lot 2 in said W.H.C. Sykes' Subdivision; thence South 00 degrees 16 minutes 05 seconds East along the Northerly extension of the west line of the east 16.00 of Lot 2, aforesaid, 16.00 feet to the north line of said Lot 2 ; thence South 89 degrees 36 minutes 10 seconds West along the north line of Lots 2 through 5, inclusive, in W.H.C. Sykes' Subdivision of Lots 6, 7, 8 and 9, being also the south line of a 16 foot alley, 73.99 feet to the east line of the west 28.33 feet of Lot 2 in Block 9 in said Rockwell's Addition to Chicago, said east line being also the west line of a 16 foot north-south alley; thence North 00 degrees 16 minutes 16 seconds West along said east line, 80.44 feet to the south line ofthe 5.5 foot alley dedicated by document recorded December 3, 1929 as number 10545885; thence South 89 degrees 35 minutes 59 seconds West, along said south line, 28.33 feet to the west line of said Lot 2, Block 9 in said Rockwell's Addition to Chicago; thence South 00 degrees 16 minutes 16 seconds East along said west line, 14.50 feet to the north line of Lot 6 in said Potwin's Subdivision of the North 449 feet of Lot 1; thence South 89 degrees 35 minutes 59 seconds West along the north line of Lot 6 and 7 in said Potwin's Subdivision ofthe North 449 feet of Lot 1 and along the north line of Lot 5 in said J.W. Brophy's Subdivision, said north lines being also the south line of a 20 foot east-west alley, 96.27 feet to the west line of said Lot 5, said west line being also the east line of a 19.5 foot north-south alley; thence South 00 degrees 16 minutes 25 seconds East along said west line, 69.49 feet to the north line of Lot 3 in said J.W. Brophy's Subdivision; thence South. 89 degrees 36 minutes 17 seconds West along the north line of Lots 3 and 4 in said J.W. Brophy's Subdivision and along the north line of

Lots 7 through 11, inclusive, in said Subdivision of Lot 17 Potwin's of Lot 1, said north lines being the south line of a 16 foot east-west alley, 118.33 feet to the east line of said South Western Avenue, as widened; thence North 00 degrees 16 minutes 36 seconds West along said east line, 16.00 feet to the south line of Lot 6 in said Subdivision of Lot 17 in Potwin's Subdivision of Lot 1 said south line being also the north line of a 16 foot east-west alley; thence North 89 degrees 36 minutes 17 seconds East along said south line, 98.83 feet to the east line of Lot 6 in said Subdivision of Lot 17 in Potwin's Subdivision of Lot 1; thence North 00 degrees 16 minutes 25 seconds West along the east line of Lots 1 through 6, inclusive, in said Subdivision of Lot 17 in Potwin's Subdivision of Lot 1, being also the west line of a 19.5 foot north-south alley, 132.98 feet to the north line of said Lot 1, said north line being also the south line of a 16 foot east-west alley; thence South 89 degrees 35 minutes 40 seconds West along said north line, 98.83 feet to the east line of said South Western Avenue, as widened; thence North 00 degrees 16 minutes 36 seconds West along said east line, 16.00 feet to the Point of Beginning as shaded and indicated by the words "TO BE VACATED" on the drawing hereto attached, which drawing 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 vacations.

| 2) An Alley Opening legally described as:

That part of Lot 2 in W.H.C. Sykes' Subdivision of Lots 6, 7 and 8 in the Subdivision of that part north of

