

## COMMERCIAL VACATION AND DEDICATION ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6 (a) of the 1970 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 properties at 1528-1558 N. Elston Avenue, 1347-1351 W. North Avenue, 1355-1359 W. North Avenue and approximately 1517-1553 N. Noble Street are owned by North Elston Noble, LLC an Illinois limited liability company ("Developer"); and

WHEREAS, the Developer proposes to assemble the portion of the alley to be vacated herein for inclusion in a new commercial development; and

WHEREAS, the City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of that portion of the public alley, described in the following ordinance, and the dedication of a new public alley for remaining access; now therefore,

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

### SECTION 1.

**DEDICATION OF: THAT PART OF LOT 7 IN BLOCK 31 IN ELSTON'S ADDITION TO CHICAGO RECORDED MAY 11, 1855 ANTE-FIRE, IN THE WEST HALF OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN BLOCK 31 IN ELSTON'S ADDITION TO CHICAGO AFORESAID, THENCE SOUTH 13 DEGREES 12 MINUTES 30 SECONDS EAST ALONG THE EASTERLY LINE OF LOTS 1 THROUGH 7 AFORESAID, ALSO BEING THE WESTERLY LINE OF A NORTH-SOUTHERLY 20 FOOT WIDE PUBLIC ALLEY, 350.05 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 13 DEGREES 12 MINUTES 30 SECONDS EAST ALONG THE WESTERLY LINE OF LOT 7 AFORESAID 27.43 FEET; THENCE NORTH 64 DEGREES 04 MINUTES 26 SECONDS WEST 8.84 FEET; THENCE SOUTH 65 DEGREES 03 MINUTES 38 SECONDS WEST 49.83 FEET TO THE EASTERLY LINE OF N. NOBLE STREET PER ORDINANCE NUMBER 92860 RECORDED APRIL 2, 1873; THENCE NORTH 42 DEGREES 39 MINUTES 41 SECONDS WEST ALONG THE EASTERLY LINE OF N. NOBLE STREET AFORESAID 21.00 FEET; THENCE NORTH 65 DEGREES 03 MINUTES 38 SECONDS EAST 67.37 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 1,266 SQUARE FEET OR 0.029 ACRES, MORE OR LESS as shaded and legally described by the words "HEREBY DEDICTED" on the plat hereto attached as **EXHIBIT A**, which plat for greater clarity, is hereby made a part of this ordinance, be and the same is accepted,**

and the public interest will be subserved by the acceptance of the dedication and its opening for public use.

**VACATION OF: THAT PART OF THE NORTH-SOUTHERLY 20 FOOT WIDE PUBLIC ALLEY LYING EAST OF AND ADJOINING AND LOTS 1 THROUGH 6 AND THAT PART OF LOT 7 AND WEST OF AND ADJOINING LOT 16 THROUGH 21 ALL IN BLOCK 31 IN ELSTON'S ADDITION TO CHICAGO RECORDED MAY 11, 1855 ANTE-FIRE, IN THE WEST HALF OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 13 DEGREES 12 MINUTES 30 SECONDS EAST ALONG THE EAST LINE OF LOTS 1 THROUGH 6 AND THAT PART OF LOT 7 AFORESAID 350.05 FEET TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 16; THENCE NORTH 65 DEGREES 03 MINUTES 38 SECONDS EAST ALONG SAID WESTERLY EXTENSION OF LOT 16 20.43 FEET TO THE SOUTHWEST CORNER OF SAID LOT 16; THENCE NORTH 13 DEGREES 12 MINUTES 30 SECONDS WEST ALONG THE WESTERLY LINE OF LOTS 16 THROUGH 21 AFORESAID 341.73 FEET TO THE NORTHWEST CORNER OF SAID LOT 21; THENCE SOUTH 88 DEGREES 33 MINUTES 07 SECONDS WEST 20.43 FEET TO THE POINT OF BEGINNING, ALL IN IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 6,918 SQUARE FEET OR 0.158 ACRES, MORE OR LESS** as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as **EXHIBIT B**, which plat for greater clarity, is hereby made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. The Subdivision herein provided for is made upon the express condition that within 180 days of the City Council passage of this ordinance and its related plat, the Developers shall pay to the City Treasury of the City of Chicago, a quoted security deposit equal to the costs of Developer's work to revise existing public paving, curb, and related appurtenances, and to create new public way, in accordance with the most current version of the Chicago Department of Transportation's Regulations for Opening, Repair and Construction in the Public Way and its appendices and as agreed to. Upon completion of the work, a request for final field inspection and approval of the Developer's construction, shall be made to the CDOT Division of Infrastructure Management, Construction Compliance Unit, Room 905 City Hall prior to return of said security deposit less any service fee.

