

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, pursuant to ordinances adopted by the City Council of the City ("City Council") on May 17, 2000, and published at pages 30776 through 30953 in the Journal of the Proceedings of the City Council (the "Journal") for such date, the City Council: (i) approved a certain redevelopment plan and project ("Original Redevelopment Plan") for the Midwest Redevelopment Project Area (the "Original Redevelopment Area") pursuant to the Illinois Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1 et seq.) (the "Act"); (ii) designated the Original Redevelopment Area as a conservation area pursuant to the Act; and (iii) adopted tax increment allocation financing pursuant to the Act as a means of financing certain redevelopment project costs (as defined in the Act); and

WHEREAS, by ordinance adopted on May 9, 2012, and published in the Journal for such date at pages 25884 through 26069, the City Council amended the Original Redevelopment Plan to increase project costs (as amended, the "Redevelopment Plan"); and

WHEREAS, by ordinance adopted on December 9, 2015, and published in the Journal for such date at pages 14769 through 15117, the City Council amended the Original Redevelopment Area to expand its boundaries (as amended, the "Redevelopment Area"); and

WHEREAS, the City is the owner of the vacant land located at 1314-16 South Pulaski Road, Chicago, Illinois 60623, which is legally described on Exhibit A attached hereto (the "Property"); and

WHEREAS, the Property is located in the Redevelopment Area and is comprised of approximately 6,226 square feet; and

WHEREAS, "Work of His Hands" Ministries, an Illinois not-for-profit corporation ("Grantee"), owns the real property located adjacent to the Property at 1318 S. Pulaski Road, which is improved with a church building (the "Adjacent Church Property"); and

WHEREAS, Grantee has submitted a proposal to the Department of Planning and Development (the "Department") to purchase the Property for \$25,000 (the "Purchase Price") to construct a parking lot to serve the Adjacent Church Property in accordance with the site plan attached hereto as Exhibit B (the "Project"); and

WHEREAS, the Purchase Price represents the market valuation of the Property as of October 10, 2023; and

WHEREAS, the Project is consistent with the goals and objectives of the Redevelopment Plan; and

WHEREAS, Grantee obtained a Phase I Environmental Site Assessments (the "Phase I ESA") in May 2022 which identified recognized environmental conditions ("RECs") on the Property and adjacent parcels; and

WHEREAS, Grantee obtained a Phase II Environmental Site Assessment of the Property

prepared by Gabriel Environmental Services dated April 7, 2023 (the "Phase II ESA"), which disclosed the presence of a 1,000-gallon underground storage tank ("UST") on the Property; and

WHEREAS, an analysis of soil and groundwater samples collected on the Property identified contamination above residential and commercial/industrial remediation objectives, as well as remediation objectives for construction worker inhalation and migration to groundwater; and

WHEREAS, given the evidence of contamination, the City will convey the Property to Grantee subject to a use restriction, prohibiting the use of the Property for anything other than a parking lot without the prior approval of the City and compliance with all City requirements, which may include enrolling the Property in the Illinois Environmental Protection Agency's Site Remediation Program; and

WHEREAS, by Resolution No. 24-002-21 adopted on January 18, 2024, the Chicago Plan Commission approved the disposition of the Property; and

WHEREAS, by Resolution No. 24-CDC-03 adopted on March 5, 2024, the Community Development Commission authorized DPD to advertise its intent to negotiate a sale of the Property with Grantee and to request alternative proposals for redevelopment, and recommended the sale of the Property to Grantee if no responsive alternative proposals were received at the conclusion of the advertising period, or, if alternative proposals were received, if the Department determined in its sole discretion that it was in the best interest of the City to proceed with Grantee's proposal; and

WHEREAS, public notices advertising the Department's intent to enter into a negotiated sale of the Property with Grantee and requesting alternative proposals appeared in the *Chicago Tribune* on October 20, October 27, and November 3, 2023; and

WHEREAS, no alternative proposals were received by the deadline indicated in the aforesaid notices; **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 approves the sale of the Property to Grantee in its "as is" condition for the Purchase Price, subject to Grantee's satisfaction of each of the following conditions precedent to closing (unless waived by the Department in its sole discretion):.

(a) Grantee must submit to the Bureau of Environmental, Health and Safety Management in the Department of Fleet and Facility Management (the "EHS Bureau") a Phase I ESA (or update) for the Property dated no more than 180 days prior to the closing date, and a reliance letter authorizing the City to use and rely on any existing environmental site assessment reports for the Property.

(b) Grantee must submit to the EHS Bureau, and the EHS Bureau must approve, the final site plan for the Project; and

(c) Grantee must obtain all building permits and other required permits and approvals necessary to construct the Project and submit evidence thereof to the Department.

If Grantee fails to close on the acquisition of the Property within six (6) months of the date of passage and approval of this ordinance, then this ordinance will be rendered null and void and of no further effect, unless the Commissioner of the Department (the "Commissioner"), in the Commissioner's sole discretion, upon a request from Grantee, extends the closing date. Grantee shall pay all escrow fees and other title insurance fees and closing costs.

SECTION 3. The Mayor is authorized to execute, and the City Clerk or the Deputy City Clerk is authorized to attest, a quitclaim deed ("Deed") conveying the Property to Grantee, or to a land trust of which Grantee is the sole beneficiary, or to a business entity of which Grantee is the sole controlling party or which is comprised of the same principal parties, in substantially the form attached hereto as Exhibit C.

SECTION 4. The Commissioner, or a designee of the Commissioner, is each hereby authorized, subject to the review and approval of the City's Corporation Counsel as to form and legality, to negotiate, execute and deliver such other documents and take such other actions as may be necessary or appropriate to carry out and comply with the provisions of this ordinance. Such documents may contain terms and provisions that the Commissioner or the Commissioner's designee deems appropriate, including indemnification, releases, affidavits and other documents as may be reasonably necessary to remove exceptions from title or otherwise may be reasonably necessary or appropriate to consummate the transaction contemplated hereby.

SECTION 5. 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 6. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. This ordinance shall be in full force and effect immediately upon its passage and approval.

Attachments: Exhibit A – Legal Description of Property
Exhibit B – Parking Lot Site Plan
Exhibit C – Form of Deed