



City of Chicago



O2015-7833

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 10/28/2015

Sponsor(s): Ramirez-Rosa (35)

Type: Ordinance

Title: Vacation of portion of N Avondale Ave bounded by N Kimball Ave, W Henderson St, N Drake Ave and Chicago & Northwestern Railroad

Committee(s) Assignment: Committee on Transportation and Public Way

INTERGOVERNMENTAL 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 3372-3384 N. Avondale Avenue, are owned by Northeastern Illinois University, a State of Illinois public institution; and

WHEREAS, Northeastern Illinois University proposes to use the portion of the street to be vacated for campus parking; and

WHEREAS, The City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of public use and the public interest to be subserved is such as to warrant the vacation of part of the public street described in the following ordinance; now, therefore,

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

**SECTION 1. THAT PART OF NORTH AVONDALE AVENUE IN THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP, 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING IN THE SOUTHWESTERLY LINE OF NORTH AVONDALE AVENUE, AS OPENED BY DOCUMENT NUMBER 1185670 RECORDED NOVEMBER 15, 1889, AND
A LINE 589.49 FEET EAST OF AND PARALLEL TO THE EAST LINE OF NORTH DRAKE AVENUE, BEING ALSO THE SOUTHEAST CORNER OF THAT PART OF VACATED NORTH AVONDALE AVENUE RECORDED NOVEMBER 8, 2013 AS DOCUMENT NUMBER 1331219125;
THENCE NORTH 00°00'00" EAST ALONG THE EASTERLY LINE OF SAID VACATION,
A DISTANCE OF 44.69 FEET TO THE NORTHEAST CORNER THEREOF ;
THENCE SOUTH 51°33'10" EAST, ALONG A LINE BEING PARALLEL TO THE SAID SOUTHWESTERLY LINE OF NORTH AVONDALE AVENUE, A DISTANCE OF 279.54 FEET TO THE NORTHWEST CORNER OF THAT PART OF VACATED NORTH AVONDALE AVENUE RECORDED FEBRUARY 3, 2014 AS DOCUMENT NUMBER 1403445030;
THENCE SOUTH 38°26'50" WEST ALONG THE WESTERLY LINE OF SAID VACATION,
A DISTANCE OF 35.00 FEET TO THE SOUTHWEST CORNER THEREOF, SAID CORNER ALSO BEING ON SAID SOUTHWESTERLY LINE OF NORTH AVONDALE AVENUE;**

THENCE NORTH 51°33'10" WEST, ALONG THE SAID SOUTHWESTERLY LINE OF NORTH AVONDALE AVENUE, A DISTANCE OF 251.79 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINING 9,297.5 SQUARE FEET OR 0.213 ACRES, MORE OR LESS as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit A, 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 vacation.

SECTION 2. The City of Chicago hereby reserves the street herein vacated, as a right of way for an existing Water Department main and appurtenances thereto, and for the installation of any additional water mains and appurtenances which in the future may be located in the street as herein vacated, and for the maintenance, renewal, and reconstruction of such facilities, with the right of ingress and egress at all times upon reasonable notice. It is further provided that the City shall have 24 hour access and that no buildings or other structures shall be erected on the said right of way herein reserved, or other use made of said area, which in the judgment of the municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities. It is further provided that any vacation beneficiary prompted adjustments to water facilities in the area to be vacated, and the repair, renewal or replacement of any private materials, or private property damaged in the area to be vacated as a result of the City exercising its easement rights shall be done at the beneficiary's expense.

SECTION 3. The City of Chicago hereby reserves the area herein vacated, as a right of way for existing Water Department sewers and sewer structures, for the installation of any additional sewers, sewer structures and appurtenances now located, or which in the future may be located in the street as herein vacated, and for the maintenance, renewal and reconstruction of such facilities. It is also provided that, the City shall have 24 hour access to the area to be vacated; that no buildings or other permanent structures shall be erected on said right of way herein reserved, or other use made of said area, which in the sole discretion and judgment of the respective municipal officials having control of the aforesaid service facilities, would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities; and that all sewers structures shall be exposed to grade. It is further provided that any vacation beneficiary prompted adjustments to sewer facilities in the area to be vacated; and the repair, renewal or replacement of any private materials, or private property damaged in the area to be vacated as a result of the City exercising its easement rights shall be done at the expense of the beneficiary of the vacation.

SECTION 4. The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Co. an easement to operate, maintain, repair, renew and replace existing underground facilities and to construct new facilities in the portion of the street herein 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 on 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. Any future vacation beneficiary prompted relocation of Peoples Gas facilities lying within the area herein vacated shall be accomplished by Peoples Gas, and done at the expense of the beneficiary of the vacation.

SECTION 5. The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Company the right to abandon in place all or any part of the existing gas mains, service piping, associated equipment and appurtenances and all or any portion of its equipment as many be located over, through, under, along and across the area herein vacated. It is further provided that all costs and expenses associated with the removal of any abandoned main, pipe, appurtenances, or equipment shall be borne exclusively by the beneficiary, its successors and assigns and not by The Peoples Gas Light and Coke Company

SECTION 6. The City of Chicago hereby reserves for the benefit of Commonwealth Edison its 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 portion of street 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 facilities. No buildings, permanent structures or obstructions shall be placed over said Commonwealth facilities without express written release of easement by Commonwealth Edison. Any future vacation beneficiary prompted relocation of Commonwealth Edison facilities lying within the area herein proposed for vacation will be accomplished by Commonwealth Edison, and done at the expense of the beneficiary of the vacation.