SECTION 3. The Developer acknowledges that any private sewers, water services or appurtenances and connections within the area to be dedicated shall be permanently sealed, removed or relocated to private property at the Developer's expense, in accordance with the standard procedures of the Department of Water Management; or established as public through City Council action. In the event that any sewer or water service is abandoned in the area to be dedicated, the abandonment plans must be reviewed, approved and permitted by the Department of Water Management, prior to work. The Developer understands that it is his responsibility to provide proper drainage, and lay new sewer main and associated structures, at his expense to drain his property, in accordance with plans reviewed, approved and permitted by the Department of Water Management Sewer Design Section, prior to work. Acceptance of new sewers in the area herein dedicated is contingent upon submittal of as-built drawings, and physical and videotape inspection provided by the Developer provided to the Department of Water Management within 30 days of completion. All sewer work in both new public way and on private property requires permit of a Licensed Drainlayer as secured through the Department of Buildings-Sewer Permit Section.

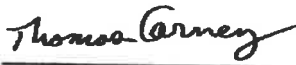
SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and AT&T, their successors or assigns, a non-exclusive utility easement to operate, maintain, construct, replace and renew overhead wires, poles, and associated equipment and underground conduit, cables, and associated equipment for the transmission and distribution of electrical energy, telephonic and associated services under, over and along the alley herein vacated, with the right of ingress and egress at all times. The grade of the vacated public way shall not be altered in a manner so as to interfere with the operation and maintenance of Commonwealth Edison and AT&T facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without express written release of easement by the involved utility. Any future Developer-prompted relocation of facilities lying within the area being vacated will be accomplished by the involved utility, and be completed at the expense of the Developer, its successors or assigns.

SECTION 5. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owner of the property abutting said part of public alley hereby vacated the sum \_\_\_\_\_ dollars (\$ \_\_\_\_\_), which sum in the judgment of this body will be equal to such benefits.

SECTION 6. The vacation herein provided for is made under the express condition that the Developer, its successors and assigns, shall hold harmless, indemnify and defend the City of Chicago from all claims related to said vacation.

SECTION 7. The vacation and dedication herein provided for are further made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developer shall file or cause to be filed for recordation with the Office of the Cook County Clerk/ Recordings Division, Illinois a fully stamp-approved, certified copy of this ordinance, together with the similarly approved associated full sized plats as authorized by the Superintendent of Maps and Plats.

Vacation Approved, Dedication Accepted:



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Thomas Carney  
Acting Commissioner  
Department of Transportation

Introduced by:



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Honorable Walter Burnett  
Alderman, 27th Ward

CDOT File Number:

