



OFFICE OF THE MAYOR
CITY OF CHICAGO

BRANDON JOHNSON
MAYOR

June 21, 2023

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith an ordinance authorizing a right-of-way acquisition for the Burley Avenue roadway project.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brandon Johnson".
Mayor

ORDINANCE

WHEREAS, the City of Chicago (“City”) is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, and as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, CDOT has a project for the improvement of the roadways in South Burley Avenue from East 106th St. to East 126th place, South Carondolet Avenue from East 122nd St. to East 126th Place, and East 122nd St. from South Avenue ‘O’ to South Carondolet Avenue (“Project”); and

WHEREAS, portions of the Project will be constructed by CDOT (“CDOT Project”); and

WHEREAS, on April 10, 2019 (C.J., pp. 98209-98317), the City Council approved, and on August 29, 2019, the Developer and City executed the North Point Redevelopment Agreement (“Redevelopment Agreement”) for the development of the Project, the Facility and the Streets Project, all as defined therein; and

WHEREAS, all those portions of the Project that will not be constructed by CDOT are included within the Streets Project in the Redevelopment Agreement and will be constructed by Developer as provided therein; and

WHEREAS, the Streets Project includes the buildout of the grade crossing of East 122nd Street over the line and track of the Norfolk Southern Railway Company (“Railroad”) (“Crossing Project”); and

WHEREAS, East 122nd Street between South Burley Avenue and South Carondolet Avenue, which includes the location of the Crossing Project, was dedicated pursuant to a plat recorded as Doc. No. 2559622 on July 2, 1897, but such public ways remained unimproved for many years following the dedication; and

WHEREAS, between 1918 and 1927 the line and right of way that is now owned by the Railroad was relocated its present location with a crossing of previously dedicated 122nd Street immediately west of South Burley Avenue; and

WHEREAS, because the City is the road authority with jurisdiction over the public ways subject to the Project, the Railroad requires that City must execute the applicable construction agreements with Railroad for the construction of the Crossing Project; and

WHEREAS, the Developer will construct and install the Crossing Project, financing by the City, all as provided the Redevelopment Agreement; and

WHEREAS, MCC Sec. 2-102-030(w) authorizes the Commissioner of Transportation

("Commissioner") to enter into agreements with railroads regarding construction, maintenance and repairs of railroad facilities upon or adjacent to the public ways and to perform any and all acts as shall be necessary or advisable in connection with such agreements, but does not authorize the transfer of title to real estate; and

WHEREAS, the Project, including the Crossing Project requires additional highway right of way; and

WHEREAS, the City has determined that it is useful, desirable and necessary that the City acquire the parcels listed on the attached Exhibit A. or such portions thereof or interests therein as the Commissioner deems necessary or desirable for the Project, (the "Acquisition Parcels"), for CDOT's and the Developer's respective improvement, construction, maintenance and repair of the public ways in the Project and for the public use of such public ways thereafter; and

WHEREAS, the City Council hereby finds that the Project will further and assist in the eradication and elimination of commercial blight or buildings and structures that are detrimental to the health, safety and welfare of the occupants and the welfare of the urban community, consistent with the purposes set forth in Division 74.2 of Article 11 of the Illinois Municipal Code; and

WHEREAS, the City Council hereby finds that the Project will further and assist in the creation, development, improvement, maintenance, and redevelopment of business districts and involves further creation of new and lasting infrastructure consistent with the purposes set forth in Division 74.3 of Article 11 of the Illinois Municipal Code; and

WHEREAS, the City Council, pursuant to its home rule powers, finds that it useful and necessary to use quick-take to acquire the Acquisition Parcels for the purposes stated above; and

WHEREAS, pursuant to Resolution adopted on April 11, 2023, the Community Development Commission recommended the City's acquisition of the designated Acquisition Parcels listed on Exhibit A in furtherance of the Project; and

WHEREAS, upon their acquisition and the completion of the Crossing Project, the Acquisition Parcels shall be deemed open public ways; **now, therefore,**

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

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. In addition to the authority of MCC Sec. 2-102-030(w), the Commissioner is authorized to enter into and execute all agreements, including construction, maintenance and repair agreement with any landowner, railroad, utility or other impacted party that is necessary for

the Project providing indemnities as are necessary or advisable (“Construction and Maintenance Agreements”), and to perform any and all acts, including the allocation and expenditure of duly appropriated funds and the acquisition of properties as provided herein, as shall be necessary or advisable in connection with the implementation of the Project, with all such agreements subject to the approval of the Corporation Counsel as to form and legality.

