

COMMERCIAL DEDICATION AND VACATION ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6 (a) of the 1970 Constitution of the 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 5032-5058 S. Pulaski Road, 4000-4024 W. 51st Street, and 5011-5023 S. Archer Avenue, Chicago, Illinois, are owned by CFT NV Developments, LLC, a Nevada limited liability company ("Developer"); and

WHEREAS, Developer has plans to use the vacated and dedicated area to accommodate vehicular access to and from the associated zoning lot, internal vehicular circulation, and to serve a proposed new one-story, quick-service restaurant with drive-through facility and corresponding private accessory parking lot; and

WHEREAS, the City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of the public alleys described below; now, therefore,

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

SECTION 1.

DEDICATION OF: THE NORTH 18.00 FEET OF LOT 26, IN BLOCK 1 OF HINKAMP AND CO.'S ARCHER & CRAWFORD AVES.' SUBDIVISION, "BEING A SUBDIVISION OF THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF ARCHER AVENUE", ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14TH, 1927 AS DOCUMENT NUMBER 9685129, WITH THE LATEST PLAT OF CORRECTION RECORDED JANUARY 10, 1930 AS DOCUMENT NUMBER 492323T.S.; LYING WEST OF AND ADJOINING A LINE 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 10 TAKEN FOR WIDENING OF S. CRAWFORD AVENUE BY ORDINANCE PASSED JULY 22, 1926 AND ORDER OF POSSESSION BY SUPERIOR COURT RECORDED NOVEMBER 23, 1943 AS GENERAL NUMBER 443985; LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOT 27 IN SAID HINKAMP AND CO.'S ARCHER & CRAWFORD AVENUE'S SUBDIVISION AND LYING EAST OF AND ADJOINING THE EAST LINE OF THE NORTH-SOUTH 16.00 FOOT WIDE PUBLIC ALLEY IN SAID BLOCK 1; ALL IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 1,944.26 SQUARE FEET OR 0.045 ACRES, MORE OR LESS, as shaded and legally described by the words "HEREBY DEDICATED" on the plat hereto attached as **EXHIBIT A**, which plat for greater clarity, is hereby made a part of this ordinance, be

and the same is accepted, and the public interest will be subserved by the acceptance of the dedication and its opening for public use.

VACATION OF: THAT PART OF A NORTH-SOUTH 16.00 FOOT WIDE PUBLIC ALLEY LYING WEST OF AND ADJOINING THE WEST LINE OF LOTS 17 THROUGH 25 AND THAT PART OF LOT 26 LYING SOUTH OF AND ADJOINING THE WESTERN EXTENSION OF THE SOUTH LINE OF THE NORTH 18.00 FEET OF SAID LOT 26, LYING NORTH OF AND ADJOINING THE NORTH RIGHT OF WAY OF W. 51ST STREET AND LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 16, THE TERMINUS OF THE EAST-WEST 16.00 FOOT WIDE PUBLIC ALLEY (VACATED BY ORDINANCE PASSED APRIL 13, 1950 AND RECORDED JULY 3, 1950 AS DOCUMENT NUMBER 1299711-T.S.) AND THAT PART OF LOT 11, ALL INCLUSIVE, IN BLOCK 1 OF HINKAMP AND CO.'S ARCHER & CRAWFORD AVES.' SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF ARCHER AVENUE, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14TH, 1927 AS DOCUMENT NUMBER 9685129, ALL IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 4,112.25 SQUARE FEET OR 0.094 ACRES, MORE OR LESS, as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as **EXHIBIT B**, which plat 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 vacation.

