

**SUBSTITUTE
ORDINANCE FOR THE RELEASE OF
VARIOUS UTILITY EASEMENTS THAT BENEFIT
COMMONWEALTH EDISON COMPANY AND
ILLINOIS BELL**

WHEREAS, the City of Chicago (the "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 Council of the City (the "City Council") previously authorized the recording of certain documents recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Documents 2207416019, 17511644, 18373313 and 17065468 ("Recorded Vacation Ordinances"), said documents authorizing the vacation of certain streets and alleys in the area bounded by E. 26th Street, S. Lake Park Avenue, E. 31st Street and S. Dr. Martin Luther King Jr. Drive ("Subject Property") for the benefit of Micheal Reese Hospital; and

WHEREAS, the Recorded Vacation Ordinances provided that the vacations contained within the boundaries of the Subject Property were conditioned upon certain easement reservations for various utility service providers, including Commonwealth Edison Company ("ComEd") and Illinois Bell Telephone Company, LLC ("Illinois Bell") (such easements reserved for ComEd and Illinois Bell, the "Utility Easements"); and

WHEREAS, the City Council has long sought to encourage the revitalization of the Subject Property with commercial redevelopment; and

WHEREAS, the City currently owns the Subject Property; and

WHEREAS, in order to facilitate the redevelopment of the Subject Property, the City's Department of Planning and Development recommends that the City Council authorize the full releases of those certain Utility Easements to benefit the ComEd, as depicted in the attached **EXHIBIT A**; and the partial releases of Utility Easements to benefit the ComEd and Illinois Bell, as depicted and legally described in **EXHIBIT B** and **EXHIBIT C**, respectively; and

WHEREAS, the City Council, upon due investigation and consideration, has determined that the public interest now warrants certain full release of the Utility Easements, as depicted in the attached **Exhibit A**, and the partial releases of those certain Utility Easements as depicted and legally described in **Exhibit B** and **Exhibit C**; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The above recitals are incorporated here.

SECTION 2. The full release of the Utility Easements depicted in the attached **Exhibit A** is hereby approved. The release of only those portions of the Utility Easements depicted and legally described in the attached **Exhibit B** and **Exhibit C** are hereby approved.

SECTION 3. The Commissioner of the City's Department of Transportation (the "Commissioner"), or the Commissioner's designee, is each hereby authorized to execute, subject to the approval of the Corporation Counsel, a Full Release of Utility Easements ("Full

Release”), in substantially the form attached in **EXHIBIT D**, and Partial Releases of Utility Easements (“Partial Releases”), each in substantially the form attached in **EXHIBIT E** and **EXHIBIT F**, and such other supporting documents as may be necessary or appropriate to carry out and comply with the provisions of the Full Release and the Partial Releases, with such changes, deletions and insertions as shall be approved by the persons executing the Full Release or the Partial Releases, as applicable. The Full Release in **EXHIBIT D** and Partial Release in **Exhibit E** are subject to ComEd’s execution of such documents. The Partial Release in **Exhibit F** is subject to Illinois Bell’s, or its successor’s or assign’s, execution of such document.

SECTION 4. 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 5. The Full Release and Partial Releases herein provided for are further made upon the express condition that within one hundred eighty (180) days after the passage and approval of this ordinance, the City, by and through its Department of Planning and Development, or its assignee, shall file or cause to be filed for recordation with the Office of the Clerk of Cook County, Illinois, Recordings Division, 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, and the Full Release and Partial Release documents as approved by the Corporation Counsel.

SECTION 6. This ordinance shall take effect upon its passage and approval.

Attachments:

Exhibit A – Release of ComEd Easements Summary

Exhibit B – Plat of Partial Release of ComEd & IL Bell Easements per Doc. 17511644

Exhibit C – Plat of Partial Release of ComEd & IL Bell Easements per Doc. 16869168

Exhibit D – Form of Full Release for ComEd

Exhibit D.I – Release of Easement Summary

Exhibit E – Form of Partial Release for ComEd

Exhibit E.I – Legal Description and Plat of the portion of easement areas to be released

Exhibit E.II – Legal Description and Plat of the portion of easement areas to be released

Exhibit F – Form of Partial Release for IL Bell

Exhibit F.I – Legal Description and Plat of the portion of easement areas to be released

Exhibit F.II – Legal Description and Plat of the portion of easement areas to be released

Release of Utility Easements Approved:



Thomas Carney
Acting Commissioner
Department of Transportation

Introduced By:



Honorable Lamont Robinson
Alderman, 4th Ward

CDOT File:

27-04-23-4053