SECTION 3. Permission and authority are hereby granted to Railroad to occupy East 122nd Street in compliance with the Construction Agreements entered into with the Commissioner.

SECTION 4. It is hereby determined and declared that it is useful, desirable and necessary for the City, acting through the Commissioner, to acquire the Acquisition Parcels for public purposes, including implementing the Project.

SECTION 5. The City Council hereby adopts the land acquisition and construction schedule for the Project, including the acquisition of the Acquisition Parcels or portions thereof, as set forth in Exhibit B which is attached and incorporated (“Schedule”). Further, the Commissioner is authorized to reasonably amend, modify, or change the Schedule as reasonably required for the completion of the Project, including the acquisition of the Acquisition Parcels which is herein adopted.

SECTION 6. The Commissioner is authorized to negotiate with the owner(s) for the purchase of the Acquisition Parcels or portions thereof. If the Commissioner and the owner(s) are able to agree on the terms of the purchase, the Commissioner is authorized to purchase the Acquisition Parcels on behalf of the City for the agreed price with such purchase price to be paid out of legally available funds of the City, including, without limitation, the proceeds of any grants or other funds received by the City, subject to the approval of the Corporation Counsel as to form and legality. If the Commissioner is unable to agree with any owner of an Acquisition Parcel on the terms of the purchase, or if an owner is unwilling or unable to enter into such a transaction in a timely manner with the City, or if an owner cannot be located, then the Commissioner may advise the Corporation Counsel who is then authorized to institute and prosecute condemnation proceedings, including a motion for immediate vesting of title, on behalf of the City for the purpose of acquiring the Acquisition Parcels under the City’s power of eminent domain.

SECTION 7. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 8. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 9. This ordinance shall be effective upon its passage and approval.

EXHIBIT A
ACQUISITION PARCELS

(SUBJECT TO FINAL SURVEY AND TITLE COMMITMENT)

BURLEY AVENUE IMPROVEMENTS

PARCEL 1BJ0001.

PIN
26-30-100-050

Common Address
2950 E 126th St., Chicago, IL

PARCEL 1BJ0002.

PIN
26-30-400-048

Common Address
3001 E 126th St., Chicago, IL

PARCEL 1BJ0003.

PIN
26-30-100-053

Common Address
2920 E 126th St., Chicago, IL

PARCEL 1BJ0004.

PIN
26-30-200-006

Common Address
12205 S. Carondolet Ave., Chicago, IL

PARCEL 1BJ0005.

PIN
26-30-204-001

Common Address
12519 S Burley Ave., Chicago, IL

PARCEL 1BJ0006.

PIN
26-19-200-031

Common Address
3200 E 116th St., Chicago, IL

PARCEL 1BJ0007.

PIN
26-19-200-030
26-19-200-033

Common Address
3200 E 116th St., Chicago, IL
3200 E 116th St., Chicago, IL

PARCEL 1BJ0008.

PIN
26-19-200-017

Common Address
3018 E 114th St., Chicago, IL

PARCEL 1BJ0009.

PIN
26-18-418-001
26-18-414-029

Common Address
3018 E 114th St., Chicago, IL
11357 S Burley Ave., Chicago, IL

PARCEL 1BJ0010.

PIN
26-18-410-027
26-18-404-001

Common Address
11357 S Burley Ave., Chicago, IL
11127 S Burley Ave., Chicago, IL

PARCEL 1BJ0011.

PIN
26-18-215-059

Common Address
10921 S Burley Ave., Chicago, IL

PARCEL 1BJ0013.

