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JOURNAL--CITY COUNCIL--CHICAGO

9/24/2015

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 property at 1015 -- 1025 West Addison Street is owned by CP Newport Beach Limited Partnership, an Illinois limited partnership and David B. Dahl as Trustee of the Stephen A. Schultz Family Trust I dated October 1, 1990; the property at 1027 -- 1029 West Addison Street is owned by CP Newport Beach Limited Partnership, an Illinois limited partnership; the property at 1033 -- 1041 West Addison Street is owned by Jose Luis Resendiz, Jr.; the property at 3546 -- 3558 North Sheffield Avenue is owned by 117 LLC, an Illinois limited liability company; the property at 3535 -- 3539 North Clark Street is owned by Midway Holdings LLC, an Illinois limited liability company; and the property at 3541 -- 3551 North Clark Street is owned by Chicago Title Land Trust Company Trust 119125, an Illinois corporation (cumulatively and subsequently known as "The Adjacent Owners"); and

Seal of Cook County Clerk's Office

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WHEREAS, The Adjacent Owners propose to use the portion of the alleys to be vacated herein for the construction of an eight (8) story, mixed-use building containing 148 dwelling units and 169,000 square feet of commercial space; 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 alleys, described in the following ordinance; now, therefore,

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

SECTION 1.

Dedication:

Parcel A:

The south 5.00 feet of Lots 26 and 27 lying east of the east line of Lot 8 extended north all in Weage and Hydes Subdivision of Lot 1 in Assessor's Division of the northwest quarter of the southeast quarter of Section 20, Township 40 North, Range 14, East of the Third Principal Meridian, according to the plat thereof, recorded May 13, 1866, ante-fire, in Cook County, Illinois,

Containing 200 square feet or 0.004 acre, more or less,

Also,

Parcel B:

The south 20 feet of Lot 20 in Weage and Hydes Subdivision of Lot 1 in Assessor's Division of the northwest quarter of the southeast quarter of Section 20, Township 40 North, Range 14, East of the Third Principal Meridian, according to the plat thereof, recorded May 13, 1866, ante-fire, in Cook County, Illinois,

Containing 2,500 square feet or 0.057 acre, more or less,

both aforementioned dedication areas, as shaded and legally described by the words "Hereby Dedicated for Public Alley" on the plat hereto attached as Exhibit A, which drawing for greater clarity, is hereby made a part of this ordinance.

Vacation:

All of the north/south 15-foot wide public alley lying east of the east line of Lots 1 to 7 and west of the west line of Lot 31 extended south to the north line of Lot 8, all in Weage and Hydes Subdivision of Block 1 in Assessor's Division of the northwest quarter of the southeast quarter of Section 20, Township 40 North, Range 14, East of the Third Principal Meridian, according to the plat thereof, recorded May 13, 1866, ante-fire, in Cook County, Illinois,

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Containing 2,367 square feet or 0.054 acre, more or less,

Also,

All of the east/west 28.5-foot wide public alley lying north of the north line of Lot 8, west of the east line of Lot 8 extended north to the south line of Lot 27 and east of the west line of Lot 31 extended south to the north line of Lot 8, all in Weage and Hydes Subdivision of Block 1 in Assessor's Division of the northwest quarter of the southeast quarter of Section 20, Township 40 North, Range 14, East of the Third Principal Meridian, according to the plat thereof, recorded May 13, 1866, ante-fire, in Cook County, Illinois,

Containing 3,268 square feet or 0.075 acre, more or less,

Also,

All of the north/south 15-foot wide public alley lying east of the east line of Lot 26, north of a line 5.00 feet north and parallel with the south line of Lot 26 extended east to the west line of Lot 20 and south of the south line of West Addison Street, in Weage and Hydes Subdivision of Lot 1 in Assessor's Division of the northwest quarter of the southeast quarter of Section 20, Township 40 North, Range 14, East of the Third Principal Meridian, according to the plat thereof, recorded May 13, 1866, ante-fire, in Cook County, Illinois,

Containing 1,865 square feet or 0.042 acre, more or less,

all three of the aforementioned vacation areas as shaded and legally described by the words "Hereby Vacated" on the plat hereto attached as Exhibit B, which drawing 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, and/or, Comcast 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. The grade of the vacated public ways shall not be altered in a manner so as to interfere with the operation and maintenance of Commonwealth Edison, and/or Comcast facilities. No buildings, permanent structures or obstructions shall be placed over Commonwealth Edison, and/or Comcast facilities without express written release of easement by Commonwealth Edison, and/or Comcast. Any future Adjacent Owner-prompted relocation of Commonwealth Edison, and/or Comcast facilities lying within the area being vacated will be accomplished by Commonwealth Edison, and/or Comcast and be done at the expense of the Adjacent Owners.

