

TRN

TIME EXTENSION ORDINANCE 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 801-815 W. 38th Street, 819-837 W. 38th Street, 800-814 W. 38th Place, 824-836 W. 38th Place, 3801-3813 S. Lituanica Avenue, 3817-3831 S. Lituanica Avenue, and 3800-3830 S. Halsted Street are owned by JMK LLC, an Illinois limited liability company; and

WHEREAS, the properties at 816-822 W. 38th Place are owned by 3810 S. Halsted LLC, an Illinois limited liability company; and

WHEREAS, the above property owners (together, the "Developers") are affiliated with each other by virtue of common ownership in whole or in part, and the Developers are affiliated with Lincoln Provision, Inc., a meat packing and distribution business that operates at the properties, by virtue of common ownership in whole or in part; and

WHEREAS, the Developers propose to use the alleys to be vacated herein for internal roadways, the creation of a secure campus, and for potential facility expansion; and

WHEREAS, the City Council of the City of Chicago approved an ordinance vacating the below identified right of way on November 16, 2022, and appearing in the Journal of the City Council of the City of Chicago on pages 56927-56930 (the "Original Vacation Ordinance"); and

WHEREAS, Section 6 of the Original Vacation Ordinance provided that "within one hundred eighty (180) days after the passage of [the Original Vacation Ordinance], the Developers shall file or cause to be filed for recordation with the Office of the Cook County Clerk / Recordings Division, Illinois, a certified copy of [the Original Vacation Ordinance], together with the associated full-sized plats as approved by the Superintendent of Maps and Plats"; and

WHEREAS, the Developers were unable to record within said one hundred eighty (180) days; and

WHEREAS, the Developers have requested additional time for the recordings; and

WHEREAS, the City Council now seeks to grant the Developers one hundred eighty (180) days in which to record this ordinance, the Original Vacation Ordinance and the associated plats, so the Developers may successfully complete the vacations from the City; 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 those parts of the public alleys described below; now therefore,

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

SECTION 1. VACATION: ALL OF THE NORTH-SOUTH AND EAST-WEST 18 FOOT WIDE PUBLIC ALLEYS SOUTH OF AND ADJOINING THE SOUTH RIGHT OF WAY OF W. 38TH STREET, NORTH OF AND ADJOINING THE NORTH RIGHT OF WAY OF W. 38TH PLACE AND EAST OF AND ADJOINING THE EAST RIGHT OF WAY OF S. LITUANICA AVENUE, IN BLOCK 18 OF GAGE, LEMOYNE, HUBBARD & OTHERS SUBDIVISION (ANTE-FIRE) IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, TOTAL AREA IN SAID PARCEL IS 9,365 SQ FT, MORE OR LESS AND 0.215 ACRES, MORE OR LESS, as shaded and identified 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 vacations.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, Comcast, Crowncastle and AT&T/SBC, 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 alleys herein vacated, with the right of ingress and egress at all times. 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 telecommunications facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the areas herein vacated without express written release of easement by the involved utilities. Any future, relocation/removal of facilities initiated by the Developers and lying within the areas herein vacated will be accomplished by the involved utilities, and be done at the Developers' expense, or their successors' or assigns' expense.

SECTION 3. The vacations herein provided for are made upon the express condition that within 180 days of the passage of this ordinance and its related plat, 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 the 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 4. The vacations herein provided for are made upon the express condition that within 180 days after the passage of this ordinance, the Developers shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owners of the properties abutting said part of the public alleys hereby vacated the sum _____ dollars (\$ _____), which sum in the judgment of this body will be equal to such benefits.

SECTION 5. The vacations herein provided for are made under the express

condition that the Developers, and their successors and assigns, shall hold harmless, indemnify and defend the City of Chicago from all claims related to the vacations.

SECTION 6. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developers shall file or cause to be filed for recordation with the Office of the Clerk of Cook County, Illinois, Recordings Division, a certified copy of Original Vacation Ordinance and of this ordinance, together with the associated full-sized plats as approved by the Superintendent of Maps and Plats.

