

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 1953-2077 and 1900-2078 N. Throop Street, 1401-1441 and 1400-1460 W. Armitage Avenue, 1401-1443 W. Dickens Avenue, 2050-2068 N. Southport Avenue, 1900-2078 N. Kingsbury Street, 1301-1441 and 1304-1370 W. Cortland Street, 1801-1861 N. Elston Avenue are owned by Foundry Park Properties KP7, LLC, a Delaware limited liability company ("Developer"); and

WHEREAS, the Developer proposes to use the streets to be vacated herein for inclusion in a new retail, commercial, and residential development; 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 streets, described in the following ordinance; now therefore,

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

SECTION 1. VACATION OF: THAT PART (V1) OF N. THROOP STREET (66 FOOT WIDE PUBLIC RIGHT OF WAY), AND W. ARMITAGE AVENUE (66 FOOT WIDE PUBLIC RIGHT OF WAY), IN LINCOLN YARDS NORTH RESUBDIVISION, RECORDED MAY 11, 2023, AS DOCUMENT NUMBER 2313113134, IN THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST WESTERLY NORTHWEST CORNER OF LOT 4 IN LINCOLN YARDS NORTH RESUBDIVISION AFORESAID; THENCE SOUTH 34 DEGREES 54 MINUTES 46 SECONDS EAST ALONG THE NORTHEASTERLY LINE OF N. THROOP STREET 12.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 34 DEGREES 54 MINUTES 46 SECONDS EAST 291.40 FEET; THENCE NORTH 64 DEGREES 49 MINUTES 09 SECONDS EAST 103.27 FEET; THENCE SOUTH 01 DEGREES 51 MINUTES 39 SECONDS EAST 71.87 FEET; THENCE SOUTH 64 DEGREES 49 MINUTES 09 SECONDS WEST 58.82 FEET; THENCE SOUTH 15 DEGREES 34 MINUTES 27 SECONDS WEST 6.53 FEET; THENCE SOUTH 33 DEGREES 40 MINUTES 15 SECONDS EAST 106.18 FEET; THENCE SOUTH 01 DEGREES 51 MINUTES 39 SECONDS EAST 35.34 FEET; THENCE 5.51 FEET ALONG THE ARC OF A CIRCLE HAVING A RADIUS OF 5.00 FEET CONCAVE NORTHWESTERLY AND WHOSE CHORD BEARS SOUTH 29 DEGREES 43 MINUTES 57 SECONDS WEST A DISTANCE OF 5.24 FEET; THENCE SOUTH 61 DEGREES 19 MINUTES 33 SECONDS WEST 31.74 FEET; THENCE NORTH 28 DEGREES 40 MINUTES 18 SECONDS WEST 501.49 FEET; THENCE NORTH 64 DEGREES 50 MINUTES 41 SECONDS EAST 3.82 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 20,541 SQUARE FEET OR 0.472 ACRES, MORE OR LESS.

TOGETHER WITH (V2): THAT PART OF W. ARMITAGE AVENUE (66 FOOT WIDE PUBLIC RIGHT OF WAY), IN LINCOLN YARDS NORTH RESUBDIVISION, RECORDED MAY 11, 2023, AS DOCUMENT NUMBER 2313113134, IN THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 4 IN LINCOLN YARDS NORTH RESUBDIVISION AFORESAID; THENCE SOUTH 64 DEGREES 49 MINUTES 09 SECONDS WEST ALONG THE NORTHWESTERLY LINE OF W. ARMITAGE AVENUE 7.64 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01 DEGREES 51 MINUTES 39 SECONDS EAST 71.87 FEET; THENCE SOUTH 64 DEGREES 49 MINUTES 09 SECONDS WEST 141.58 FEET; THENCE NORTH 01 DEGREES 51 MINUTES 39 SECONDS WEST 71.87 FEET; THENCE NORTH 64 DEGREES 49 MINUTES 09 SECONDS EAST 141.58 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 9,345 SQUARE FEET OR 0.215 ACRES, MORE OR LESS.

