



AVIATION

OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

April 19, 2023

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

Ladies and Gentlemen:

At the request of the Aviation Commissioner, I transmit herewith an ordinance authorizing the acquisition of a State-owned property located at 5400 West 63rd Street.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Lori E. Lightfoot". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Mayor

ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of local government as defined in Article VII, §6(a) of the Illinois Constitution and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City owns and, through its Chicago Department of Aviation ("CDA"), operates the airport known as Chicago Midway International Airport ("Midway Airport"); and

WHEREAS, the City possesses the power and authority to acquire private and public property both within and outside its municipal boundaries for airport uses and purposes, and for uses and purposes related thereto, pursuant to its home rule powers and the provisions of Divisions 101 and 102 of Article 11 of the Illinois Municipal Code; and

WHEREAS, the City has determined that it is useful, desirable, and necessary for the City to acquire, for fair market value, those certain parcels of real property located in the vicinity of Midway Airport that comprise the midway armory aviation support facility, commonly known as 5400 West 63rd Street, Chicago, Illinois, 60638 ("Property"); and

WHEREAS, the Property is legally described on Exhibit A attached hereto and made a part hereof; and

WHEREAS, the Property is being acquired by the City for public purpose and use, namely, for uses and purposes attendant to the City's ownership and operation of Midway Airport including: protection of airspace and operating environment integrity, protection from incompatible land uses, preservation of Runway Protection Zone or Runway Safety Area, or both, as recognized by the Federal Aviation Administration ("FAA"), and/or promotion of safety and security at or adjacent to Midway Airport;

WHEREAS, the acquisition of the Property may require the City to coordinate with, obtain cooperation from, and/or enter agreement(s) with various state and federal governmental entities and agencies including without limitation, the State of Illinois Department of Military Affairs, the Illinois National Guard, the Illinois Army National Guard, and the FAA; and

NOW, THEREFORE;

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

SECTION 1. The above recitals are hereby incorporated by reference as if fully set forth herein.

SECTION 2. It is hereby determined, declared, and found that it is useful, desirable, and necessary that the City acquire the Property for public purpose and use in furtherance of the City's ownership and operation of Midway Airport.

SECTION 3. The Commissioner of CDA is authorized to make offers and negotiate agreements with the owner(s) of the Property for the purchase of the Property by the City, for fair market value and in compliance with all FAA regulations.

SECTION 4. In the event the Commissioner of CDA and the owner(s) of the Property are able to agree on the terms of the purchase, the Commissioner of CDA is authorized to purchase said Property in the name of and on behalf of the City for the agreed price, with such purchase

price payable from any legally available funds of the City, including without limitation, proceeds of any general airport revenue bonds previously issued, or grants, or other funds received by the City.

SECTION 5. In the event the Commissioner of CDA is unable to agree with the owners (s) of the Property on the terms of the purchase, or if an owner is incapable of entering into such a transaction with the City, or if an owner cannot be located, then the Commissioner of CDA shall report such fact to the Corporation Counsel and title and possession of such Property may be acquired by the City through condemnation, and the Corporation Counsel is authorized and empowered to institute and prosecute condemnation proceedings in the name of and on behalf of the City for the purpose of acquiring title to and possession of the Property in accordance with applicable eminent domain laws and in the manner provided by the Code of Civil Procedure.

SECTION 6. The Commissioner of CDA is authorized to execute such documentation as may be necessary or appropriate to implement the provisions of this ordinance including without limitation, intergovernmental agreements and/or purchase contracts, subject to the approval of the Corporation Counsel.

SECTION 7. 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 8. All other ordinances, resolutions, motions, or orders of the City Council in conflict with this ordinance are hereby amended to the extent of such conflict.

SECTION 9. This ordinance shall be effective upon its passage and approval.

Exhibit "A" referred to in this ordinance reads as follows:

EXHIBIT A

**LEGAL DESCRIPTION OF PROPERTY
TO BE ACQUIRED FOR
CHICAGO MIDWAY INTERNATIONAL AIRPORT**

(SUBJECT TO FINAL SURVEY AND TITLE COMMITMENT)

**COMMON ADDRESS OF
THE PROPERTY:**

5400 West 63rd Street, Chicago, Illinois, 60638

**LEGAL DESCRIPTION OF
THE PROPERTY:**

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE SOUTH LINE OF SAID SOUTHWEST 1/4 WHICH IS 240 EAST OF THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16 AND RUNNING THENCE NORTH PARALLEL TO THE EAST LINE OF SAID WEST 1/2, A DISTANCE OF 33 FEET TO A POINT IN THE NORTH LINE OF WEST 63RD STREET, SAID POINT BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND, TO-WIT: THENCE NORTH PARALLEL TO THE EAST LINE OF SAID WEST 1/2, A DISTANCE OF 200 FEET TO A POINT; THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 16, A DISTANCE OF 720 FEET TO A POINT; THENCE SOUTH PARALLEL TO SAID EAST LINE OF SAID WEST 1/2 A DISTANCE OF 200 FEET TO A POINT IN THE NORTH LINE OF WEST 63RD STREET, SAID POINT BEING 33 FEET NORTH OF THE SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 16; THENCE WEST ON SAID NORTH LINE OF WEST 63RD STREET AND PARALLEL TO THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 16 AFORESAID, A DISTANCE OF 720 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.