PIN
26-18-211-017
26-18-211-018
26-18-211-019
26-18-211-020
26-18-211-021
26-18-211-022
26-18-211-023
26-18-211-024

Common Address
10859 S Burley Ave., Chicago, IL
10857 S Burley Ave., Chicago, IL
10855 S Burley Ave., Chicago, IL
10851 S Burley Ave., Chicago, IL
10849 S Burley Ave., Chicago, IL
10847 S Burley Ave., Chicago, IL
10845 S Burley Ave., Chicago, IL
10843 S Burley Ave., Chicago, IL

PARCEL 1BJ0014.

PIN
26-18-211-014
26-18-211-015
26-18-211-016

Common Address
10839 S Burley Ave., Chicago, IL
10837 S Burley Ave., Chicago, IL
10833 S Burley Ave., Chicago, IL

PARCEL 1BJ0015.

PIN

26-18-211-003
26-18-211-004
26-18-211-005
26-18-211-006
26-18-211-007
26-18-211-008
26-18-211-009
26-18-211-010
26-18-211-011
26-18-211-012
26-18-211-013

Common Address

10831 S Burley Ave., Chicago, IL
10829 S Burley Ave., Chicago, IL
10825 S Burley Ave., Chicago, IL
10823 S Burley Ave., Chicago, IL
10821 S Burley Ave., Chicago, IL
10819 S Burley Ave., Chicago, IL
10815 S Burley Ave., Chicago, IL
10811 S Burley Ave., Chicago, IL
10811 S Burley Ave., Chicago, IL
10807 S Burley Ave., Chicago, IL
10805 S Burley Ave., Chicago, IL

PARCEL 1BJ0016.

PIN

26-18-211-002

Common Address

10803 S Burley Ave., Chicago, IL

PARCEL 1BJ0017.

PIN

26-18-200-015
26-18-500-001

Common Address

10730 S Burley Ave., Chicago, IL
10620 S Buffalo Ave., Chicago, IL

PARCEL 1BJ0018.

PIN

26-18-205-049

Common Address

10723 S Burley Ave., Chicago, IL

PARCEL 1BJ0019.

PIN

26-18-205-002
26-18-205-003

Common Address

10703 S Burley Ave., Chicago, IL
10705 S Burley Ave., Chicago, IL

PARCEL 1BJ0020.

PIN

26-18-205-001

Common Address

10701 S Burley Ave., Chicago, IL

PARCEL 1BJ0021.

PIN
26-18-205-051
26-18-205-050

Common Address
10700 S Buffalo Ave., Chicago, IL
10700 S Buffalo Ave., Chicago, IL

PARCEL 1BJ0022.

PIN
26-18-201-003

Common Address
10640 S Buffalo Ave., Chicago, IL

PARCEL 1BJ0023.

PIN
26-07-401-007

Common Address
10600 S Green Bay Ave., Chicago, IL

PARCEL 1BJ0024.

PIN
26-07-401-009

Common Address
10600 S Green Bay Ave., Chicago, IL

PARCEL 1BJ0026.

PIN
26-30-200-013

Common Address
12301 S Carondolet Ave., Chicago, IL

PARCEL 1BJ0027.

PIN
26-30-200-014

Common Address
12625 S Carondolet Ave., Chicago, IL

PARCEL 1BJ0028.

PIN
26-07-999-001

Common Address
9727 S Yates Ave., Chicago, IL

PARCEL 1BJ0029.

PIN
26-18-200-026

Common Address
10740 S Burley Ave., Chicago, IL

PARCEL 1BJ0030.

PIN
26-18-200-023

Common Address
3217 E 106th St., Chicago, IL

PARCEL 1BJ0032.

PIN
26-18-200-024

Common Address
3219 E 106th St., Chicago, IL

PARCEL 1BJ0033.

PIN
26-19-501-002
26-30-500-006

Common Address
12140 S Burley Ave., Chicago, IL
3101 E 122nd St., Chicago, IL

EXHIBIT B

Schedule for Project

1. Acquire all property interests, including fee simple interests, permanent easements and temporary easements, in those portions of the Acquisition Parcels designated on the plats on or before 05/31/2024.
2. Commence Burley Avenue Improvements project on or before 10/30/2024.