

COMMERCIAL 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, Blenheim Place LLC, an Illinois limited liability company ("Developer"), owns the property at 723 N. Willard Court; and

WHEREAS, Developer proposes to use the portion of the street to be vacated herein for the creation of a parking pad with perimeter fencing; and

WHEREAS, the City Council of the City, 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 that portion of the public street remnant, described below; now therefore,

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

SECTION 1.

VACATION OF:

THAT PART OF PROPERTY ACQUIRED FOR NORTHWEST EXPRESSWAY BY GENERAL ORDINANCE PASSED SEPTEMBER 5, 1949, IN AREA KNOWN AS W. SUPERIOR STREET WITHIN LOT 20 IN BLOCK 1 IN TAYLOR'S SUBDIVISION OF BLOCK 1 IN THE ASSESSOR'S DIVISION OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 20 19.0 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 20, THENCE EAST ALONG THE SAID NORTH LINE 14.09 FEET, THENCE ALONG A STRAIGHT LINE SOUTHEASTERLY TO A POINT ON THE EAST LINE OF SAID LOT 20, ALSO BEING THE WEST LINE OF ADJOINING NORTH-SOUTH 13 FOOT WIDE PUBLIC ALLEY, 3.19 FEET SOUTH OF THE SAID NORTHEAST CORNER OF LOT 20, THENCE SOUTH ALONG THE SAID EAST LINE OF LOT 20, 17.81 FEET TO A POINT 21.0 FEET SOUTH OF SAID NORTHEAST CORNER OF LOT 20, THENCE ON A STRAIGHT LINE 28.32 FEET NORTHWESTERLY TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS. SAID DESCRIBED PARCEL CONTAINING 191.67 SQUARE FEET OR 0.004 ACRES, MORE OR LESS, as shaded and legally described by the words "HEREBY VACATED" 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 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.**

SECTION 2. The City hereby reserves for the benefit of AT&T/SBC and 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, telephonic and associated services under, over and along the street 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 AT&T/SBC facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without an express written release of easement by the utility. Any future Developer-prompted relocation of AT&T/SBC facilities lying within the area being vacated will be accomplished by the involved utility, and be completed at the expense of Developer, and its successors and assigns.

SECTION 3. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Developer shall pay or cause to be paid to the City as compensation for the benefits which will accrue to the owner of the property abutting said part of public street hereby vacated the sum _____ dollars (\$ _____), which sum in the judgment of this body will be equal to such benefits.

SECTION 4. The vacation herein provided for is made under the express condition that Developer, and its successors and assigns, shall hold harmless, indemnify and defend the City from all claims related to said vacation.

SECTION 5. 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 plat of vacation as authorized by the Superintendent of Maps and Plats.

SECTION 6. 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 recording of the published ordinance and approved plat.

Vacation Approved:

A handwritten signature in black ink that reads "Thomas Carney". The signature is fluid and cursive, with a long horizontal stroke at the end.

Thomas Carney
Commissioner of Transportation

Introduced by:

A handwritten signature in black ink that reads "Walter Burnett". The signature is cursive and includes a long horizontal stroke at the end.

Honorable Walter Burnett
Alderman, 27th Ward

CDOT File Number:

08-27-23-4063