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Monroe Street of the east four-fifths of Lot 2, in Block 9 in Rockwell's Addition to Chicago in the Northeast Quarter of Section 13, Township 39 . North, Range 13 East and the West Half of the Northwest Quarter of Section 18, Township 39 North, Range 14 East ofthe Third Principal Meridian, recorded July 18, 1854, recorded January 18, 1901 as document number 3055545, in Cook County, Illinois, described as follows: Beginning at the northeast corner of said Lot 2; thence South 00 degrees 16 minutes 05 seconds East along the east line of said Lot 2, a distance of 128.57 feet to the north line of West Monroe Street, opened by Ordinance passed December 30, 1867; thence South 89 degrees 36 minutes 40 seconds West along said north line, 16.00 feet; thence North 00 degrees 16 minutes 05 seconds West, 128.57 feet to the north line of said Lot 2, said north line being also the south line of a 16 foot east-west alley; thence North 89 degrees 36 minutes 10 seconds East along said north line, 16.00 feet to the Point of Beginning as shaded and indicated by the words "TO BE VACATED" on the drawing hereto attached, which drawing 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 vacations.

SECTION 2.. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, AT&T-Illinois/SBC and Comcast, their successors or assigns, an easement to operate, maintain, construct, replace, and renew overhead poles, wires, and associated equipment and underground conduit, cables, and associated equipment for the transmission and distribution of electrical energy and telephonic and associated services under,

Page 3

over, and along the alleys as herein vacated, with the right of ingress and egress and the right to access to said facilities at all times for any and all purposes.

SECTION 3. The City of Chicago hereby reserves the alleys as herein vacated, as a right of way for existing City electrical facilities, and for the maintenance, renewal and reconstruction of said facilities of the construction of additional Municipally-owned electrical facilities. It is further provided that no buildings or other structures shall be erected on the said right of way herein reserved or other use made of said area which in the judgment of the respective Municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, and reconstruction of said facilities, or the construction of additional Municipally-owned service facilities.

SECTION 4. The vacation herein provided for is made upon the express condition that the Department of Housing Economic Development, shall ensure that the ultimate beneficiary of the assembled parcel deposit in the City Treasury of the City of Chicago, a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb to close the entrance to that part of the public alleys hereby vacated, similar to the sidewalk and curb at 1-39 S. Western Avenue. A Duty to Build Agreement is currently in place for construction of the new alley.

SECTION 5. The vacation herein provided for is also made upon the express condition that within 180 days after the passage of this ordinance the Department of Housing & Economic Development, shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with an attached drawing approved by authorized staff at the Chicago Department of Transportation,.Maps and Plats Unit.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication. The vacation and opening ordinances shall take effect and be in force from and after their recording. ■