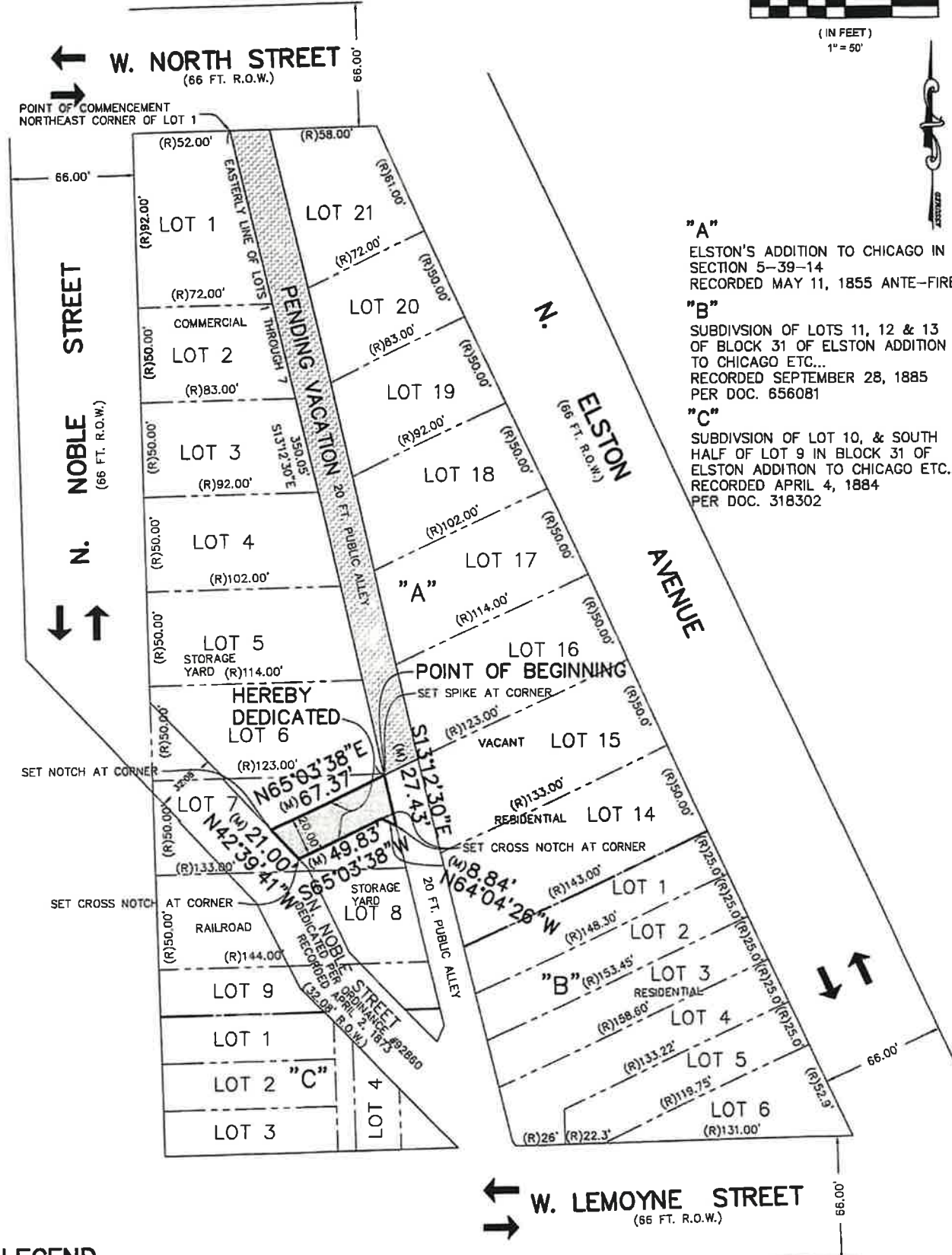
05-27-23-4051

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# PLAT OF DEDICATION



(IN FEET)  
1" = 50'



**"A"**  
ELSTON'S ADDITION TO CHICAGO IN SECTION 5-39-14 RECORDED MAY 11, 1855 ANTE-FIRE

**"B"**  
SUBDIVISION OF LOTS 11, 12 & 13 OF BLOCK 31 OF ELSTON ADDITION TO CHICAGO ETC... RECORDED SEPTEMBER 28, 1885 PER DOC. 656081

**"C"**  
SUBDIVISION OF LOT 10, & SOUTH HALF OF LOT 9 IN BLOCK 31 OF ELSTON ADDITION TO CHICAGO ETC... RECORDED APRIL 4, 1884 PER DOC. 318302

## LEGEND

- HEREBY DEDICATED**
- PENDING VACATION**
- TRAFFIC FLOW**
- RECORD LINES**
- UNDERLYING LOTS**
- LIMITS OF SUBDIVISION**
- BOUNDARY LINES**
- (R) RECORD**
- (M) MEASURED**
- R.O.W. - RECORD RIGHT OF WAY**

**CDOT# 05-27-23-4051**

ORDERED BY: NORTH ELSTON NOBLE LLC	CHECKED: DRAWN:
ADDRESS: ELSTON & NORTH AVENUES	
<b>GREMLEY &amp; BIEDERMANN</b> PLCS, CORPORATION LICENSE NO. 194-005332 PROFESSIONAL LAND SURVEYORS 4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630 TELEPHONE: (773) 685-6102 EMAIL: INFO@PLCS-SURVEY.COM	
ORDER NO. <b>2023-30992-001</b>	DATE: MARCH 10, 2023 SCALE: 1 INCH = 50 FEET
	PAGE NO. <b>1 OF 2</b>

