

NOT FOR PROFIT 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 City wishes to support the charitable, educational, and philanthropic activities of established not-for-profit corporations and encourage the continued viability and growth of such activities; and

WHEREAS, many not-for-profit corporations own property that adjoin streets and alleys that are no longer required for public use, and might more productively be used in furtherance of such activities; and

WHEREAS, the City would benefit from the vacation of these streets and alleys by reducing City expenditures on maintenance, repair and replacement; by reducing fly-dumping, vandalism and other criminal activity; and by providing support for such charitable, educational and philanthropic activities; and

WHEREAS, in addition, when the City vacates streets and alleys that revert to ownership by not-for-profit corporations engaged in charitable, educational, and philanthropic activities, the City obtains additional financial benefits by building stronger, more productive communities and by being relieved of the cost of social services that it might otherwise have to support with public monies; and

WHEREAS, because the City obtains a net benefit from supporting and facilitating the activities of not-for-profit corporations in local communities, the City Council of the City ("City Council") has determined it to be in the public interest to vacate the public way without compensation, where the abutting owner is a not-for-profit corporation engaged in charitable, educational or philanthropic activities; and

WHEREAS, the properties at approximately 1034-1038 S. May Street, 1035-1037 S. May Street, 1101-1107 S. May Street and 1100-1108 S. May Street, are owned by St. Ignatius College Prep., an Illinois not-for-profit corporation ("Developer"); and

WHEREAS, the Developer uses the properties for operation of a high school and campus; and

WHEREAS, the Developer proposes to use the portion of the public alleys to be vacated herein for the construction of a new five (5) story academic building to house fine arts and sciences learning; and

WHEREAS, the City Council, 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 parts of public street described below; now, therefore,

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

SECTION 1. Vacation of: **THAT PART OF S. MAY STREET 66 FOOT TO 86 FOOT WIDE PUBLIC RIGHT OF WAY AS DEDICATED; TOGETHER WITH THAT PART OF W. 11TH STREET 40 FOOT WIDE PUBLIC RIGHT OF WAY AS DEDICATED; LYING WEST OF AND ADJOINING THE WESTERN TERMINUS OF PREVIOUSLY VACATED W. 11TH STREET BY ORDINANCE PASSED JULY 7, 1960 AND RECORDED SEPTEMBER 27, 1960 AS DOCUMENT NUMBER #17974419; LYING NORTH OF AND ADJOINING THE NORTHERN TERMINUS OF PREVIOUSLY VACATED W. MAY STREET VACATED BY ORDINANCE PASSED NOVEMBER 13, 2007 AND RECORDED DECEMBER 18, 2007 AS DOCUMENT NUMBER #0735215046; BEING PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 19 IN MACALISTER'S SUBDIVISION OF BLOCK 25 OF SAID CANAL TRUSTEE'S SUBDIVISION ANTE-FIRE, ALSO BEING ON THE WEST LINE OF S. MAY STREET; THENCE SOUTH 01 DEGREES 44 MINUTES 16 SECONDS EAST ALONG THE EAST LINE OF LOTS 17, 18 AND 19 IN SAID MACALISTER'S SUBDIVISION AND THE EAST LINE OF LOTS 8, 9 AND 10 OF GUNKEL'S SUBDIVISION OF BLOCK 26 IN SAID CANAL TRUSTEE'S SUBDIVISION ANTE-FIRE, 132.00 FEET TO THE NORTH LINE OF THE SOUTH 336.00 FEET OF SAID VACATED S. MAY STREET; THENCE NORTH 88 DEGREES 15 MINUTES 44 SECONDS EAST ALONG SAID NORTH LINE EXTENDED EASTERLY, 86.00 FEET TO THE EAST LINE OF THE WEST 20.00 FEET OF LOT 1 IN SAID CRANE & WESSON'S SUBDIVISION; THENCE NORTH 01 DEGREES 44 MINUTES 16 SECONDS WEST ALONG SAID EAST LINE EXTENDED NORTHERLY, EXTENSION BEING SAID WESTERN TERMINUS OF PREVIOUSLY VACATED W. 11TH STREET, 93.65 FEET TO THE NORTH LINE OF SAID W. 11TH STREET; THENCE SOUTH 88 DEGREES 15 MINUTES 44 SECONDS WEST ALONG SAID NORTH LINE OF W. 11TH STREET, 20.00 FEET TO SOUTHWEST CORNER OF LOT 32 IN G.W. CLARKE'S SUBDIVISION OF BLOCK 24 IN SAID CANAL TRUSTEE'S SUBDIVISION, ALSO BEING ON THE EAST LINE OF S. MAY STREET; THENCE NORTH 01 DEGREES 44 MINUTES 16 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 32, A DISTANCE OF 38.35 FEET; THENCE SOUTH 88 DEGREES 15 MINUTES 44 SECONDS WEST, 66.00 FEET TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS, ABOVE DESCRIBED PARCEL CONTAINING 10,585 SQUARE FEET OR 0.2 ACRES, MORE OR LESS, as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as **EXHIBIT A**, 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 vacation. For recording purposes, the above legal descriptions are reproduced in **EXHIBIT B** attached hereto and incorporated herein, and the addresses and property index numbers (PINs) of the affected properties are set forth in **EXHIBIT C** attached hereto and incorporated herein.**