Approved as to Form and Legality

Page 4

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to Chicago In the Northeast Quarter of Section 13, Township 39 North. Range 13 East and the West Half of the Northwest Ouorter of Section 18. Township 39 North. Ronge 14 East of the Third Principal Meridian, recorded July IB. 1854, a part of said block having been subsequently divided as: Potwin's Subdivision of the North 449 feet of Lot 1. Block 9 In sold Rockwell's Addition to Chicago: Potwin's Subdivision of the North 267.8 feet of Lots 3 and 4, Block 9. In said Rockwell's Addition to Chicago, recorded August 14, 1888 os document number 992658; Subdivision of that part North of Monroe Street of the Eost Four Fifths of Lot 2 Block 9. In said Rockwell's Addition to Chicago recorded August 1, 1894 os document number 2081640; W.H.C. Sykes' Subdivision of Lots 6. 7. 8 and 9 In the Subdivision of that ' port North of Monroe Street of the East Four-fifths of Lot 2, Block 9 In sold Rockwell's Addition to Chicago, recorded January 18, 1901 as document number 3055545: J.W. Brophy's Subdivision of Lots 8. 9 and 10 In the Subdivision of the North 449 feet of Lot 1, Block 9 In sold Rockwell's Addition to Chicago, recorded July 13, 1883 as document number 481619; Subdivision of Lot 17 In Potwin's Subdivision of Lot 1. Block 9 In sold Rockwell's Addition to Chicago, recorded November 4, 1881 os document number 357148: In Cook County, Illinois, described as follows:
Beginning ot the Intersection of the south line of Lot 18 In sold Potwin's Subdivision of the North 449 feet of Lot 1 with the eost line of South Western Avenue os widened per Ordinance passed April 27, 1925, Order of Possession doted January 3, 1945, Superior Court General Number 420818, sold south line being also the north line of a 16 foot eost-west alley; thence North 89 degrees 35 minutes 40 seconds Eost along sold south line of Lot 18 ond the south line of Lot 1 In Potwin's Subdivision of the North 449 feet, aforesaid, 118.34 feet to the west line of Lot 2 In said Potwin's Subdivision of the North 449 feet, said west line being also the eost line of a 19.5 foot north-south olley; thence South 00 degrees 16 minutes 25 seconds East along said west line, 75.49 feet to the south line of sold Lot 2: thence North 89 degrees 35 minutes 59 seconds East along the south line of Lots 2 through 5. Inclusive, In Potwin's Subdivision of the North 449 feet, aforesaid, being the north line of o 20 foot olley ond olong the north line of the 5.5 foot alley dedicated by document recorded December 3. 1929 os number 10545885 and along the south line of Lots 1 through 5. Inclusive. In Subdivision of thot part North of Monroe Street of the Eost Four Fifths Lot 2 Block 9, aforesold, being the north line of o 20 foot olley. 237.91 feet to the west line of Lot 2 In sold Potwin's Subdivision of the North 267.8 feet of Lots 3 and 4. sold west line being olso the eost line of o 20 foot north-south alley: thence South 00 degrees 16 minutes 03 seconds Eost along sold west line, 69.94 feet to the easterly extension of the south line of Lot 1 In sold W.H.C Sykes' Subdivision; thence South 89 degrees 36 minutes 10 seconds West along the easterly extension of sold south line. 20.00 feet to the eost line of sold Lot l. sold east line being also the west line of a 20 foot north-south olley; thence North 00 degrees 16 minutes 03 seconds West along said east line, 49.94 feet to the north line of sold Lot 1, sold north line being olso the south line of a 20 foot east-west alley: thence South 89 degrees 35 minutes 59 seconds West along sold north line, 77.31 feet to the west line of sold Lot 1, sold west line being olso the east line of a 16 foot north-south olley; thence South 00 degrees 16 minutes 16 seconds Eost along said west line, 49.94 feet to the south line of sold Lot 1, sold south line being also the north line of o 16 foot eost-west alley; thence North 89 degrees 36 minutes 10 seconds East along said south line, 57.99 feet to the Northerly extension of the west line of the east 16.00 feet of Lot 2 In said W.H.C. Sykes' Subdivision; thence South 00 degrees 16 minutes 05 seconds East along the northerly extension of the west line of the eost 16.00 of Lot 2. aforesold, 16.00 feet to the north line of sold Lot 2 ; thence South 89 degrees 36 minutes 10 seconds West along the north line of Lots 2 through 5, Inclusive. In W.H.C. Sykes' Subdivision of Lots 6, 7. 