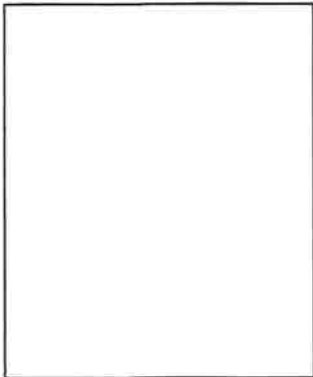
*Ref*  
**FEB 8, 2024**

# EXHIBIT "A" PLAT OF DEDICATION

AFFECTED PINS:  
17-05-103-011 - LOT 6  
17-05-103-046 - LOTS 7, 8 & 9

**LEGAL DESCRIPTION:**

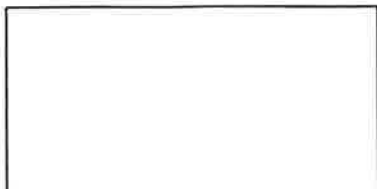
THAT PART OF LOT 7 IN BLOCK 31 IN ELSTON'S ADDITION TO CHICAGO RECORDED MAY 11, 1855 ANTE-FIRE, IN THE WEST HALF OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN BLOCK 31 IN ELSTON'S ADDITION TO CHICAGO AFORESAID, THENCE SOUTH 13 DEGREES 12 MINUTES 30 SECONDS EAST ALONG THE EASTERLY LINE OF LOTS 1 THROUGH 7 AFORESAID, ALSO BEING THE WESTERLY LINE OF A NORTH-SOUTHERLY 20 FOOT WIDE PUBLIC ALLEY, 350.05 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 13 DEGREES 12 MINUTES 30 SECONDS EAST ALONG THE WESTERLY LINE OF LOT 7 AFORESAID 27.43 FEET; THENCE NORTH 64 DEGREES 04 MINUTES 26 SECONDS WEST 8.84 FEET; THENCE SOUTH 65 DEGREES 03 MINUTES 38 SECONDS WEST 49.83 FEET TO THE EASTERLY LINE OF N. NOBLE STREET PER ORDINANCE NUMBER 92860 RECORDED APRIL 2, 1873; THENCE NORTH 42 DEGREES 39 MINUTES 41 SECONDS WEST ALONG THE EASTERLY LINE OF N. NOBLE STREET AFORESAID 21.00 FEET; THENCE NORTH 65 DEGREES 03 MINUTES 38 SECONDS EAST 67.37 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 1,266 SQUARE FEET OR 0.029 ACRES, MORE OR LESS



CHICAGO DEPARTMENT OF TRANSPORTATION



COOK COUNTY



CHICAGO DEPARTMENT OF FINANCE

**OWNER'S CERTIFICATE:**

State of Illinois)  
County of )ss

NORTH ELSTON NOBLE LLC, does hereby certify that it is the owner of the property described hereon and that it has caused the said property to be surveyed and dedicated for Public Right of Way as shown hereon.

Dated: \_\_\_\_\_ A.D.2024.

By: \_\_\_\_\_

State of Illinois)  
County of )ss

I, \_\_\_\_\_ a Notary Public in and for the County and State aforesaid, do hereby certify that \_\_\_\_\_ personally known to me to be the same person who appeared before me this day in person and acknowledged that he (she) is the owner of the property described on the plat hereon drawn and that as such owner he (she) signed, sealed and delivered the said instrument for the uses and purposes therein set forth. Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D.2024.

\_\_\_\_\_  
Notary Public

**SURVEY PREPARED FOR / AND MAIL TO:**

Crystal Novak  
3423 N. Drake Avenue  
Chicago, IL 60618

**SURVEYORS NOTES:**

SURVEYOR'S LICENSE EXPIRES November 30, 2024.  
DESIGN FIRM LICENSE EXPIRES APRIL 30, 2025

ZONING: B1-1 Neighborhood Shopping District

FIELD MEASUREMENTS COMPLETED ON MARCH 10, 2023.

Note (R) & (M) denotes Record and Measured distances respectively.

Distances are marked in feet and decimal parts thereof. Compare all points BEFORE building by same and at once report any differences BEFORE damage is done.

For easements, building lines and other restrictions not shown on survey plat refer to your abstract, deed, contract, title policy and local building line regulations.

Except for building foot prints improvements omitted at clients request.

NO dimensions shall be assumed by scale measurement upon this plat.

Unless otherwise noted hereon the Bearing Basis, Elevation Datum and Coordinate Datum if used is ASSUMED.