SECTION 3. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Adjacent Owners shall deposit in the

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City Treasury of the City of Chicago, a sum sufficient to defray the costs of removing paving and curb returns, constructing sidewalk and curb at the entrance to that part of the alley hereby vacated, and constructing newly dedicated public alley, 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, and in agreement with the executed Duty to Build Agreement attached herein and made a part of this ordinance as Exhibit C.

SECTION 4. The vacations herein provided for are made upon the express condition that within 180 days after the passage of this ordinance, the Adjacent Owners 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 part of public alleys hereby vacated the sum One Million Ninety Thousand Dollars (\$1,090,000), which sum in the judgment of this body will be equal to such benefits.

SECTION 5. The vacations and dedications herein provided for are made upon the express condition that within 180 days after the passage of this ordinance, the Adjacent Owners shall file 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, together with the corresponding full-sized plats as approved by the Superintendent of Maps and Plats.

SECTION 6. This ordinance shall take effect and be in force from and after its passage. The vacations and dedications shall take effect and be in force from and the recording of the ordinance and associated plats.

Vacations and Dedications Approved:

(Signed) Rebekah Scheinfeld
Commissioner of Transportation

Approved as to Form and Legality:

(Signed) Richard Wendy
Deputy Corporation Counsel

(Signed) Tom Tunney
Alderman, 44th Ward

CITY OF CHICAGO APPROVED
Richard E. Lulik, P.L.S.
SUPERINTENDENT OF MAPS & PLATS
EXAMINER OF SUBDIVISIONS COOK COUNTY, ILLINOIS

Date: MARCH 21, 2015
Maps File # 20-44-14-3652

Council Approved _____ [Exhibits "A", "B" and "C" referred to in this ordinance printed SEPT. 24, 2015 on pages 7452 through 7456 of this Journal.]

* FOR DEPT. OF FINANCE & Cook Co
STAMP, SEE EXHIBIT "B" p. 2 of 2

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Exhibit "A".
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PLAT OF DEDICATION

GRAPHIC SCALE

PARCEL A
THE SOUTH 6.00 FEET OF LOTS 26 AND 27 LYING EAST OF THE EAST LINE OF LOT B EXTENDED NORTH ALL IN WEAGE AND HYDES SUBDIVISION OF LOT 1 IN ASSESSOR'S DIVISION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED MAY 13, 1866, ANTE-FIRE, IN COOK COUNTY, ILLINOIS.
Containing 200 Sq. Ft. or 0.004 acres, more or less.

ALSO

PARCEL B
THE SOUTH 20 FEET OF LOT 20 IN WEAGE AND HYDES SUBDIVISION OF LOT 1 IN ASSESSOR'S DIVISION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED MAY 13, 1866, ANTE-FIRE, IN COOK COUNTY, ILLINOIS.
Containing 2,500 Sq. Ft. or 0.057 acres, more or less.

(RECORD 66 FT. PUBLIC R.O.W.)
W. ADDISON STREET

TRAFFIC FLOW

PARCEL A
HEREBY DEDICATED FOR PUBLIC ALLEY

PARCEL B
HEREBY DEDICATED FOR PUBLIC ALLEY

TO BE VACATED

TRAFFIC FLOW

PREPARED FOR:
M & R DEVELOPMENT
555 PIERCE RD., STE. 160
ITASCA, IL 60143

OWNERS CERTIFICATE PARCEL A
State of Illinois) County of Cook

I, **LLC**, hereby certifies that they are the owners of the property described herein and as such owner, has caused and properly to be surveyed for the purpose of dedicating a public street as shown hereon in witness whereof said LLC has caused this certificate to be signed by its duly authorized managing member on its behalf on this _____ day of _____ A.D. 2014.