8 ond 9. being also the south line of o 16 foot alley, 73.99 feet to the eost line of the west 28.33 feet of Lot 2 in Block 9 In said Rockwell's Addition to Chicago, said east line being also the west line of a 16 foot north-south alley; thence North 00 degrees 16 minutes 16 seconds West along sold eost line. 80.44 feet to the south line of the 5.5 foot olley dedicated by document recorded December 3, 1929 os number 10545885: thence South 89 degrees 35 minutes 59 seconds West, along said south line. 28.33 feet to the west line of sold Lot 2, Block 9 In soid Rockwell's Addition to Chicago: thence South 00 degrees 16 minutes 16 seconds Eost olong said west line, 14.50 feet to the north line of Lot 6 In sold Potwin's Subdivision of the North 449 feet of Lot 1; thence South 89 degrees 35 minutes 59 seconds West olong the north line of Lot 6 and 7 In said Potwin's Subdivision of the North 449 feet of Lot 1 and along the north line of Lot 5 In sold J.W. Brophy's Subdivision, said north lines being olso the south line of o 20 foot east-west olley, 96.27 feet to the west line of said Lot 5, said west line being also the eost line of o 19.5 foot north-south alley: thence South 00 degrees 16 minutes 25 seconds East along said west line, 69.49 feet to the north line of Lot 3 In sold J.W. Brophy's Subdivision; thence South. 89 degrees 36 minutes 17 seconds West olong the north line of Lots 3 and 4 In said J.W. Brophy's Subdivision and along the north line of Lots 7 through 11, Inclusive. In sold Subdivision of Lot 17 Potwin's of Lot 1, sold north lines being the south line of o 16 foot eost-west olley, 118.33 feet to the eost line of said South Western Avenue, os widened; thence North 00 degrees 16 minutes 36 seconds West along sold eost line, 16.00 feet to the south line of Lot 6 In sold Subdivision of Lot 17 In Potwin's Subdivision of Lot 1 sold south line being olso the north line of o 16 foot eost-west alley: thence North 89 degrees 36 minutes 17 seconds Eost along sold south line. 98.83 feet to the eost line of Lot 6 In sold Subdivision of Lot 17 In Potwin's Subdivision of Lot 1; thence North 00 degrees 16 minutes 25 seconds West along the east line of Lots 1 through 6, Inclusive. In sold Subdivision of Lot 17 in Potwin's Subdivision of Lot 1, being olso the west line of a 19.5 foot north-south alley, 132.98 feet to the north line of sold Lot 1. sold north line being olso the south line of a 16 foot eost-west alley; thence South 89 degrees 35 minutes 40 seconds West along sold north line, 98.83 feet to the eost line of said South Western Avenue, os widened; thence North 00 degrees 16 minutes 36 seconds West olong sold eost line, 16.00 feet to the Point of Beginning.
SSI
County of Cook)
The City of Chicago, Department of Housing ond Economic Development, o Municipal Corporation of the State of Illinois, hereby certifies thot It is the owner of the property described hereon and hos caused the same to be surveyed ond opened for a Public Alley. In witness whereof said City of Chicago, Deportment of Housing and Economic Development, has caused this Instrument to be signed by its duly authorized officials on Its behalf this day of , A.O..
By:
Attested By:
Name
Name
Title
Stote of Illinois) County of Cook)
I.
Title
SSI
, a Notary Public In and for
sold County, In the Stote oforesold, do hereby certify thot
personally known to me to be the same persons whose nomes are subscribed tothe foregoing Instrument as such owners, appeared before me this doy in person and acknowledged that they signed the annexed plat as their own free and voluntary act for the uses and purposes therein set forth.
Given under my hond and notarized Seal this _doy of_. A.D._.
Notary Public
My Commission expires:.
State of Illinois)
SS)
County of Cook)
This Is to certify that I, William J. Fleming, an Illinois Professional Land Surveyor, have surveyed the property described above, that the plot drawn hereon Is o correct representation of sold survey, ond that this Professional Service conforms to the current Illinois Minimum Standards of Practice applicable to Boundary Surveys.
Dated at Chicago, Illinois on this 28th doy of April, A.D. 2011.
Illinois Professional Land Surveyor 35-3226 Expires 11/30/2012
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GRIEF

