

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, the properties at 6101-6133 W. Bryn Mawr Avenue, 5542-5568 N. Meade Avenue, and 5563-5595 N. Northwest Highway, Chicago, Illinois, are owned by Chicago Sweet Connection Group LLC and Chicago Sweet Connection Group II, LLC (together, "Developer"); and

WHEREAS, Developer has no current plans to change or alter the alley but may extend existing buildings over the alley in the future; 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. VACATION OF: THAT PART OF THE EAST-WESTERLY 16-FOOT WIDE PUBLIC ALLEY LYING SOUTHERLY OF AND ADJOINING THE SOUTH LINE OF WEST BRYN MAWR AVENUE RIGHT OF WAY; LYING SOUTH OF AND ADJOINING THE SOUTHERLY PROPERTY LINE OF THAT PART OF LOT 2; LYING NORTH OF AND ADJOINING THE NORTH PROPERTY LINE OF THAT PART OF LOT 3, LOTS 4, 5, 6, 7, 8 AND THAT PART OF LOT 9 AND LYING WEST OF AND ADJOINING THE WEST LINE OF SAID EAST-WESTERLY 16-FOOT WIDE PUBLIC ALLEY PREVIOUSLY VACATED BY ORDINANCE PASSED DECEMBER 7, 1960 AND RECORDED MARCH 3, 1961 AS DOCUMENT NUMBER #18100085; TOGETHER WITH THE NORTH-SOUTH 16-FOOT WIDE PUBLIC ALLEY DEDICATED AND RECORDED ON MARCH 3, 1961, AS DOCUMENT NUMBER #18100084; ALL INCLUSIVE IN ELMORE'S ADDITION TO ARDMORE MANOR, BEING A SUBDIVISION IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED FEBRUARY 27, 1924 AS DOCUMENT NUMBER #8297592, ALL IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 3,228 SQUARE FEET OR 0.074 ACRE, 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. For recording purposes, the property index numbers and addresses of the properties adjacent to the to-be-vacated public right of way, are attached hereto as **EXHIBIT B** and incorporated by this reference.**

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison 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 alleys 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 Commonwealth Edison 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 the utility. Any future Developer-prompted relocation of facilities lying within the area being vacated will be accomplished by the involved utility, and be completed at the expense of Developer, its successors or assigns, provided however, that such relocation may also be subject to the Developer securing an alternative easement right of way(s), which shall be acceptable to the utility in its sole discretion.

SECTION 3. The City of Chicago hereby reserves for the benefit of AT&T/SBC/Illinois Bell Telephone Company and its/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 4. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days of the City Council's passage of this ordinance, Developer shall pay to the City Treasury of the City of Chicago, a quoted security deposit in the amount of Six Thousand Six Dollars 00/XX dollars (\$6,006.00), for the approximate cost of Developer's work for public paving, curb, and related appurtenances in accordance with the most current version of the Chicago Department of Transportation's Regulations for Opening, Repair and Construction in the Public Way and its appendices. Upon completion of the work, a request for final field inspection and approval of 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 less any service fee.

SECTION 5. 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 6. 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 7. 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 as authorized by the Superintendent of Maps and Plats.

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

Vacation Approved:



Craig Turner

Acting Commissioner of Transportation

Introduced by:



Honorable James M. Gardiner
Alderman, 45th Ward

CDOT File Number:

08-45-25-4099