For recording purposes, the property index numbers and addresses of the properties adjacent to the to-be-vacated and to-be-dedicated public right of way are attached hereto as **EXHIBIT C** and incorporated by this reference.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, AT&T/SBC, Crown Castle and each of their successors or assigns, a non-exclusive utility easement to operate, maintain, construct, replace and renew overhead wires, poles, and associated equipment and underground conduit, cables, and associated equipment for the transmission and distribution of electrical energy, telephonic and associated services under, over and along the public way herein vacated, with the right of ingress and egress. The grade of the vacated public way shall not be altered in a manner so as to interfere with the operation and maintenance of said facilities. No construction, buildings, permanent structures or other obstructions shall occur or be placed over the area herein vacated without the express written release of easement by the involved utility(ies). The Developer acknowledges that any future utility work initiated by it, its successors or assigns, involving the utilities herein reserved for within the public way areas vacated, requires prior review by the City's Office of Underground Coordination. Utility relocations will be accomplished by the involved utility(ies) at the sole expense of the Developer, its successors or assigns. Any future release of easement by the reserved utilities shall include, at the utility's option, the abandonment in place of the existing facilities, equipment and appurtenances as maybe located over, through, under, along and across

the vacated area. It is further provided that all costs and expenses associated with the removal of abandoned facilities shall be borne exclusively by the Developer, its successors and assigns and not by the abandoning utility(ies).

SECTION 3. The City of Chicago hereby reserves for the benefit of CDOT Division of Electrical Operations, its successors or assigns, a non-exclusive utility easement to operate, maintain, construct, replace and renew overhead wires, poles, and associated equipment and underground conduit, cables, and associated equipment for the transmission and distribution of electrical energy, and associated services under, over and along the alley herein vacated, with the right of ingress and egress. The grade of the vacated public way shall not be altered in a manner so as to interfere with the operation and maintenance of CDOT Division of Electrical Operations facilities. No buildings, permanent structures or obstructions shall be placed over CDOT Division of Electrical Operations facilities without written release of easement. Any future vacation-beneficiary prompted relocation of CDOT Division of Electrical Operations facilities lying within the area being vacated will be accomplished by CDOT Division of Electrical Operations and done at the expense of beneficiary of the vacation, its successors or assigns.

SECTION 4. The dedication for public way is accepted upon the express condition that the Developer shall deposit in the City Treasury of the City of Chicago, a security deposit in the amount sufficient to defray the costs of removing paving and curb returns, and constructing newly dedicated/opened public streets and alleys, said streets and alleys being constructed according to the current version of the Chicago Department of Transportation *Regulations for Opening, Repair and Construction in the Public Way* and its appendices, and as agreed to by the Developer in the attached Duty to Build Agreement as **EXHIBIT D**, hereby made a part of this ordinance. Request for final field inspection and approval of the Developer's construction, shall be made to the CDOT Division of Infrastructure Management, Construction Compliance Unit, Room 905 City Hall prior to return of said security deposit.

SECTION 5. The vacation and dedication herein provided for is further made upon the express condition that the Owner shall comply with all the conditions set forth in the Department of Water Management letter dated December 5, 2025, and attached hereto as **Exhibit E**.

SECTION 6. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, Developer shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owner of the property abutting said public alleys hereby vacated the sum _____ dollars (\$ _____), which sum in the judgment of this body will be equal to such benefits.

SECTION 7. The vacation herein provided for is made under the express condition that Developer, its successors and assigns, shall hold harmless, indemnify and defend the City of Chicago from all claims related to said vacation.

SECTION 8. The vacation herein provided for is further made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Developer shall file or cause to be filed for recordation with the Office of the Clerk of Cook County, Illinois, Recordings Division, a fully stamp-approved, certified copy of this ordinance, together with the similarly approved associated full-sized plats as authorized by the Superintendent of Maps and Plats.

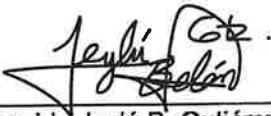
SECTION 9. This ordinance shall take effect and be in force from and after its passage and publication. The vacation and dedication shall take effect and be in force from and after recording of the published ordinance and the approved plats.

Vacation Approved, Dedication Accepted:



William Cheaks, Jr.
Commissioner of Transportation

Introduced by:



Honorable Jeylú B. Gutiérrez
Alderman, 14th Ward

CDOT File Number:

10-14-25-4101