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City of Chicago
Department of Housing and Economic Development
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Brophy's Subdivision Recorded July 13,1883 as Document 461619
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Potwin's Subdivision
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(48.25')
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-Lot 3 in Block 9 in Rockwell's Sub-
3.25
Lot 2

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_____ Alley__
(170.62-1
Lot 3
S 89* 36' 40" W (170.62-1
Alley
Potwin's Subdivision of part of Lots 3 & 4 in Block 9 in Rockwell's Addition to Chicago Recorded June 26,1877 as Document 140355
Lot 8
LOt 7
Lot 6
- To Be Opened
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332.89'
S 89° 36' 40" W 16.00'
t>wJG>
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\ Subdivision of part of Lot 2 in Block i
'-in Rockwell's Addition to Chicago
Recorded December 5,1893 as Document 2081640
(22.5-)
Lot 5
Lot 4
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Lot 3
Opened by Ordlnonce possed December 30. 1867
See Sheet 2 of 2 for Legal Description and Certifications

GR EF

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PROXCTHMtt
Pete's Fresh Market
sheet Trae
Plat of Opening CDOT Drawing 18-02-10-3194
PREPARED FOR
City of Chicago Department of Housln and Economic Development
NO. DATE
PROJECT NUMBER: 2011301&01
DATE *W20
DRAWN BY: WJF
CHECKED BY: LAG
PROJECT MANAGER: NIF
SCALE" r-RLE
1/2
Legol Description
That part of Lot 2 in W.H.C. Sykes' Subdivision of Lots 6, 7 and 8 in the Subdivision of that part north of Monroe Street of the east four-fifths of Lot 2, in Block 9 In Rockwell's Addition to Chicago in the Northeost Ouorter of Section 13, Township 39 North, Ronge 13 Eost ond the West Half of the Northwest Ouorter of Section 18, Township 39 North, Range 14 East of the Third Principal Meridian, recorded July 18, 1854, recorded January 18, 1901 as document number 3055545. In Cook County, Illinois, described os follows:

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Beginning at the northeost corner of said Lot 2; thence South 00 degrees 16 minutes 05 seconds East along the east line of said Lot 2, a distance of 128.57 feet to the north line of West Monroe Street, opened by Ordinance passed December 30, 1867; thence South 89 degrees 36 minutes 40 seconds West along said north line, 16.00 feet; thence North 00 degrees 16 minutes 05 seconds West, 128.57 feet to the north line of said Lot 2. sold north line being also the south line of a 16 foot east-west alley; thence North 89 degrees 36 minutes 10 seconds East along said north line, 16.00 feet to the Point of Beginning.
Sold parcel contains 2,057 square feet, more or less.
State of Illinois)
SS)
County of Cook)
The City of Chicago, Department of Housing and Economic Development, a Municipal Corporation of the Stote of Illinois, hereby certifies that it Is the owner of the property described hereon and has caused the same to be surveyed and opened for a Public Alley. In witness whereof said City of Chicago, Department of Housing and Economic Development, has caused this instrument to be signed by its duly authorized officials on its behalf this day of , A.D.,
By:_ Attested By:_
Nome Name
Title
Title
State of Illinois)
SS)
County of Cook)
This is to certify that I, William J. Fleming, an Illinois Professional Land Surveyor, have surveyed the property described above, that the plot drawn hereon Is a correct representation of said survey, and that this Professional Service conforms to the current Illinois Minimum Standards of Practice applicable to Boundary Surveys.
Dated ot Chicago, Illinois on this 28th day of April, A.D. 2011.
.,>ii«iiii„.
Illinois Professional Land Surveyor 35-3226 Expires 11/30/2012

.'WILLIAM J.: : = 55 FLEMING I \^\35-3226/£/
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PROJECT NAME:
Pete's Fresh Market
Plat of Opening CDOT Drawing 18-02-10-3194
State of Illinois)
SS)
County of Cook)
I.
, a Notary Public In and for
said County, in the State aforesaid, do hereby certify that
personally known to me to be the same persons whose names are subscribed tothe foregoing instrument os such owners, oppeared before me this doy in person and acknowledged that they signed the annexed plat as their own free and voluntary act for the uses and purposes therein set forth.
Given under my hand and notarized Seal this _day of___, A.D___
Notary Public
My Commission expires: .
City of Chicago Department of Housing and Economic Development
NO. BATE
REUISONS
PROJECT NUMBER: 20113019.01
DATE 42K011
DRAWN BY: WJF
CMECKEDBY IA0
PROJECT MANAGER; WJF
SCALE: I* FOE
SHEET NUMBER
2/2

FILE NO. 13-02-10-3194

TOTAL AREA TO BE OPENED = 2,057. St* Ft.

FILE NO. 13-02-10-3194

TOTAL AREA TO DE VACATED = 13, 709. 5<\. Ft.