By: _____

NOTARY CERTIFICATE
State of Illinois) County of Cook

I, _____ a Notary Public in and for the County of Cook, do hereby certify that _____ personally known to me to be the same person who appeared before me this day in person and acknowledged that he (she) is the owner of the property described on the plat hereon drawn and that as such owner he (she) agreed, assented and delivered the said instrument for the uses and purposes therein set forth. Given under my hand and seal this _____ day of _____ A.D. 2014.

Notary Public: _____

OWNERS CERTIFICATE PARCEL B
State of Illinois) County of Cook

I, **LLC**, hereby certifies that they are the owners of the property described herein and as such owner, has caused and properly to be surveyed for the purpose of dedicating a public street as shown hereon in witness whereof said LLC has caused this certificate to be signed by its duly authorized partner on its behalf on this _____ day of _____ A.D. 2014.

By: _____

NOTARY CERTIFICATE
State of Illinois) County of Cook

I, _____ a Notary Public in and for the County of Cook, do hereby certify that _____ personally known to me to be the same person who appeared before me this day in person and acknowledged that he (she) is the owner of the property described on the plat hereon drawn and that as such owner he (she) agreed, assented and delivered the said instrument for the uses and purposes therein set forth. Given under my hand and seal this _____ day of _____ A.D. 2014.

Notary Public: _____

CDOT# 20-44-14-3652

CHICAGO GUARANTEE SURVEY COMPANY
P.O. Box 1000
Chicago, IL 60601
Tel: 312.467.1000
Fax: 312.467.1001

2014-19375-002

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WEAGE & HYDES SUBDIVISION of Lot 1 in Assessor's Division of the Northwest 1/4 of the Southeast 1/4 of Section 20-40-14
Recorded May 13, 1866 Ante-Fire

RESUBDIVISION of Lot 2 in Assessor's Division of the Northwest 1/4 of the Southeast 1/4 of Section 20-40-14
Recorded April 14, 1892 Document #1644610

BERNARD E. ANDERSON'S SUBDIVISION of Lots 5&6 of the RESUBDIVISION of Lot 2 in Assessor's Division of the Northwest 1/4 of the Southeast 1/4 of Section 20-40-14
Recorded March 23, 1905 Document #3569111

