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**TIME EXTENSION ORDINANCE  
COMMERCIAL VACATION 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 801-815 W. 38<sup>th</sup> Street, 819-837 W. 38<sup>th</sup> Street, 800-814 W. 38<sup>th</sup> Place, 824-836 W. 38<sup>th</sup> Place, 3801-3813 S. Lituania Avenue, 3817-3831 S. Lituania Avenue, and 3800-3830 S. Halsted Street are owned by JMK LLC, an Illinois limited liability company; and

**WHEREAS**, the properties at 816-822 W. 38<sup>th</sup> Place are owned by 3810 S. Halsted LLC, an Illinois limited liability company; and

**WHEREAS**, the above property owners (together, the "Developers") are affiliated with each other by virtue of common ownership in whole or in part, and the Developers are affiliated with Lincoln Provision, Inc., a meat packing and distribution business that operates at the properties, by virtue of common ownership in whole or in part; and

**WHEREAS**, the Developers propose to use the alleys to be vacated herein for internal roadways, the creation of a secure campus, and for potential facility expansion; and

**WHEREAS**, the City Council of the City of Chicago approved an ordinance vacating the below identified right of way on November 16, 2022, and appearing in the Journal of the City Council of the City of Chicago on pages 56927-56930 (the "Original Vacation Ordinance"); and

**WHEREAS**, Section 6 of the Original Vacation Ordinance provided that "within one hundred eighty (180) days after the passage of [the Original Vacation Ordinance], the Developers shall file or cause to be filed for recordation with the Office of the Cook County Clerk / Recordings Division, Illinois, a certified copy of [the Original Vacation Ordinance], together with the associated full-sized plats as approved by the Superintendent of Maps and Plats"; and

**WHEREAS**, the Developers were unable to record within said one hundred eighty (180) days; and

**WHEREAS**, the Developers have requested additional time for the recordings; and

**WHEREAS**, the City Council now seeks to grant the Developers one hundred eighty (180) days in which to record this ordinance, the Original Vacation Ordinance and the associated plats, so the Developers may successfully complete the vacations from the City; 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 those parts of the public alleys described below; now therefore,

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

SECTION 1. VACATION: ALL OF THE NORTH-SOUTH AND EAST-WEST 18 FOOT WIDE PUBLIC ALLEYS SOUTH OF AND ADJOINING THE SOUTH RIGHT OF WAY OF W. 38TH STREET, NORTH OF AND ADJOINING THE NORTH RIGHT OF WAY OF W. 38TH PLACE AND EAST OF AND ADJOINING THE EAST RIGHT OF WAY OF S. LITUANICA AVENUE, IN BLOCK 18 OF GAGE, LEMOYNE, HUBBARD & OTHERS SUBDIVISION (ANTE-FIRE) IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, TOTAL AREA IN SAID PARCEL IS 9,365 SQ FT, MORE OR LESS AND 0.215 ACRES, MORE OR LESS, as shaded and identified by the words "HEREBY VACATED" 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 hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacations.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, Comcast, Crowncastle and AT&T/SBC, and 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 alleys 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 said telecommunications facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the areas herein vacated without express written release of easement by the involved utilities. Any future, relocation/removal of facilities initiated by the Developers and lying within the areas herein vacated will be accomplished by the involved utilities, and be done at the Developers' expense, or their successors' or assigns' expense.

SECTION 3. The vacations herein provided for are made upon the express condition that within 180 days of the 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 Developers' work to public paving, curb, and related appurtenances 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. Upon completion of the work, a request for final field inspection and approval of the Developers' 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 4. The vacations herein provided for are made upon the express condition that within 180 days after the passage of this ordinance, the Developers shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owners of the properties abutting said part of the public alleys hereby vacated the sum One Hundred Ninety-Nine Thousand dollars (\$ **199,000.00** ), which sum in the judgment of this body will be equal to such benefits.

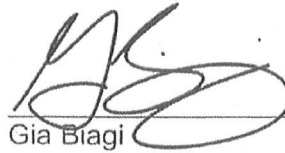
SECTION 5. The vacations herein provided for are made under the express

condition that the Developers, and their successors and assigns, shall hold harmless, indemnify and defend the City of Chicago from all claims related to the vacations.