COPYRIGHT GREMLEY & BIEDERMANN, INC. 2024 "All Rights Reserved"

**CDOT# 05-27-23-4051**

**SURVEYOR'S CERTIFICATE**

State of Illinois)  
County of Cook)ss

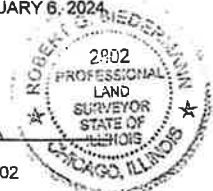
We, GREMLEY & BIEDERMANN, INC. hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey corrected to a temperature of 62° Fahrenheit. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Field measurements completed on FEBRUARY 6, 2024

Signed on FEBRUARY 7, 2024.

By: *Robert S. Biedermann*

Professional Illinois Land Surveyor No. 2802



ORDERED BY: NORTH ELSTON NOBLE LLC	CHECKED:	DRAWN:	
ADDRESS: ELSTON & NORTH AVENUES			
<b>GREMLEY &amp; BIEDERMANN</b>			
A Division of <b>PLCS, CORPORATION</b> License No. 04-055332 PROFESSIONAL LAND SURVEYOR			
4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630 TELEPHONE: (773) 685-9102 EMAIL: INFO@PLCS-SURVEY.COM			
ORDER NO. <b>2023-30992-001</b>	DATE: MARCH 10, 2023	PAGE NO. <b>2 OF 2</b>	
		SCALE: 1 INCH = 50 FEET	