N. CLARK STREET
(RECORD 66 FT. PUBLIC R.O.W.)

N. SHEFFIELD AVENUE
(RECORD 66 FT. PUBLIC R.O.W.)

TRAFFIC FLOW

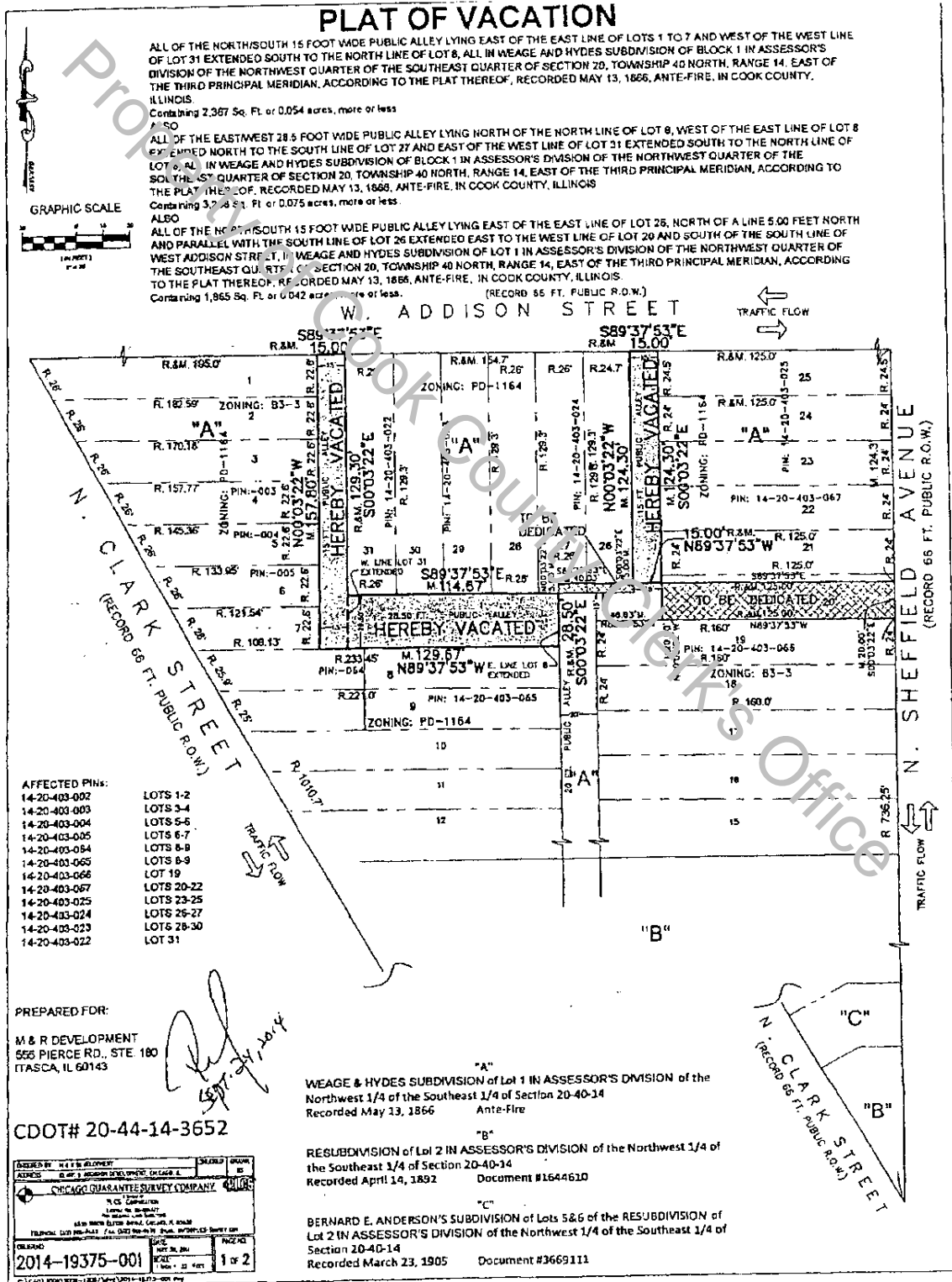
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Exhibit "B".
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Exhibit "C".

IF YOUR SUBDIVISION INCLUDES THE DEDICATION OF A NEW STREET/ALLEY, PLEASE COMPLETE THE BELOW FORM

The below document must be reproduced on the applicant's letterhead, executed by same, and notarized.

DUTY TO BUILD AGREEMENT FOR CREATION OF A NEW ALLEY/STREET

In support of my current application with the Chicago Department of Transportation's Maps and Plats unit for a subdivision/dedication of my private property, I hereby state that I am the applicant or the company agent for the applicant company involved in the project, and that I have the authority to agree to the below terms of the subdivision/dedication. Please initial:

[Handwritten initials: SB, SD, SD]

I am aware that I am responsible for the construction of all new public and private rights of way (streets, alleys, etc.) described on the Plat of Subdivision/Dedication.

I further understand that all rights of way (both public and private) must be built to City specifications as detailed in CDOT's Regulation for Openings, Construction and Repair in the Public Way.

Lastly, I understand that construction deposits will be required to assure that the work is done correctly. An inspection will be conducted by the City upon completion of the work. The City of Chicago reserves the right to require demolition and reinstallation of any facilities that are judged to be sub par or that do not adhere to the City's standards.

Signed: *[Signature]* Dated: 3-24-14
Printed name: Steven A. Schultz Title: Member of Preferred Equities, LLC (Member and Partner)
Signed: *[Signature]*
Organization: 117, LLC, CP Newport Beach, L.P., The Steven A. Shultz Trust I, 10/01/1990

Address: 1025 W. Addison St., Chicago, IL Zip: 60613
Phone/fax: 773-868-3789 / 773-868-0059
Email: preferredequities@aol.com

Notary: *Charmaine M. Leonetti*

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