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OFFICE OF THE MAYOR  
CITY OF CHICAGO

BRANDON JOHNSON  
MAYOR

November 1, 2023

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

Ladies and Gentlemen:

At the request of the Commissioner of Assets, Information and Services, I transmit herewith an ordinance authorizing the execution of an easement agreement with 3305 Lawndale Dev, LLC.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

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

Mayor

## ORDINANCE

**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**, 3305 Lawndale Dev, LLC, a Delaware limited liability company ("Developer"), is the owner of the land commonly known as 3305 S. Lawndale Avenue, Chicago, Illinois, and legally described on Exhibit A attached hereto (the "Developer Property"); and

**WHEREAS**, Developer has constructed a fleet storage yard with approximately 350 parking spaces on the Developer Property (the "Project"); and

**WHEREAS**, due to the stormwater management needs of the Project, Developer has caused to be constructed a bioswale on the southern portion of the Developer Property (the "Bioswale"); and

**WHEREAS**, the City is the owner of the land located directly south of the Developer Property, commonly known as 3300 S. Kedzie Avenue, Chicago, Illinois, as legally described on Exhibit B attached hereto (the "City Property"); and

**WHEREAS**, the Metropolitan Water Reclamation District of Greater Chicago (the "District") conveyed the City Property to the City pursuant to that certain quitclaim deed dated January 2, 1996, and recorded with the Office of the Recorder of Deeds of Cook County, Illinois (the "Recorder's Office") on April 10, 1996, as document 96270202 (the "District Deed"); and

**WHEREAS**, the City leased the City Property to the United States of America pursuant to that certain lease, dated April 5, 1996, a memorandum of which is also dated April 5, 1996, and recorded with the Recorder's Office on April 12, 1996, as document 96278483 (the "Lease"); and

**WHEREAS**, pursuant to the Lease, the United States of America, by and through its Department of Labor (the "DOL"), operates that certain Job Corps Center on the City Property (the "Facility"); and

**WHEREAS**, the District Deed states, in pertinent part, that in the event the City Property "ceases to be used in connection with the Facility, all right, title and interest of the City and any person or entity claiming to title to the [City Property] by, through or under the City shall immediately cease and determine and revert to the District and the District shall be automatically restored to its first and former estate without further affirmative act by the District or the City" (the "Right of Reverter"); and

**WHEREAS**, the District Deed also reserves for the benefit of the District a perpetual easement over the City Property (the "District Easement"); and

**WHEREAS**, due to the Lease, the Right of Reverter and the District Easement, any agreement authorizing a change in use of the City Property or any portion thereof requires the written consent of the DOL and the District; and

**WHEREAS**, Developer has requested that the City grant it an easement (the "Easement") to such portion of the City Property as legally described on Exhibit C and as depicted on the plat of easement set forth in Exhibit D (such portion of the City Property, the "Easement Area") in order to maintain and operate a drainage swale ("Drainage Swale"), which Developer shall construct pursuant to that certain right of entry agreement entered into among Developer, the City and BEAR Construction Company, an Illinois corporation; and

**WHEREAS**, the City has issued Department of Buildings permit number 100965493 and sewer permit number 2204651 for the construction of the Drainage Swale; and

**WHEREAS**, the Illinois Environmental Protection Agency has issued National Pollutant Discharge Elimination System General Permit number ILR10ZBHX for the construction of the Drainage Swale; and

**WHEREAS**, the Developer shall maintain and operate the Drainage Swale; and

**WHEREAS**, the District and the DOL have each provided their written consent to the proposed Easement; and

**WHEREAS**, Developer has offered to pay the City for the Easement the sum of Two Hundred Eight Thousand Dollars (\$208,000) (such amount, the "Purchase Price"), which amount represents the appraised fair market value of the Easement; 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.** The grant of the Easement to the Developer for the Purchase Price is hereby approved. This approval is expressly conditioned upon the City entering into an Easement Agreement with Developer in substantially the form attached hereto as Exhibit E and made a part hereof (the "Easement Agreement"). The Commissioner of the Department of Assets, Information and Services, or any successor department thereto ("Commissioner"), or a designee of the Commissioner, is each hereby authorized, with the approval of the City's Corporation Counsel as to form and legality, to negotiate, execute and deliver the Easement Agreement, and such other supporting documents as may be necessary or appropriate to carry out and comply with the provisions of the Easement Agreement, with such changes, deletions and insertions as shall be approved by the persons executing such Easement Agreement.

**SECTION 3.** 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 4.** All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 5.** This ordinance shall take effect immediately upon its passage and approval.