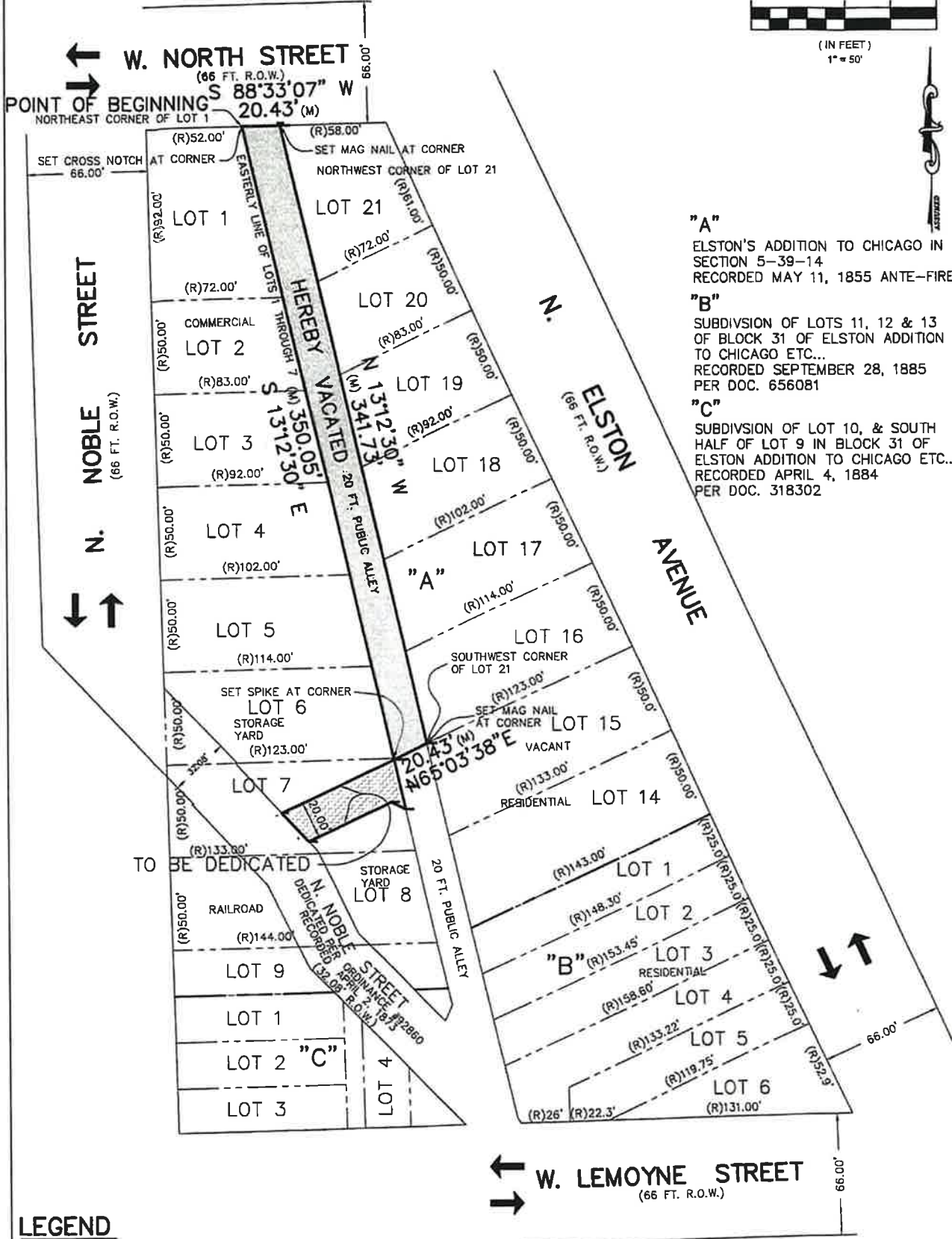
*Ref*  
*FEB 8, 2024*

# EXHIBIT "B" PLAT OF VACATION

GRAPHIC SCALE



(IN FEET)  
1" = 50'



**"A"**  
ELSTON'S ADDITION TO CHICAGO IN SECTION 5-39-14 RECORDED MAY 11, 1855 ANTE-FIRE

**"B"**  
SUBDIVISION OF LOTS 11, 12 & 13 OF BLOCK 31 OF ELSTON ADDITION TO CHICAGO ETC... RECORDED SEPTEMBER 28, 1885 PER DOC. 656081

**"C"**  
SUBDIVISION OF LOT 10, & SOUTH HALF OF LOT 9 IN BLOCK 31 OF ELSTON ADDITION TO CHICAGO ETC... RECORDED APRIL 4, 1884 PER DOC. 318302

**LEGEND**

- HEREBY VACATED
- TO BE DEDICATED
- TRAFFIC FLOW
- RECORD LINES
- UNDERLYING LOTS
- LIMITS OF SUBDIVISION
- BOUNDARY LINES
- (R) RECORD
- (M) MEASURED
- R.O.W. - RECORD RIGHT OF WAY

**CDOT# 05-27-23-4051**

*Ref*  
**FEB 8, 2024**

ORDERED BY: NORTH ELSTON NOBLE LLC	CHECKED: DRAWN: BB
ADDRESS: ELSTON & NORTH AVENUES	
<b>GREMLEY &amp; BIEDERMANN</b>	
PLCS, CORPORATION LICENSE NO. 184-005552 PROFESSIONAL LAND SURVEYORS 4505 NORTH ELSTON AVENUE, CHICAGO, IL 60650 TELEPHONE: (773) 685-6102 EMAIL: INFO@PLCS-SURVEY.COM	
ORDER NO. <b>2023-30992-002</b>	DATE: MARCH 10, 2023 SCALE: 1 INCH = 50 FEET
	PAGE NO. <b>1 OF 2</b>

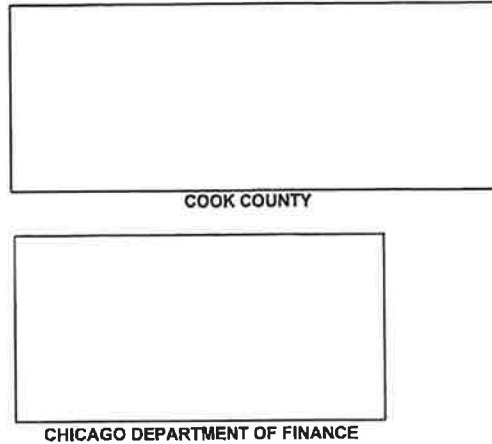
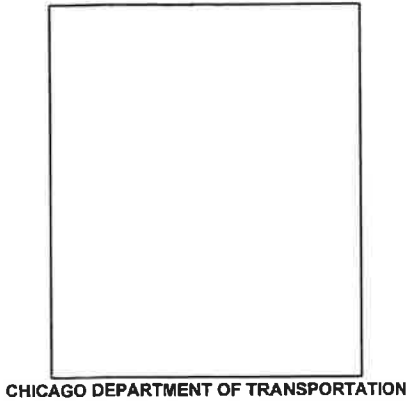
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# EXHIBIT "B" PLAT OF VACATION

