

SUBSTITUTE 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 2171 N. Rockwell Street, Chicago, Illinois, with corresponding PINS of 13-36-221-004-0000 & 13-36-221-018-0000 are owned by 2171 Rockwell, LLC, an Illinois limited liability company ("Buyer"); and

WHEREAS, Buyer's properties straddle a portion of the public alley which terminates parallel to the Owner's northerly property lines.

WHEREAS, At some point in time, a previous property owner of 2171 N. Rockwell Street incorporated the designated public way into their yard with a perimeter fence.

WHEREAS, Buyer seeks to formally purchase and incorporate the aforementioned portion of the public alley into their property; 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 portion of public alley described below; now therefore,

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

SECTION 1.

VACATION OF: THAT PART OF A NORTH-SOUTH 14 FOOT WIDE PUBLIC ALLEY LYING SOUTH OF AND ADJOINING THE NORTH LINE OF LOT 1 PROJECTED EASTERLY TO THE WEST LINE OF THAT PART OF LOT 19 (ALSO BEING THE SOUTH LINE OF LOT 7 IN GRAY'S SUBDIVISION, ANTE-FIRE); LYING NORTH OF AND ADJOINING THE SOUTH LINE OF SAID LOT 1 PROJECTED EASTERLY TO SAID WEST LINE OF THAT PART OF LOT 19; LYING EAST OF AND ADJOINING THE EAST LINE OF SAID LOT 1 AND LYING WEST OF AND ADJOINING THAT PART OF SAID LOT 19, ALL INCLUSIVE IN JAMES M. ALLEN'S SUBDIVISION OF LOTS 8, 9, 10 & 11 IN GRAYS SUBDIVISION OF 8 ACRES EAST OF AND ADJOINING THE WEST 35.62 ACRES NORTHEAST OF THE PLANK ROAD, ACCORDING TO THE PLAT RECORDED ON APRIL 11, 1882, AS DOCUMENT NUMBER #386837, ALL BEING IN THE WEST HALF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, THE ABOVE DESCRIBED PARCEL CONTAINING 350 SQUARE FEET, OR 0.008 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. For recording purposes, the property index numbers (PINs) and address adjacent to the to-be-vacated alley is**

set forth in **EXHIBIT B** attached hereto.

SECTION 2. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, Buyer 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 alley hereby vacated the sum of Forty-Four Thousand Five Hundred dollars (\$44,500), which sum in the judgment of this body will be equal to such benefits.

SECTION 3. The vacation herein provided for is made under the express condition that Buyer, its successors and assigns, shall hold harmless, indemnify and defend the City of Chicago from all claims related to said vacation.

SECTION 4. 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, Buyer 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 5. 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:

Acting Commissioner
Department of Transportation

Introduced by:

Honorable Daniel La Spata
Alderman, 1st Ward

CDOT File Number:

36-01-24-4072