City of Chicago

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Office of the City Clerk

Document Tracking Sheet

Meeting Date:	12/18/2019
Sponsor(s):	Lightfoot (Mayor)
Type:	Ordinance
Title:	Expenditure of Open Space Impact Fee funds providing 20% match to IDOT grant for studying Chicago River trail and access improvements
Committee(s) Assignment:	Committee on Special Events, Cultural Affairs and Recreation

OFFICE OF THE MAYOR

CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

December 18, 2019

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

Ladies and Gentlemen:

At the request of the Commissioner of Planning and Development, I transmit herewith ordinances authorizing the expenditure of Open Space Impact Fee funds.

Your favorable consideration of these ordinances will be appreciated.

Very truly yours,

Lori E. Lightfoot

Mayor

ORDINANCE

WHEREAS, the City of Chicago (the "City") is a home rule unit of government under Article VII, Section 6(a) of the 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 City is authorized under its home rule powers to regulate the use and development of land; and

WHEREAS, it is a reasonable condition of development approval to ensure that adequate open space and recreational facilities exist within the City; and

WHEREAS, on April 1, 1998, the City Council of the City (the "City Council") adopted the Open Space Impact Fee Ordinance codified at Chapter 18 of Title 16 (the "Open Space Ordinance") of the Municipal Code of Chicago (the "Code") to address the need for additional public space and recreational facilities for the benefit of the residents of newly created residential developments in the City; and

WHEREAS, the Open Space Ordinance authorizes, among other things, the collection of fees from residential developments that create new dwelling units without contributing a proportionate share of open space and recreational facilities for the benefit of their residents as part of the overall development (the "Fee-Paying Developments"); and

WHEREAS, pursuant to the Open Space Ordinance, the City's Department of Finance ("DOF") has collected fees derived from the Fee-Paying Developments (the "Open Space Fees") and has deposited those fees in separate funds, each fund corresponding to the Community Area (as defined in the Open Space Ordinance) in which each of the Fee-Paying Developments is located and from which the Open Space Fees were collected; and

WHEREAS, the City's Department of Planning and Development ("DPD") has determined that the Fee-Paying Developments built in certain Community Areas have deepened the already significant deficit of open space in those Community Areas, which deficit was documented in the comprehensive plan entitled "The CitySpace Plan" that was adopted by the Chicago Plan Commission on September 11, 1997 and adopted by the City Council on May 20, 1998 and appears on pages 69309-69311 of the Journal of the Proceedings of the City Council of the same date; and

WHEREAS, the City's Department of Transportation ("CDOT") has received a planning grant ("IDOT Grant") from the Illinois Department of Transportation ("IDOT") in the amount of $160,000 for the purpose of studying specific Chicago River trail and access improvements corresponding to some of the recommendations in The CitySpace Plan; and

WHEREAS, the IDOT Grant's terms and conditions require a 20% matching local expenditure by the City (the "Matching Funds"); and

WHEREAS, CDOT now proposes to study five specific Chicago River sites ("Study Sites") in preparation for the construction of five additional open space and recreational facilities, including specific river access points, river trails and underbridge connectors, and the

Study Sites are located within seven Community Areas, all as set forth in Exhibit A, attached hereto (the "Project"); and

WHEREAS, the Open Space Ordinance requires that the Open Space Fees be used for open space acquisition or capital improvements that provide a direct and material benefit to the new development(s) from which the Open Space Fees are collected; and

WHEREAS, the Open Space Ordinance requires that the Open Space Fees be expended within the same or contiguous Community Areas from which they were collected after a legislative finding by the City Council that the expenditure of the Open Space Fees will directly and materially benefit the developments from which the Open Space Fees were collected; and

WHEREAS, CDOT desires to use various Open Space Fees for the Project, in the amounts and from the Community Areas set forth on Exhibit A, for the Matching Funds required by the IDOT Grant; and

WHEREAS, DPD has determined that CDOT's use of the Open Space Fees in connection with the Project will provide a direct and material benefit to each of the Fee-Paying Developments from which the Open Space Fees were collected in that the Open Space Fees used for the Project will come from the specific funds set up by DOF for the corresponding Community Areas in which a Fee-Paying Development is located and from which the Open Space Fees were collected; and

WHEREAS, DPD has recommended that the City Council approve the use of the Open Space Fees for the purposes set forth on Exhibit A through this ordinance; and

WHEREAS, DPD has recommended that the City Council make a finding that the expenditure of the Open Space Fees as described herein will directly and materially benefit the Fee-Paying Developments from which the Open Space Fees were collected; now, therefore,

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

SECTION 1. The above recitals are expressly incorporated in and made part of this ordinance as though fully set forth herein.

SECTION 2. The City Council hereby finds that the expenditure of the various Open Space Fees, as proposed on Exhibit A, will directly and materially benefit the residents of those Fee-Paying Developments from which the Open Space Fees were collected, and hereby approves the use of the Open Space Fees for the purposes set forth on Exhibit A.

SECTION 3. Open Space Fees in an amount not to exceed $40,000 from the Community Areas set forth on Exhibit A are hereby appropriated to CDOT for the Project.

SECTION 4. To the extent that any ordinance, resolution, rule, order or provision of the Code, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall control. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provisions of this ordinance.

SECTION 5. This ordinance shall be in full force and effect from and after the date of its passage and approval.

EXHIBIT A

Project

COMMUNITY AREA	STUDY SITES and DESCRIPTIONS	AMOUNT
5. NORTH CENTER	Lathrop Riverwalk Connection to 312 River Run - will study options to connect the gap and provide a contiguous Riverwalk as well as look at flooding issues	$6,428.33 PS05 131 54 5005 2604
22. LOGAN SQUARE	606 Connection to the River - will connect planned Lincoln Yards Riverwalk improvements	$6,428.33 PS22 54 5022 2604
24. WEST TOWN	606 Connection to the River - will connect planned Lincoln Yards Riverwalk improvements	$6,428.33 PS24 54 5024 2604
30. SOUTH LAWNDALE	Pulaski River Access - builds on the Hilco Planned Development to create a public amenity on the river	$1,430.00 PS30 54 5030 2604
32. LOOP	Roosevelt Underbridge Connection - will connect the Riverline and The 78 Planned Development Riverwalks	$6,428.33 PS32 54 5032 2604
33. NEAR SOUTH SIDE	Roosevelt Underbridge Connection - will connect the Riverline and The 78 Planned Development Riverwalks	$6,428.33 PS33 54 5033 2604
34. ARMOUR SQUARE	City-Owned Parcel at the River and Canal St - will investigate ways to create river edge open space	$6,428.33 PS34 54 5034 2604
		Total: $40,000.00