TOGETHER WITH (V3): THAT PART OF W. ARMITAGE AVENUE (66 FOOT WIDE PUBLIC RIGHT OF WAY), IN LINCOLN YARDS NORTH RESUBDIVISION, RECORDED MAY 11, 2023, AS DOCUMENT NUMBER 2313113134, IN THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 IN LINCOLN YARDS NORTH RESUBDIVISION AFORESAID; THENCE SOUTH 31 DEGREES 03 MINUTES 18 SECONDS EAST 66.35 FEET; THENCE NORTH 64 DEGREES 49 MINUTES 09 SECONDS EAST 201.15 FEET; THENCE NORTH 28 DEGREES 40 MINUTES 18 SECONDS WEST 66.12 FEET; THENCE SOUTH 64 DEGREES 49 MINUTES 09 SECONDS WEST 203.91 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 13,367 SQUARE FEET OR 0.307 ACRES, MORE OR LESS.

TOGETHER WITH (V4): THAT PART OF N. THROOP STREET (66 FOOT WIDE PUBLIC RIGHT OF WAY), IN LINCOLN YARDS NORTH RESUBDIVISION, RECORDED MAY 11, 2023, AS DOCUMENT NUMBER 2313113134, IN THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 6 IN LINCOLN YARDS NORTH RESUBDIVISION AFORESAID; THENCE NORTH 33 DEGREES 40 MINUTES 15 SECONDS WEST ALONG THE NORTHEASTERLY LINE OF N. THROOP STREET 7.55 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 08 MINUTES 30 SECONDS WEST 69.69 FEET; THENCE 13.23 FEET ALONG THE ARC OF A CIRCLE HAVING A RADIUS OF 12.00 FEET CONCAVE NORTHEASTERLY AND WHOSE CHORD BEARS NORTH 60 DEGREES 15 MINUTES 59 SECONDS WEST A DISTANCE OF 12.57 FEET; THENCE NORTH 28 DEGREES 40 MINUTES 18 SECONDS WEST 91.77 FEET; THENCE NORTH 61 DEGREES 19 MINUTES 33 SECONDS EAST 31.74 FEET; THENCE 29.64 FEET ALONG THE ARC OF A CIRCLE HAVING A RADIUS OF 27.00 FEET CONCAVE NORTHWESTERLY AND WHOSE CHORD BEARS NORTH 29 DEGREES 52 MINUTES 20 SECONDS EAST A DISTANCE OF 28.18 FEET TO THE NORTHEASTERLY LINE OF N. THROOP STREET; THENCE SOUTH 33 DEGREES 40 MINUTES 15 SECONDS EAST ALONG SAID NORTHEASTERLY LINE 149.19 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 7,332 SQUARE

FEET OR 0.168 ACRES, MORE OR LESS.

TOGETHER WITH (V5): THAT PART OF N. THROOP STREET (66 FOOT WIDE), IN LINCOLN YARDS NORTH RESUBDIVISION, RECORDED MAY 11, 2023, AS DOCUMENT NUMBER 2313113134, IN THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 6 IN LINCOLN YARDS NORTH RESUBDIVISION AFORESAID; THENCE SOUTH 33 DEGREES 40 MINUTES 15 SECONDS EAST ALONG THE NORTHEASTERLY LINE OF N. THROOP STREET 70.11 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 33 DEGREES 40 MINUTES 15 SECONDS EAST 19.80 FEET; THENCE SOUTH 01 DEGREES 51 MINUTES 31 SECONDS EAST 125.20 FEET; THENCE NORTH 33 DEGREES 40 MINUTES 15 SECONDS WEST 167.14 FEET; THENCE NORTH 88 DEGREES 08 MINUTES 21 SECONDS EAST 77.67 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 6,169 SQUARE FEET OR 0.142 ACRES, MORE OR LESS.