SECTION 7. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Northeastern Illinois University 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 an attached plat as approved by the Superintendent of Maps and Plats.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and publication. The vacation shall take effect and be in force from and after its recording. The vacation shall take effect and be in force from and after its recording.

Vacation Approved:

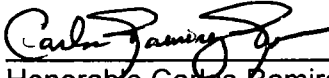


Rebekah Scheinfeld
Commissioner

Approved as to Form and Legality



Richard Wendy
Deputy Corporation Counsel



Honorable Carlos Ramirez Rosa
Alderman, 35th Ward

EXHIBIT "A"

PLAT OF VACATION

THAT PART OF NORTH AVONDALE AVENUE IN THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP, 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

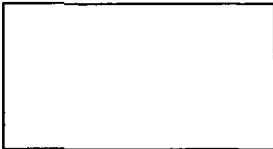
BEGINNING IN THE SOUTHWESTERLY LINE OF NORTH AVONDALE AVENUE, AS OPENED BY DOCUMENT NUMBER 1185670 RECORDED NOVEMBER 15, 1889, AND A LINE 589.49 FEET EAST OF AND PARALLEL TO THE EAST LINE OF NORTH DRAKE AVENUE, BEING ALSO THE SOUTHEAST CORNER OF THAT PART OF VACATED NORTH AVONDALE AVENUE RECORDED NOVEMBER 8, 2013 AS DOCUMENT NUMBER 1331219125;

THENCE NORTH 00°00'00" EAST ALONG THE EASTERLY LINE OF SAID VACATION, A DISTANCE OF 44 69 FEET TO THE NORTHEAST CORNER THEREOF ,

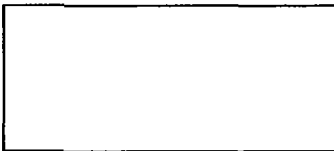
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THENCE SOUTH 38°26'50" WEST ALONG THE WESTERLY LINE OF SAID VACATION, A DISTANCE OF 35 00 FEET TO THE SOUTHWEST CORNER THEREOF, SAID CORNER ALSO BEING ON SAID SOUTHWESTERLY LINE OF NORTH AVONDALE AVENUE;

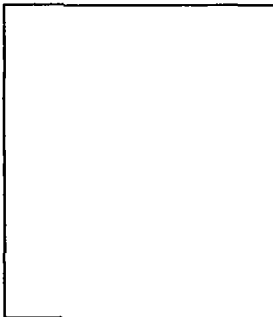
THENCE NORTH 51°33'10" WEST, ALONG THE SAID SOUTHWESTERLY LINE OF NORTH AVONDALE AVENUE, A DISTANCE OF 251.79 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, SAID PARCEL CONTAINING 9,297.5 SQUARE FEET OR 0.213 ACRES, MORE OR LESS



CITY-DEPT. OF FINANCE



COOK CO.



C.D.O.T.

[Handwritten Signature]
 OCT. 27, 2015

STATE OF ILLINOIS)
) S.S.
 COUNTY OF COOK)

I, ROY G. LAWNICZAK, DO HEREBY CERTIFY THAT I HAVE PREPARED THE PLAT OF VACATION FOR THE PURPOSE SHOWN HEREON

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DIMENSIONS ARE SHOWN IN FEET AND DECIMALS AND ARE CORRECTED TO A TEMPERATURE OF 68° FAHRENHEIT

MELROSE PARK, ILLINOIS, OCTOBER 13, A.D. 2015

BY *[Handwritten Signature: Roy G. Lawniczak]*
 ROY G. LAWNICZAK, REGISTERED ILLINOIS LAND SURVEYOR NO. 35-2290
 LICENSE EXPIRES: NOVEMBER 30, 2016
 PROFESSIONAL DESIGN FIRM LICENSE NO.: 184-004576
 LICENSE EXPIRES: APRIL 30, 2017

CDOT # 23-35-15-3707

NO.	REVISIONS	DATE
1	REVISED	1/27/15
2	REVISED	10/17/15
3	REVISED	10/13/15
4		
5		
6		

PLAT PREPARED BY: UNITED SURVEY SERVICE, LLC CONSTRUCTION AND LAND SURVEYORS 2100 N. 15TH AVENUE, SUITE C, MELROSE PARK, IL 60160 - 1017 TEL.: (847) 299 - 1010 FAX : (847) 299 - 5887 E-MAIL: USURVEY@USANDCS.COM	PLAT PREPARED FOR: NORTHEASTERN ILLINOIS UNIVERSITY 5500 N. ST. LOUIS AVE. CHICAGO, IL 60625
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NAME OF DRAWING: PLAT OF VACATION FILE/PATH/NAME: 14-182227-13/VACATION/AVONDALE.DWG PROJECT LOCATION: VACATION INFILL OF 1/2 OF N. AVONDALE AVE. BETWEEN N. KIMBALL AVE. AND N. DRAKE AVE.	PROJECT No : 14 -18227-13 ISSUE DATE: 12/12/2014 SCALE: 1"=40' SHEET NUMBER 1 OF 2
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