

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

WHEREAS, many not-for-profit corporations own property that adjoins 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 benefits from the vacation of such streets and alleys because it: (a) reduces City expenditures for maintenance, repair and replacement; (b) reduces fly-dumping, vandalism and other criminal activity; and, (c) provides support for charitable, educational and philanthropic activities; and

WHEREAS, 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 benefits by building stronger, more productive communities and by facilitating the provision of social services by such not-for-profit corporations; and

WHEREAS, the City Council of the City has determined that due to the aforementioned additional benefits it is 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 and philanthropic activities; and

WHEREAS, the properties at 7609-7625 S. Dobson Avenue and 7608-7644 S. Greenwood Avenue, Chicago, Illinois (together, the "Properties"), are owned by New Life Covenant Church SE, an Illinois not-for profit corporation ("Developer"); and

WHEREAS, Developer uses the Properties for a food pantry, job readiness, school supplies giveaway, fitness/workout classes, youth development, legal clinic, community beautification, community gardening, and more; and

WHEREAS, Developer proposes to use the portion of the public alleys to be vacated herein for parking; and

WHEREAS, Developer proposes to dedicate certain real property, as further described below; 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 the public alley described below; now, therefore,

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

SECTION 1. Dedication.

The Commissioner of the Chicago Department of Transportation (the "Commissioner"), or the Commissioner's designee, is each hereby authorized and directed to approve a dedication of the following legally described property:

THE SOUTH 16 FEET OF LOT 4; LYING WEST OF AND ADJOINING THE WEST LINE OF S. GREENWOOD AVENUE RIGHT OF WAY; LYING EAST OF AND ADJOINING THE EAST LINE OF THE NORTH-SOUTH 14 FOOT WIDE PUBLIC ALLEY, ALL INCLUSIVE, IN WILLIAM BREYFOGLE'S RESUBDIVISION OF BLOCK 59 IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN; ACCORDING TO THE PLAT RECORDED OCTOBER 1, 1889, AS DOCUMENT NUMBER 1163799; ALL IN COOK COUNTY, ILLINOIS; ABOVE DESCRIBED PARCEL CONTAINING 2,001 SQUARE FEET, OR 0.046 ACRES, MORE OR LESS, as shaded and legally described by the words "HEREBY DEDICATED" 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 dedicated. For recording purposes, the property index numbers (PINs) and address range associated with the to-be-dedicated property are set forth in **EXHIBIT A-1** attached hereto.

SECTION 2. Vacation.

Vacation of:

THE EAST-WEST AND THAT PART OF THE NORTH-SOUTH 14 FOOT WIDE PUBLIC ALLEY; LYING WEST OF AND ADJOINING THE WEST LINE OF S. GREENWOOD AVENUE RIGHT OF WAY; LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 24; LYING NORTH OF AND ADJOINING THE SOUTH LINE OF SAID LOT 24 EXTENDED EAST TO THE WEST LINE OF LOT 1; LYING EAST OF AND ADJOINING THAT PART OF SAID LOT 1 AND LYING NORTH OF AND ADJOINING THE NORTH LINE OF SAID LOT 1, ALL INCLUSIVE, IN WILLIAM BREYFOGLE'S RESUBDIVISION OF BLOCK 59 IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN; ACCORDING TO THE PLAT RECORDED OCTOBER 1, 1889, AS DOCUMENT NUMBER 1163799; ALL IN COOK COUNTY, ILLINOIS; ABOVE DESCRIBED PARCEL CONTAINING 2,115 SQUARE FEET, OR 0.049 ACRES, MORE OR LESS, as shaded and legally described by the words "HEREBY VACATED" on the drawing hereto attached as **Exhibit B**, 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.

SECTION 3. The Commissioner of the Department of Transportation is hereby authorized to accept and approve, subject to the approval of the Corporation Counsel as to form and legality, a redevelopment agreement or similar instrument restricting the use and improvement of the public way vacated in Section 2 of this ordinance to social service purposes which include, but shall not be limited to, the provision of medical care and associated support services and for such use and improvements that are accessory, as that term is defined in the Chicago Zoning Ordinance, such uses and improvements to be owned and operated by a non-for-profit corporation. The redevelopment agreement or similar instrument shall provide that the public way

herein vacated shall revert to the City, subject to the terms and conditions of the dedication by which it has been heretofore held by the City, if Developer or its successors or assigns breaches the use restriction set forth in this Section 3 during the 40-year period commencing on the date of the recording of such document. The use restriction shall remain in place into perpetuity unless released by the City, subject to the payment by Developer or its successors or assigns of appraised compensation to the City.

SECTION 4. Prior to recording, Developer shall deposit in the City Treasury, a security deposit in an amount sufficient to defray the costs of removing paving and curb returns and constructing the new public alley, in accordance with the current version of the Chicago Department of Transportation's *Regulations for Opening, Repair and Construction in the Public Way* and its appendices, and as agreed to by Developer in the Duty to Build Agreement attached as **EXHIBIT C** and hereby made a part of this ordinance. Request for final field inspection and approval of Developer's construction, shall be made to the CDOT Division of Infrastructure Management, Construction Compliance Unit, 121 N. LaSalle Street, City Hall, Room 905, Chicago, IL 60602 prior to return of said security deposit, less service fees.

SECTION 5. The subdivision herein provided for is further made upon the express condition that the Owner, and its successors and assigns, shall comply with all the conditions set forth in the Department of Water Management letter dated March 11, 2025, and attached hereto as **Exhibit D**.

SECTION 6. The City hereby reserves for the benefit of Commonwealth Edison and ATT IL SBC Secondary, 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 Commonwealth Edison or ATT IL SBC Secondary 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 involved utilities. Any future Developer-prompted relocation of facilities lying within the area being vacated will be accomplished by the involved utility and be done at the expense of Developer and its successors or assigns.

SECTION 7. The vacation and dedication herein provided for are 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 and dedication.

SECTION 8. The vacation and dedication herein provided for are made upon the express condition that within 180 days after the passage of this ordinance Developer shall file or cause to be filed for recordation in the Office of the Cook County Clerk / Recordings Division, a certified copy of this ordinance, together with a redevelopment agreement or similar instrument complying with Section 3 of this ordinance, and the attached plats of vacation and dedication as approved by the Department of Transportation's Superintendent of Maps and Plats.

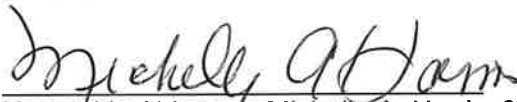
SECTION 9. This ordinance shall take effect and be in force from and after its passage and publication. The vacation and dedication shall take effect and be in force from and after the recording of the published ordinance, redevelopment agreement or similar instrument, and approved plats of vacation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

Vacation and Dedication Approved:



Craig Turner
Acting Commissioner of Transportation

Introduced By:



Honorable Alderman Michelle A. Harris, 8th Ward

CDOT File Number:

26-08-24-4082