SECTION 7. This ordinance shall take effect and be in force from and after its passage and approval. The vacations shall take effect and be in force from and after recording of the Original Vacation Ordinance, this ordinance and the approved plats.

Time Extension Ordinance
Approved:



Gia Biagi
Commissioner of Transportation

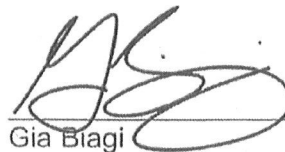
Introduced by:

Honorable Nicole Lee
Alderman, 11th Ward

CDOT File Number:

32-11-22-4002

Time Extension Ordinance
Approved:



Gia Blagi
Commissioner of Transportation

Introduced by:



Honorable Nicole Lee
Alderman, 11th Ward

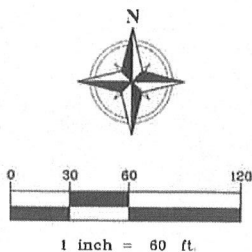
CDOT File Number:

32-11-22-4002

PLAT OF VACATION

LEGAL DESCRIPTION:

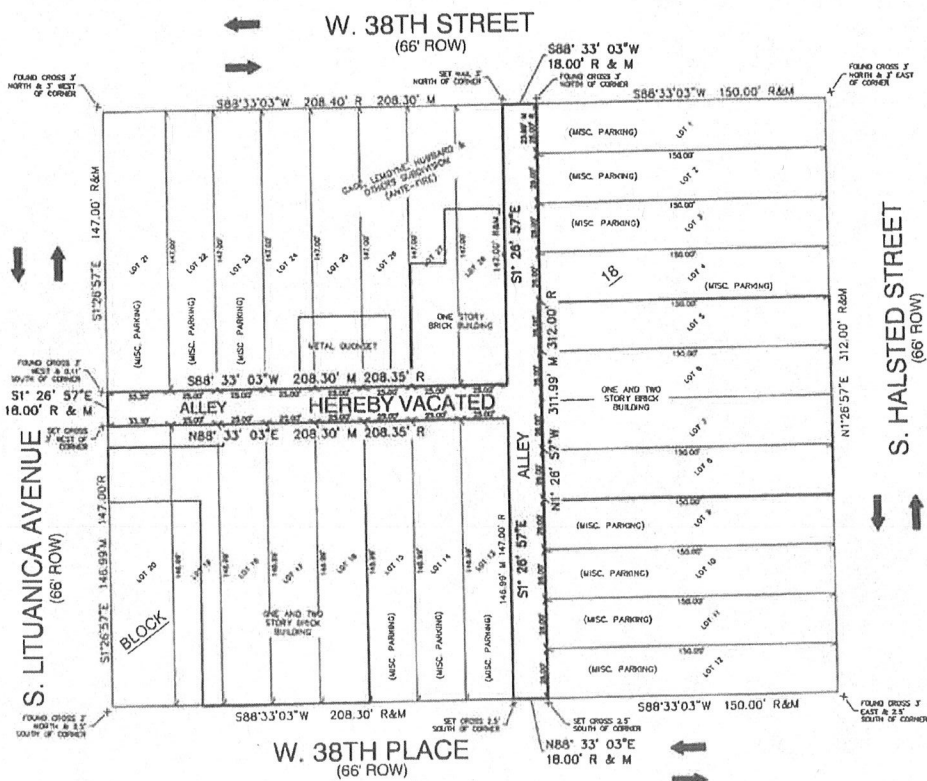
ALL OF THE NORTH-SOUTH AND EAST-WEST 18 FOOT WIDE PUBLIC ALLEYS SOUTH OF AND ADJOINING THE SOUTH RIGHT OF WAY OF W. 38TH STREET, NORTH OF AND ADJOINING THE NORTH RIGHT OF WAY OF W. 38TH PLACE AND EAST OF AND ADJOINING THE EAST RIGHT OF WAY OF S. LITUANICA AVENUE, IN BLOCK 18 OF GAGE, LEMOYNE, HUBBARD & OTHERS SUBDIVISION (ANTE-FIRE) IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, TOTAL AREA IN SAID PARCEL IS 9,365 SQ. FT. MORE OR LESS AND 0.215 ACRES, MORE OR LESS.