SECTION 6. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developers shall file or cause to be filed for recordation with the Office of the Clerk of Cook County, Illinois, Recordings Division, a certified copy of Original Vacation Ordinance and of this ordinance, together with the associated full-sized plats as approved by the Superintendent of Maps and Plats.

SECTION 7. This ordinance shall take effect and be in force from and after its passage and approval. The vacations shall take effect and be in force from and after recording of the Original Vacation Ordinance, this ordinance and the approved plats.

Time Extension Ordinance  
Approved:



Gia Biagi  
Commissioner of Transportation

Introduced by:



Honorable Nicole Lee  
Alderman, 11th Ward

CDOT File Number:

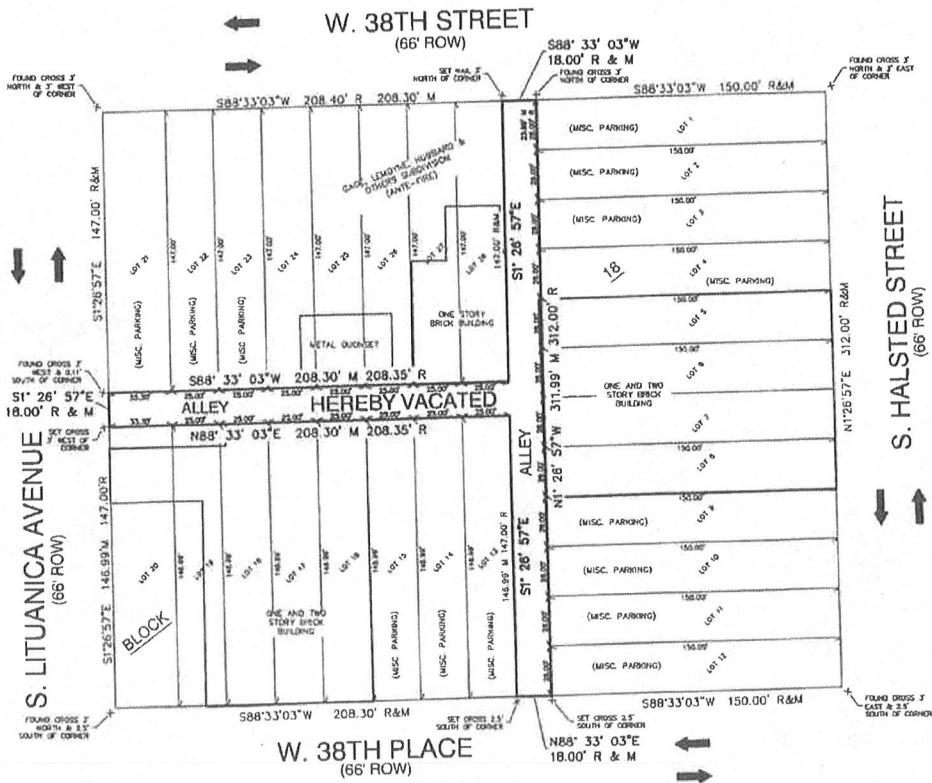
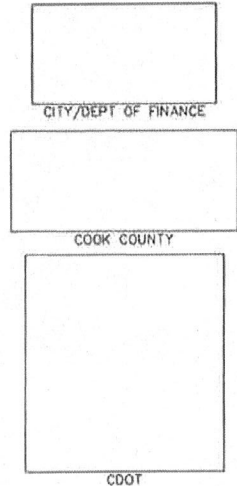
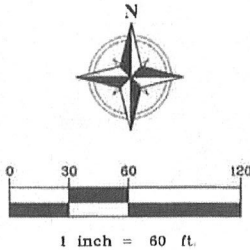
32-11-22-4002

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# PLAT OF VACATION

**LEGAL DESCRIPTION:**

ALL OF THE NORTH-SOUTH AND EAST-WEST 18 FOOT WIDE PUBLIC ALLEYS SOUTH OF AND ADJOINING THE SOUTH RIGHT OF WAY OF W. 38TH STREET, NORTH OF AND ADJOINING THE NORTH RIGHT OF WAY OF W. 38TH PLACE AND EAST OF AND ADJOINING THE EAST RIGHT OF WAY OF S. LITUANICA AVENUE, IN BLOCK 18 OF GAGE, LEMOYNE, HUBBARD & OTHERS SUBDIVISION (ANTE-FIRE) IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, TOTAL AREA IN SAID PARCEL IS 9,365 SQ. FT, MORE OR LESS AND 0.215 ACRES, MORE OR LESS.



