

ORDINANCE NO. 004-145

AN ORDINANCE AUTHORIZING  
ACCEPTANCE OF EASEMENTS BY  
THE CHICAGO TRANSIT AUTHORITY  
FROM PAULINA PARK LLC FOR  
PROPERTY LOCATED AT OR NEAR  
1700-1716 WEST WARREN  
BOULEVARD, CHICAGO, ILLINOIS

WHEREAS, Paulina Park LLC ("Developer") intends to construct a residential condominium complex on a site in the 1700 block of West Warren Boulevard, Chicago, Illinois ("Site"); and

WHEREAS, The Site is immediately adjacent to the Chicago Transit Authority's ("Authority") existing two-track Paulina connector structure; and

WHEREAS, The Authority is currently conducting an alternatives analysis study for the proposed Circle Line project, which will be completed in 2005; and

WHEREAS, It is possible that the Authority's Paulina connector structure may need to be widened to accommodate tracks in the vicinity of the Site; and

WHEREAS, To allow for the possibility that the Paulina connector structure may need to be widened, staff negotiated an easement agreement with the Developer; and

WHEREAS, The Developer has agreed to grant to the Authority a two-year construction easement if and when the Authority undertakes the work required to widen the Paulina Connector; and

WHEREAS, The Developer has also agreed to grant to the Authority an exclusive permanent aerial easement for the placement of transit facilities and a permanent easement over and under the westernmost thirty feet of the Site for the placement of caissons and other structures needed to support the elevated structure; and

WHEREAS, The parties have each agreed to indemnify the other for claims arising from the other party's use of the Site; and

WHEREAS, During any construction by the Authority, the Authority will find alternate parking for no less than six parking spaces used by residents of the Site; and

ORDINANCE NO. 004-145  
(Continued) -2

WHEREAS, When the Authority completes its construction, it will return to the Developer no less than six parking spaces on the Site; and

WHEREAS, By establishing these easements, the Authority's interest for the Paulina Connector project will be protected; now therefore:

BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD  
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1. The Chairman of the Chicago Transit Board, or her designee, is authorized to enter into an easement agreement with Paulina Park LLC for property located at or near 1700-1716 West Warren Boulevard, Chicago, Illinois, which grants to the Authority a two-year temporary construction easement, a permanent exclusive aerial easement, and a permanent ground and subterranean easement for transit structures substantially in the form of Exhibit A attached hereto.

SECTION 2. Said easement agreement requires that the Authority pay a fee of ten dollars (\$10.00) and further requires that each of the parties agree to indemnify the other party for claims arising from the other party's use of the Site.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

---

Chairman

---

Assistant Secretary

October 14, 2004

October 14, 2004