TOGETHER WITH (V6): THAT PART OF N. THROOP STREET (66 FOOT WIDE PUBLIC RIGHT OF WAY), IN LINCOLN YARDS NORTH RESUBDIVISION, RECORDED MAY 11, 2023, AS DOCUMENT NUMBER 2313113134, IN THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 6 IN LINCOLN YARDS NORTH RESUBDIVISION AFORESAID; THENCE NORTH 19 DEGREES 41 MINUTES 22 SECONDS WEST ALONG THE NORTHEASTERLY LINE OF N. THROOP STREET 10.51 FEET TO THE POINT OF BEGINNING; THENCE NORTH 19 DEGREES 41 MINUTES 22 SECONDS WEST ALONG THE EASTERLY LINE OF N. THROOP STREET 37.70 FEET; THENCE 136.05 FEET ALONG THE ARC OF A CIRCLE HAVING A RADIUS OF 633.00 FEET CONCAVE SOUTHWESTERLY AND WHOSE CHORD BEARS NORTH 25 DEGREES 50 MINUTES 48 SECONDS WEST A DISTANCE OF 135.79 FEET; THENCE SOUTH 01 DEGREES 51 MINUTES 31 SECONDS EAST 159.76 FEET; THENCE NORTH 88 DEGREES 18 MINUTES 03 SECONDS EAST 66.75 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 5,937 SQUARE FEET OR 0.136 ACRES, MORE OR LESS.

TOGETHER WITH (V7): THAT PART OF N. THROOP STREET (66 FOOT WIDE PUBLIC RIGHT OF WAY), IN LINCOLN YARDS NORTH RESUBDIVISION, RECORDED MAY 11, 2023, AS DOCUMENT NUMBER 2313113134, IN THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 8 IN LINCOLN YARDS NORTH RESUBDIVISION AFORESAID; THENCE SOUTH 19 DEGREES 41 MINUTES 22 SECONDS EAST ALONG THE WESTERLY LINE OF N. THROOP STREET 10.51 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 18 MINUTES 03 SECONDS EAST 84.11 FEET; THENCE SOUTH 19 DEGREES 41 MINUTES 22 SECONDS EAST 28.60 FEET; THENCE 36.02 FEET ALONG THE ARC OF A CIRCLE HAVING A RADIUS OF 547.00 FEET CONCAVE WESTERLY AND WHOSE CHORD BEARS SOUTH 17 DEGREES 48 MINUTES 10 SECONDS EAST A DISTANCE OF 36.02 FEET; THENCE SOUTH 15 DEGREES 54 MINUTES 58 SECONDS EAST 257.82 FEET; THENCE SOUTH 58 DEGREES 49 MINUTES 27 SECONDS WEST 82.92 FEET; THENCE NORTH 15 DEGREES 54 MINUTES 58 SECONDS WEST 279.65 FEET; THENCE

30.76 FEET ALONG THE ARC OF A CIRCLE HAVING A RADIUS OF 467.00 FEET CONCAVE WESTERLY AND WHOSE CHORD BEARS NORTH 17 DEGREES 48 MINUTES 10 SECONDS WEST A DISTANCE OF 30.75 FEET; THENCE NORTH 19 DEGREES 41 MINUTES 22 SECONDS WEST 54.57 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 27,497 SQUARE FEET OR 0.631 ACRES, MORE OR LESS.

THE TOTAL AREA OF ALL THE ABOVE DESCRIBED PARCELS EQUALS 90,188 SQUARE FEET, OR 2.07 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 are hereby vacated and closed, inasmuch as the same are no longer required for public use and the public interest will be subserved by such vacations. For recording purposes, the PINs and address range of the properties those areas adjacent to the vacations are included as **EXHIBIT B**.

SECTION 2. The vacation herein provided for is further made upon the express condition that the Developer shall comply with all the conditions set forth in the Department of Water Management letter dated September 17, 2026 which is attached hereto as **EXHIBIT C**.

