

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, as part of the Back of the Yards 47th and Ashland Avenue Section 2 Corridor Improvements project, the City's Department of Transportation ("CDOT") will be improving the intersection of 47th Street and Ashland Avenue to provide for greater traffic safety, including adequate space for traffic signal equipment as well as additional areas of pedestrian use, sidewalks, and streetlights. ("Project"); and

WHEREAS, pursuant Chapter 2-102-030 of the Municipal Code of the City, the Commissioner of CDOT ("Commissioner") has the authority to manage the preparation, planning, development and monitoring of transportation system projects within the City, including the acquisition of rights of way for such projects; and

WHEREAS, the City has determined that it is useful, desirable, and necessary for the Project that the City acquire portions of the parcels of real property as listed on the attached **Exhibit A** (the "Acquisition Parcels"); and

WHEREAS, the General Assembly in 735 ILCS 30/25-7-103.12, has authorized the use of quick-take eminent domain proceedings by municipalities for the purposes set forth in Division 74.2 and 74.3 of Article 2 of the Illinois Municipal Code, said purposes being the redevelopment of commercial or business areas by removing commercial blight for redevelopment purposes, and for the same purposes when established pursuant to home rule powers; and

WHEREAS, the City Council has adopted the 47th/Ashland Tax Increment Financing Redevelopment Plan and Project, dated March 27, 2002 ("47th/Ashland TIF"), thereby finding that statutory criteria for redevelopment project area eligibility were met in the area of the Project; and

WHEREAS, the City Council hereby finds that the Project will further and assist in the eradication and elimination of commercial blight or conservation areas containing buildings and structures that are detrimental to the health, safety and welfare of the occupants and the welfare of the urban community, consistent with Division 74.2 of Article 11 of the Illinois Municipal Code; and

WHEREAS, the City Council hereby finds that the Project will further and assist in the creation, development, improvement, maintenance, and redevelopment of business districts and involves further creation of new and lasting infrastructure consistent with Division 74.3 of Article 11 of the Illinois Municipal Code; and

WHEREAS, the City under its home rule power finds that it useful and necessary to use quick-take to acquire the Acquisition Parcels for these same purposes; and

WHEREAS, pursuant to Resolution No. 23-CDC-49 adopted on December 12, 2023, the Community Development Commission recommended that CDOT acquire the designated Acquisition Parcels listed on Exhibit A in furtherance of the Plan without further Commission action **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. It is hereby determined and declared that it is useful, desirable and necessary that the City acquire portions of the Acquisition Parcels for public purposes, including implementing and fulfilling the objectives of the Project.

SECTION 3. The Schedule for the Project, including the acquisition of the Acquisition Parcels or portions thereof, as set forth in Exhibit B which is attached and incorporated, is hereby adopted by the City Council.

SECTION 4. The Commissioner is authorized to negotiate with the owners of any interest in the Parcels for the purchase of the Acquisition Parcels or portions thereof or interests therein. If the Commissioner and any owner are able to agree on the terms of the purchase, including the price or interests therein, the Commissioner is authorized to purchase the Acquisition Parcels or portions thereof or interests therein on behalf of the City for the agreed price with such purchase price to be paid out of legally available funds of the City, including, without limitation, the proceeds of any grants or other funds received by the City. If the Commissioner is unable to agree with any owner of an Acquisition Parcel or portions thereof or interests therein on the terms of the purchase, or if an owner is unwilling or unable to enter into such a transaction with the City, or if an owner cannot be located, then the Commissioner shall report such facts to the Corporation Counsel who is authorized to institute and prosecute eminent domain proceedings, including a motion for immediate vesting of title, on behalf of the City for the purpose of acquiring the Acquisition Parcel or portion thereof or interest therein in accordance with the Schedule for the Project referenced above. Such acquisition efforts shall commence with the delivery of an offer letter to the owner(s) of such Acquisition Parcel within four (4) years of the date of the publication of this ordinance.

SECTION 5. The Commissioner is authorized to (1) determine, from time to time, what portions of or interests in the Acquisition Parcels shall be acquired, (2) amend, modify, or change the Schedule for the Project including the acquisition of portions of or interests in the Acquisition Parcels, adopted above, and (3) execute such documents and agreements as may be necessary to implement the provisions of this ordinance, including agreements with any property owner

impacted by the Project, and any such agreements may provide for City's indemnification of any such party, 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 be effective upon its passage and approval.