SECTION 2. Use Restriction. The Commissioner of the Chicago Department of Transportation is hereby authorized to accept and approve a redevelopment agreement or similar instrument restricting the use and improvement of the public way vacated in Section 1 to educational purposes which includes, but shall not be limited to, student learning and gathering spaces to allow exposure to fine arts, theater, science and technology, and other such use and improvements that are accessory, as that term is defined in the Chicago Zoning Ordinance. Such uses and improvements are to be owned and operated by the Developer and such use restrictions are subject to the approval of the Corporation Counsel as to form and legality. The reversion restriction on use and improvement set forth in the redevelopment agreement or similar instrument shall be for a term of forty (40) years and upon breach of such restriction the public way herein vacated shall revert to the City and be subject to the terms and conditions of the

dedication by which it has been heretofore held by the City. The use restriction shall be in place into perpetuity unless released subject to payment of appraised compensation to the City.

SECTION 3. Peoples Gas Easement. The City hereby reserves for the benefit of The Peoples Gas Light and Coke Co. ("Peoples Gas") an easement to operate, maintain, repair, renew and replace existing underground facilities and to construct new facilities in the area herein vacated, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected upon or over said easement herein reserved for Peoples Gas or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal, or replacement of said facilities, or the construction of additional facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without express written release of easement by Peoples Gas. Any future Developer-prompted relocation of Peoples Gas facilities lying within the area herein vacated will be accomplished by Peoples Gas at the sole expense of the Developer or its successors.

SECTION 4. Abandonment/Reconfiguration of DWM Water Main. The Developer acknowledges that the eight inch (8") Department of Water Management ("DWM") water main within the area herein vacated shall become its private property and maintenance responsibility upon completion of certain obligatory alteration work to City water facilities as may be needed to separate the privatized portion from the public portion in accordance with correspondence dated April 26, 2024 hereto attached as **EXHIBIT D**. Abandonment and reconfiguration work involving City water facilities will be accomplished by DWM at the Developer's sole expense. The Developer shall pay to DWM the abandonment/reconfiguration expenses and the value of the amortized water main prior to the recording of this ordinance. All plumbing plans involving the abandonment of the facilities must be reviewed, approved and permitted in advance by the DWM Engineering Section prior to work.

SECTION 5. Developer Assumes Ownership of Certain Sewers. The Developer acknowledges that upon the recording of this ordinance, the twelve inch (12") and the twenty-four inch (24") DWM sewers within the area herein vacated, as well as the twelve inch (12") sewer previously reserved for in document number 17974419 (recorded September 27, 1960) as approved by City Council on July 7, 1960; and the twenty-four inch (24") sewer reserved for in document 735215046 (recorded December 18, 2007) as approved by City Council on April 11, 2007 shall become the Developer's maintenance responsibility and property. The preexisting easements shall be released directly with DWM upon the Developer's payment of unamortized costs and deposits as further detailed in **EXHIBIT D**. In the event that the Developer wishes to abandon, modify or install facilities, plans must be reviewed, approved and permitted by the DWM, Sewer Design Section prior to the commencement of any work. Developer shall provide the DWM, Sewer Design Section with as-built drawings submitted within 45 days of completion

SECTION 6. Indemnification. The vacation herein provided for is made under the express condition that the Developer, and its successors and assigns, shall hold harmless, indemnify and defend the City from all claims related to said vacation.

SECTION 7. Recording with County Clerk. 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, the 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 plat as authorized by the Superintendent of Maps and Plats, and the redevelopment agreement

complying with Section 2 of this ordinance as approved by the Corporation Counsel.

SECTION 8. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication. The vacation shall take effect and be in force from and after the recording of the published ordinance and approved plat.

Vacation Approved:

Handwritten signature of Thomas Carney in black ink.

Thomas Carney
Commissioner of Transportation

Introduced By:

Handwritten signature of Bill Conway in black ink.

Honorable William Conway

Alderman, 34th Ward

CDOT File Number:

17-34-22-4024
