

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 3865-3877 N. Milwaukee Avenue, Chicago, Illinois, are owned by XRPR Portage Park LLC ("Developer"); and

WHEREAS, the properties at 3901-3955 N. Kilpatrick Avenue, Chicago, Illinois, are owned by The Peoples Gas Light and Coke Company, an Illinois corporation and they have conveyed and quit claimed all reversionary rights of the public street to the Developer. The recorded Quit Claim Deed (document #2618727026, recorded July 6, 2026) is attached hereto as **EXHIBIT C**; 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 street described below; now therefore,

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

SECTION 1. VACATION OF: PART OF LOT 3 IN WIEHE'S SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF BLOCK 19 LYING NORTHERLY OF THE NORTHEASTERLY LINE OF MILWAUKEE AVENUE IN GRAYLAND, A SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF WIEHE'S SUBDIVISION RECORDED ON JANUARY 3, 1911, AS DOCUMENT NUMBER #4686308, SAID PART OF LOT 3 ALSO BEING PART OF WIDENING OF W. BYRON STREET BY ORDINANCE PASSED NOVEMBER 3, 1926, AND ORDER OF POSSESSION BY SUPERIOR COURT ORDER 15, 192 AS GENERAL NUMBER #449006, ALL IN COOK COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, THENCE NORTH 88 DEGREES 45 MINUTES 52 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 79.35 FEET TO THE SOUTHEASTERLY LINE OF SAID PART TAKEN FOR W. BYRON STREET BY SAID ORDINANCE; THENCE SOUTH 38 DEGREES 23 MINUTES 22 SECONDS WEST ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 51.11 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 3 ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF N. MILWAUKEE AVENUE; THENCE NORTH 51 DEGREES 08 MINUTES 02 SECONDS WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 61.12 FEET TO THE POINT OF BEGINNING SAID ABOVE DESCRIBED PARCEL CONTAINING 1,562 SQUARE FEET (0.036 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 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 vacation herein provided for is made upon the express condition that within 240 days of the City Council passage of this ordinance and its related plat, and prior to recording, the Developers shall pay to the City Treasury of the City of Chicago, a quoted security deposit equal to the costs of Developers' work to 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 work, a request for final field inspection and approval of the Developers' 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 3. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, AT&T and 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 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 Commonwealth Edison and AT&T. 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 the beneficiary of the vacation, its successors or assigns.

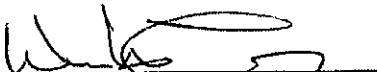
SECTION 4. The vacation herein provided for is made upon the express condition that within 240 days after the passage of this ordinance, Owner shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owner of the property abutting said public alleys hereby vacated the sum _____ dollars (\$ _____), which sum in the judgment of this body will be equal to such benefits.

SECTION 5. The vacation herein provided for is made under the express condition that the Developer, its successors and assigns, shall hold harmless, indemnify and defend the City of Chicago from all claims related to said vacation.

SECTION 6. The vacation herein provided for is further made upon the express condition that within two hundred forty (240) 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 7. 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:


William Cheaks, Jr.
Commissioner of Transportation

Introduced by:


Honorable James M. Gardiner
Alderman, 45th Ward

CDOT File Number:

22-45-25-4096