**LEGAL DESCRIPTION:**

THAT PART OF THE NORTH-SOUTHERLY 20 FOOT WIDE PUBLIC ALLEY LYING EAST OF AND ADJOINING AND LOTS 1 THROUGH 6 AND THAT PART OF LOT 7 AND WEST OF AND ADJOINING LOT 16 THROUGH 21 ALL IN BLOCK 31 IN ELSTON'S ADDITION TO CHICAGO RECORDED MAY 11, 1855 ANTE-FIRE, IN THE WEST HALF OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 13 DEGREES 12 MINUTES 30 SECONDS EAST ALONG THE EAST LINE OF LOTS 1 THROUGH 6 AND THAT PART OF LOT 7 AFORESAID 350.05 FEET TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 16; THENCE NORTH 65 DEGREES 03 MINUTES 38 SECONDS EAST ALONG SAID WESTERLY EXTENSION OF LOT 16 20.43 FEET TO THE SOUTHWEST CORNER OF SAID LOT 16; THENCE NORTH 13 DEGREES 12 MINUTES 30 SECONDS WEST ALONG THE WESTERLY LINE OF LOTS 16 THROUGH 21 AFORESAID 341.73 FEET TO THE NORTHWEST CORNER OF SAID LOT 21; THENCE SOUTH 88 DEGREES 33 MINUTES 07 SECONDS WEST 20.43 FEET TO THE POINT OF BEGINNING, ALL IN IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 6,918 SQUARE FEET OR 0.158 ACRES, MORE OR LESS.

- AFFECTED PINS:**  
 17-05-103-001 - LOT 1  
 17-05-103-003 - LOT 2  
 17-05-103-004 - LOT 2  
 17-05-103-005 - LOT 3  
 17-05-103-006 - LOT 3  
 17-05-103-007 - LOT 4  
 17-05-103-008 - LOT 4  
 17-05-103-009 - LOT 5  
 17-05-103-010 - LOT 5  
 17-05-103-011 - LOT 6  
 17-05-103-046 - LOT 7  
 17-05-103-043 - LOTS 20 & 21  
 17-05-103-025 - LOT 19  
 17-05-103-026 - LOT 19  
 17-05-103-027 - LOT 18  
 17-05-103-028 - LOT 18  
 17-05-103-029 - LOT 17  
 17-05-103-030 - LOT 17  
 17-05-103-031 - LOT 16  
 17-05-103-032 - LOT 16



**SURVEY PREPARED FOR / AND MAIL TO:**

Crystal Novak  
 3423 N. Drake Avenue  
 Chicago, IL 60618

**SURVEYORS NOTES:**

SURVEYOR'S LICENSE EXPIRES November 30, 2024.  
 DESIGN FIRM LICENSE EXPIRES APRIL 30, 2025

CONFIRM RESERVATION FOR COMED & AT&T IF SO NOTE AS "EASEMENT IN AREA HEREBY VACATED RESERVED FOR COMED & AT&T LOOK TO ACCOMPANYING ORDINANCE FOR SPECIFIC DETAILS AND RESERVATION" OR SUITABLE DEPICTION.

ZONING: B1-1 Neighborhood Shopping District

FIELD MEASUREMENTS COMPLETED ON MARCH 10, 2023.

Note (R) & (M) denotes Record and Measured distances respectively.

Distances are marked in feet and decimal parts thereof. Compare all points BEFORE building by same and at once report any differences BEFORE damage is done.

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**CDOT# 05-27-23-4051**

**SURVEYOR'S CERTIFICATE**

State of Illinois)  
 County of Cook)ss

We, GREMLEY & BIEDERMANN, INC. hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey corrected to a temperature of 62° Fahrenheit. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Field measurements completed on FEBRUARY 6, 2024.

Signed on FEBRUARY 7, 2024.

By:

*Robert G. Biedermann*  
 Professional Illinois Land Surveyor No. 2802



ORDERED BY: NORTH ELSTON NOBLE LLC	CHECKED:	DRAWN:
ADDRESS: ELSTON & NORTH AVENUES		BB
<b>GREMLEY &amp; BIEDERMANN</b>		
A DIVISION OF PLCS, CORPORATION LICENSE NO. 184-025332 PROFESSIONAL LAND SURVEYORS 4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630 TELEPHONE: (773) 648-6102 EMAIL: INFO@PLCS-SURVEY.COM		
ORDER NO. <b>2023-30992-002</b>	DATE MARCH 10, 2023 SCALE: 1 INCH = 50 FEET	PAGE NO. <b>2 OF 2</b>

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*Ref  
FEB 8, 2024*