**AFFECTED PINS**

|                            |                            |
|----------------------------|----------------------------|
| LOTS 1-4 - 17-32-419-014   | LOT 16 - 17-32-419-011     |
| LOT 5 - 17-32-419-015      | LOT 17 - 17-32-419-010     |
| LOT 6 - 17-32-419-016      | LOT 18 - 17-32-419-009     |
| LOT 7 - 17-32-419-017      | LOT 19 - 17-32-419-008     |
| LOT 8 - 17-32-419-018      | LOT 20 - 17-32-419-007     |
| LOT 9 - 17-32-419-019      | LOTS 21-23 - 17-32-419-001 |
| LOT 10 - 17-32-419-020     | LOT 24 - 17-32-419-003     |
| LOT 11 - 17-32-419-021     | LOT 25 - 17-32-419-004     |
| LOT 12 - 17-32-419-022     | LOT 26 - 17-32-419-005     |
| LOT 13 - 17-32-419-013     | LOTS 27-28 - 17-32-419-006 |
| LOTS 14-15 - 17-32-419-012 |                            |

**SURVEYOR'S CERTIFICATE:**

STATE OF ILLINOIS )  
 ) SS  
 COUNTY OF COOK )

THIS IS TO CERTIFY THAT H&K ENGINEERING, LLC. HAS MADE A BOUNDARY SURVEY AS SHOWN ON THE ATTACHED PLAT UNDER THE DIRECTION OF AN ILLINOIS PROFESSIONAL LAND SURVEYOR AND THAT THE PLAT HEREOF DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PLAT MEETS THE MINIMUM ILLINOIS STANDARDS FOR A BOUNDARY SURVEY. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF. NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENTS UPON THE PLAT.

GIVEN UNDER MY HAND AND SEAL THIS 27th DAY OF AUGUST, A.D. 2020.

BY: *[Signature]*  
 MARGARET MARTIN  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3163  
 LICENSE EXPIRES NOVEMBER 30, 2022



FIELD WORK COMPLETED JULY 27, 2020  
 H: \Project\200932\dwg  
**CDOT #: 32-11-22-4002**

- LEGEND:**
- R = RECORD DIMENSIONS
  - M = MEASURED DIMENSIONS
  - ROW = RIGHT OF WAY
  - TRAFFIC FLOW =
  - VACATED AREA =
  - BUILDING =
  - ADJ. LOT LINE =
  - BOUNDARY LINE =
  - BUILDING LINE =

**SURVEYOR'S NOTES:**

BASIS OF BEARING IS GPS MEASUREMENTS IN THE ILLINOIS GEOSPATIAL COORDINATE SYSTEM EAST ZONE NAD83(2011)

CURRENT ZONING = PMD 3 PLANNED MANUFACTURING DISTRICT 3

FIELD WORK COMPLETED JULY 27, 2020

**PREPARED FOR:**

LINCOLN PROVISION INC  
 824 W 38TH PLACE  
 CHICAGO, ILLINOIS 60609

**MAIL TO:**

H&K ENGINEERING, LLC  
 928 WEST VAN BUREN, SUITE 109  
 CHICAGO, ILLINOIS 60607  
 PHONE: (312) 415-0078, FAX: (312) 432-8221  
 STATE OF ILLINOIS, DEPARTMENT OF PROFESSIONAL REGULATION, LICENSE NO. 184093308 (Exp. 4/30/21)

**hbk ENGINEERING**

DRAWN BY: MMA    CHECKED BY: MDM    APPROVED BY: MDM    SCALE: 1" = 60'

PROJECT NUMBER: 20-0932    DATE: 8/05/2020    PAGE: 1 OF 1