CITY/DEPT OF FINANCE

COOK COUNTY

CDOT



AFFECTED PINS

LOTS 1-4 - 17-32-419-014	LOT 16 - 17-32-419-011
LOT 5 - 17-32-419-015	LOT 17 - 17-32-419-010
LOT 6 - 17-32-419-016	LOT 18 - 17-32-419-009
LOT 7 - 17-32-419-017	LOT 19 - 17-32-419-008
LOT 8 - 17-32-419-018	LOT 20 - 17-32-419-007
LOT 9 - 17-32-419-019	LOTS 21-23 - 17-32-419-001
LOT 10 - 17-32-419-020	LOT 24 - 17-32-419-003
LOT 11 - 17-32-419-021	LOT 25 - 17-32-419-004
LOT 12 - 17-32-419-022	LOT 26 - 17-32-419-005
LOT 13 - 17-32-419-013	LOTS 27-28 - 17-32-419-006
LOTS 14-15 - 17-32-419-012	

SURVEYOR'S CERTIFICATE:

STATE OF ILLINOIS) SS
COUNTY OF COOK)

THIS IS TO CERTIFY THAT H&K ENGINEERING, LLC, HAS MADE A BOUNDARY SURVEY AS SHOWN ON THE ATTACHED PLAT UNDER THE DIRECTION OF AN ILLINOIS PROFESSIONAL LAND SURVEYOR AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PLAT MEETS THE MINIMUM ILLINOIS STANDARDS FOR A BOUNDARY SURVEY. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF. NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENTS UPON THE PLAT.

GIVEN UNDER MY HAND AND SEAL THIS 27TH DAY OF AUGUST, A.D. 2020.

BY: *[Signature]*
MARCO MARTIN
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3163
LICENSE EXPIRES NOVEMBER 30, 2022

FIELD WORK COMPLETED JULY 27, 2020

H:\Project\200932\dwg

CDOT #: 32-11-22-4002

LEGEND:

R = RECORD DIMENSIONS
M = MEASURED DIMENSIONS
ROW = RIGHT OF WAY
TRAFFIC FLOW =
VACATED AREA =
BUILDING =
ADJ. LOT LINE =
BOUNDARY LINE =
BUILDING LINE =

SURVEYOR'S NOTES:

BASIS OF BEARING IS GPS MEASUREMENTS IN THE ILLINOIS GEOSPATIAL COORDINATE SYSTEM EAST ZONE NAD83(2011)

CURRENT ZONING = PMD 3 PLANNED MANUFACTURING DISTRICT 8

FIELD WORK COMPLETED JULY 27, 2020

PREPARED FOR:

LINCOLN PROVISION INC
824 W 38TH PLACE
CHICAGO, ILLINOIS 60609

MAIL TO:

H&K ENGINEERING, LLC
824 WEST VAN BUREN, SUITE 100
CHICAGO, IL 60609
PHONE: (312) 419-0000 FAX: (312) 432-0231
STATE OF ILLINOIS, DEPARTMENT OF PROFESSIONAL REGULATION, LICENSE NO. 184665208 (Exp. 7/30/21)

hbk
ENGINEERING

H&K ENGINEERING, LLC

824 WEST VAN BUREN, SUITE 100
CHICAGO, IL 60609
PHONE: (312) 419-0000 FAX: (312) 432-0231
STATE OF ILLINOIS, DEPARTMENT OF PROFESSIONAL REGULATION, LICENSE NO. 184665208 (Exp. 7/30/21)

DRAWN BY: MMA	CHECKED BY: MDM	APPROVED BY: MDM	SCALE: 1" = 60'
PROJECT NUMBER: 20-0932	DATE: 8/05/2020	PAGE: 1 OF 1	

