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OFFICE OF THE MAYOR
CITY OF CHICAGO

BRANDON JOHNSON
MAYOR

January 24, 2024

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

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith an ordinance authorizing the acquisition of temporary easements needed for the Chicago Halsted Improvement Project.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in blue ink, appearing to read "BJ", with a horizontal line extending to the right.

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's Department of Transportation ("CDOT") has a project for the reconstruction of Chicago Ave. from N. Green St. to N. Larrabee St. and Halsted St. from W. Ancona St. to north branch of the Chicago River ("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 that the City acquire for the Project temporary easements in those parcels of real property as listed on the attached Exhibit A or portions thereof (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 River West Tax Increment Financing Redevelopment Plan and Project, dated September 20, 2000 ("River West Plan"), thereby finding that statutory criteria for conservation area eligibility were met in the area of the Project; and

WHEREAS, the City Council has adopted the Chicago/Kingsbury Tax Increment Financing Redevelopment Plan and Project, dated January 11, 2000 ("Chicago/Kingsbury Plan"), thereby finding that statutory criteria for blighted area eligibility were met in the area of the Crossing; 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; **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 temporary easements in the Acquisition Parcels for public purposes, including implementing 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 Corporation Counsel is authorized to negotiate with the owners of any interest in the Acquisition Parcels for the purchase of the temporary easements therein. If the Corporation Counsel and any owner are able to agree on the terms of the purchase, including the price, duration of temporary easement or other terms therein, the Corporation Counsel is authorized to purchase the desired interest in 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 Corporation Counsel is unable to agree with any owner of an Acquisition Parcel on the price, duration of temporary easement, portions of Acquisition Parcels affected, or any of 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 Corporation Counsel 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 temporary easement in the Acquisition Parcel or portion thereof in accordance with the Schedule for the Project referenced above.

SECTION 5. The Commissioner of CDOT is authorized to (1) execute such documents as may be necessary to implement the provisions of this ordinance, including agreements with any property owner or railroad impacted by the Project, and any such agreements may provide for City's indemnification of any such party, and (2) amend, modify, or change the Schedule for the Project including the acquisition of temporary easements in the Acquisition Parcels, adopted above, all 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.