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2/5/2014

REPORTS OF COMMITTEES

74719

The following is said ordinance as passed:

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 1900 -- 1938 West Fullerton Avenue and 2401 -- 2413 North Elston Avenue are owned by Vienna Beef, Limited, an Illinois corporation; and

WHEREAS, Vienna Beef, Limited proposes to ultimately build over and incorporate the alley into their south property, in conjunction with the realignment of North Elston Avenue being done by the City of Chicago Department of Transportation; 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 part of public alley, described in the following ordinance; now, therefore,

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. That part of the southeast quarter of Section 30, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois, more particularly described as follows: beginning at the northeast corner of Lot 15 in Block 8 of Fullerton's Addition to Chicago recorded on May 7, 1879 as Document Number 221101; thence northerly on an assumed bearing of north 00 degrees, 24 minutes, 44 seconds west along the west line of North Wolcott Avenue 16.00 feet to the northerly line of the east/west 16 foot public alley, said alley adjoining the northerly line of Lots 15 through 31 in said Block 8; thence south 89 degrees, 59 minutes, 35 seconds west along said north line 337.00 feet to the southwest line of vacated Lot 1 in said Block 8, said lot vacated by Document Number 2339230 recorded January 27, 1896; thence north 46 degrees, 11 minutes, 32 seconds west along said line 17.86 feet to the southerly line of the lands vacated by Document Number 3112626 recorded June 10, 1901; thence south 66 degrees, 34 minutes, 10 seconds west along said line 17.35 feet to the southeast corner of vacated Lot 33 in said Block 8, said lot vacated by said Document Number 2339230; thence south 46 degrees, 11 minutes, 32 seconds east along the northeast line of Lot 31 and Lot 30 in said Block 8, a distance of 31.01 feet to the south line of said alley; thence north 89 degrees, 59 minutes, 35 seconds east along said line 343.55 feet to the point of beginning. Said part containing 0.134 acre (5,835 square feet), more or less, as shaded and legally described by the words "Hereby Vacated" on the drawing hereto attached as Exhibit A, which drawing for greater certainty 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 and AT&T, 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 alley herein

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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/or AT&T's facilities. No buildings, permanent structures or obstructions shall be placed over said facilities without written release of easement by Commonwealth Edison and/or AT&T. Any future vacation-beneficiary prompted relocation of said facilities lying within the area being vacated will be completed by the respective utility and done at the expense of beneficiary of the vacation.

SECTION 3. The vacation herein provided for is made under the compensation terms described in of the Real Estate Agreement, Section 3A, between the City of Chicago Department of Transportation and Vienna Beef, Limited, as authorized by an ordinance approved by City Council on May 8, 2013 and published at pages 52861 -- 52881 in the *Journal of the Proceedings of the City Council of the City of Chicago* of such date; which in the judgment of this body will be equal to such benefits as accrued to the City in association with Realignment Project consisting of the reconfiguration of North Elston Avenue and other adjacent public way.

SECTION 4. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, Vienna Beef, Limited, its successor or identified agent shall pay or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance and the attached plat approved by the Superintendent of Maps and Plats.

SECTION 5. This ordinance shall take effect and be in force from and after its passage, publication, and recordation.

Vacation Approved:

(Signed) Patrick Harney For  
Gabe Klein,  
Commissioner

Approved as to Form and Legality:

(Signed) Richard Wendy  
Deputy Corporation Counsel

(Signed) Honorable Alderman Waquespack  
Alderman, 32<sup>nd</sup> Ward

[Exhibit "A" referred to in this ordinance printed  
on page 74721 of this *Journal*.]

