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Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date:	4/18/2012
Sponsor(s):	Emanuel, Rahm (Mayor)
Type:	Ordinance
Title:	Acquisition by condemnation at 39th and Ashland
Committee(s) Assignment:	Committee on Housing and Real Estate



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

April 18, 2012

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Water Management, I transmit herewith an ordinance authorizing an acquisition by condemnation at 39th and Ashland.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City Council of the City of Chicago ("City Council") finds that the provision of water service to the residents and businesses of the City is essential to the general health, safety and welfare of the City; and

WHEREAS, from time to time, the City, acting by and through the Commissioner of the Department of Water Management (together with his or her designee, the "Commissioner"), may find it necessary to acquire property for the public use and public purpose of providing water service to the residents and business of the City and, after acquiring such acquisition parcels, shall thereafter own and control such acquisition parcels (or by intergovernmental agreement, permit another governmental entity to own and control one or more of such Acquisition Parcels), all as authorized under the Eminent Domain Act, 735 ILCS 30/1-1-1 et seq. (the "Eminent Domain Act") and, in particular, 735 ILCS 30/5-5-5(b); and

WHEREAS, the City has determined that the acquisition of such acquisition parcels in connection with providing such water service shall be useful, advantageous or desirable for municipal purposes and the public welfare, within the meaning and authority of 65 ILCS 5/11-61-1; and

WHEREAS, the City Council finds that it is useful, necessary and desirable for the City to acquire a portion of certain real property commonly known as 4015 S. Ashland Avenue, Chicago, Illinois, described on Exhibit A attached hereto and depicted on Exhibit B attached hereto ("Property") for the purpose of the City obtaining fee simple title to a strip of land on which certain improvements related to the City's Department of Water Management facility located at 3901 S. Ashland Avenue, Chicago, Illinois (the "City Water Facility") are located; and

WHEREAS, the Commissioner has determined that the acquisition of the Property is useful, necessary and desirable for the public use and public purpose of operating the City Water Facility and providing water service to the residents and businesses of the City; now, therefore

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

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. The City Council hereby finds that it is useful, necessary and desirable that the City acquire fee simple title to the Property for the public use and public purpose of operating the City Water Facility and providing water service to the residents and businesses of the City.

SECTION 3. The Commissioner and the Corporation Counsel is each hereby authorized to negotiate with owners of the Property for the purchase of the Property, or a portion thereof, or a real property interest therein.

SECTION 4. In the event that the Commissioner and the Corporation Counsel are unable to negotiate or come to terms with the owner(s) of the Property as to the purchase price, or in the event the owner(s) is unable to convey clear title to such Property, or interests therein, or if the owner(s) cannot be found, then the Commissioner shall report such facts to the Corporation Counsel who is hereby authorized to institute proceedings in eminent domain to acquire said Property, or interests therein, in accordance with the laws of the State of Illinois.

SECTION 5. The Commissioner is authorized to execute such documents as may be necessary to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel.

SECTION 6. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 7. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 8. This ordinance shall take effect upon its passage and approval.

EXHIBIT A

Legal Description

(Subject To Final Title and Survey)

Address: A portion of 4015 S. Ashland Avenue
Chicago, Illinois

Property Index Number: A portion of 20-05-101-039-0000

EXHIBIT B

Depiction of Property

[See Attachment]

(Subject To Final Title and Survey)

EXISTING NORTH LINE OF WEST PENSING STREET