SECTION 3. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, AT&T/SBC, Comcast, Zayo (Crown Castle) 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 streets 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, AT&T/SBC, Zayo and/or Comcast 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 areas being vacated will be accomplished by the involved utility and be done at the expense of the Developer, its successors or assigns. Any relocation of existing utility facilities and release of existing rights will be handled separately, under a future agreement between the utility and the owner.

SECTION 4. The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Co. a non-exclusive easement to operate, maintain, repair, renew and replace existing underground facilities and to construct new facilities in all of the area to be vacated, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected upon or over said easement herein reserved for The Peoples Gas Light and Coke Co. or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal, or replacement of said facilities, or the construction of additional 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 utility. Any future vacation- beneficiary prompted relocation of Peoples Gas facilities lying within the areas herein vacated will be accomplished by Peoples Gas, and completed at the expense of the Developer, its successors or assigns

SECTION 5. The Developer and the City of Chicago, by and through its Department of Transportation, acknowledge that infrastructure improvements in the areas to be dedicated, as

described in Section 6 below, shall be subject to terms, conditions and agreement by the Metropolitan Water Reclamation District in accordance with an Intergovernmental Agreement Between the Metropolitan Water Reclamation District of Greater Chicago and the City of Chicago, Illinois for the contemplated development.

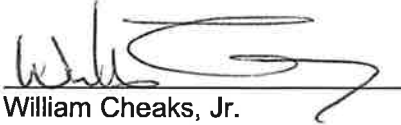
SECTION 6. The vacations are governed by and subject to the conditions of Statement number 3 of Waterway Residential-Business Planned Development 1439, as amended ("PD 1439") pursuant to ordinance SO2025-0021731 adopted by the City Council of the City of Chicago on February 18, 2026, and published in the Journal of the Proceedings of the City Council for such date beginning at page 40560. Statement number 3 of PD 1439 states "to the extent any City department or agency determines that compensation is payable to the City by the Applicant [i.e., the Developer] for existing right-of-way to be vacated, the Applicant shall receive credit on a square footage basis for all right-of-way to be dedicated in determining such compensation." The square footage of the to-be-vacated right of way is approximately 90,188 square feet (2.07 acres). Pursuant to a separate resubdivision ordinance, involving the proposed resubdivision of the area bounded approximately by West Dickens Avenue, North Kingsbury Street, North Clifton Avenue, and the North Branch of the Chicago River and involving various dedications for public way as legally described in the attached plat **EXHIBIT D** (CDOT File: 32-32-26-4138B), the Developer is dedicating approximately 96,466 square feet (2.20 Acres) of property for public right of way. Therefore, in accordance with PD 1439 Statement number 3, and subject to the recording of said resubdivision ordinance, no compensation shall be due from the Developer for the benefits that will accrue to the owner of the property abutting said part of the public right of way hereby vacated.

SECTION 7. The vacations herein provided for are 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 vacations.

SECTION 8. The vacations herein provided for are further made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developer shall file or cause to be filed for recordation with the Office of the Cook County Clerk/Recordings Division, Illinois 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.

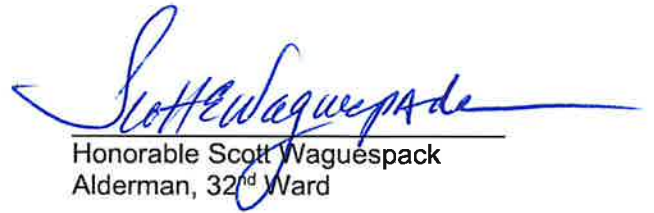
SECTION 9. This ordinance shall take effect and be in force from and after its passage and approval. The vacations shall take effect and be in force from and after recording of the published ordinance and approved plat.

Vacation Approved:

A handwritten signature in black ink, appearing to read "W. Cheaks, Jr.", written over a horizontal line.

William Cheaks, Jr.
Commissioner of Transportation

Introduced by:

A handwritten signature in blue ink, appearing to read "Scott Waguespack", written over a horizontal line.

Honorable Scott Waguespack
Alderman, 32nd Ward

CDOT File Number:

32-32-26-4138A
