

ORDINANCE NO. 006-99

AN ORDINANCE AUTHORIZING THE  
ACQUISITION OF A PERMANENT  
AERIAL EASEMENT FOR CERTAIN  
PROPERTY LOCATED AT 2400-2444  
WEST 21<sup>ST</sup> STREET, CHICAGO,  
ILLINOIS (BLUE AND PINK LINES)

WHEREAS, The Illinois General Assembly has found and declared that it is necessary and in the public interest to create a municipal corporation for public ownership and operation of a transportation system in the metropolitan area of Cook County; and

WHEREAS, The Metropolitan Transit Authority Act, at 70 ILCS 3605/6, permits the Authority to acquire, construct, own, operate and maintain a public service transportation system in said area; and

WHEREAS, The Metropolitan Transit Authority Act, at 70 ILCS 3605/10, empowers the Authority with the right of eminent domain to acquire private property and property devoted to any public use which is necessary for the purposes of the Authority; and

WHEREAS, The Authority, as part of the Blue Line Douglas Branch Reconstruction Project, has constructed new columns to support its elevated right-of-way near West 21<sup>st</sup> Street and South Western Avenue in Chicago, Illinois, slightly altering the alignment of the right-of-way; and

WHEREAS, The newly aligned right-of-way extends over a triangular parcel of property located at 2400-2444 West 21<sup>st</sup> Street, Chicago, Illinois, which parcel includes approximately 140 square feet ("Property"); and

WHEREAS, The Property is owned by Park National Bank, as successor trustee to Cosmopolitan National Bank and Trust Company Trust No. 30462 ("Owner"); and

WHEREAS, Staff recommends that the Authority acquire a permanent aerial easement for the Property to accommodate the newly aligned right-of-way; and

WHEREAS, The Authority and the Owner have been unable to reach agreement on the acquisition of a permanent aerial easement at this location; and

WHEREAS, The Authority requires continued indefinite use of the Property for Blue Line and Pink Line rapid transit operations; and

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WHEREAS, In order for the Authority to continue to provide efficient and adequate transportation service to the metropolitan area in Cook County, it is in the best interest of the Authority to acquire a permanent aerial easement agreement for use of the Property, ensuring permanent use of the Property by the Authority for Blue Line and Pink Line rapid transit operations; and

WHEREAS, Staff recommends that the Acting General Counsel, or his designee, be authorized to negotiate the terms of purchase for the aerial easement or bring an action in condemnation to acquire the aerial easement if an agreement with the Owner can not be reached; and

WHEREAS, Staff will obtain the approval of the Transit Board of the purchase terms prior to completion of the acquisition of said permanent aerial easement; now, therefore:

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

SECTION 1. The Chicago Transit Board of the Chicago Transit Authority hereby makes the findings of fact and the determination set forth in the preamble to this ordinance.

SECTION 2. It is hereby found and determined that it is necessary, desirable and convenient for the Authority to acquire a permanent aerial easement for certain property, legally described on Exhibit A and depicted on Exhibit B, located at 2400-2444 West 21<sup>st</sup> Street, Chicago, Illinois, and owned by Park National Bank, as successor trustee to Cosmopolitan National Bank and Trust Company Trust No. 30462, which property will be required and necessary for Authority's Blue Line and Pink Line rapid transit operations.

SECTION 3. The Acting General Counsel of the Chicago Transit Authority, or his designee, is hereby authorized to send an offer to negotiate for the purchase of the permanent aerial easement, with the terms of purchase of the aerial easement to be approved by the Transit Board prior to the completion of the acquisition.

SECTION 4. If the Acting General Counsel of the Chicago Transit Authority, or his designee, is unable to agree with Park National Bank, as successor trustee to Cosmopolitan National Bank and Trust Company Trust No. 30462, for the purchase of the permanent aerial easement, or Park National Bank, as successor trustee to Cosmopolitan National Bank and Trust Company Trust No. 30462, is unable

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to evidence clear and merchantable title to the property, then the Acting General Counsel, or his designee, shall institute and prosecute condemnation proceedings in the name of and on behalf of the Authority for the purpose of acquiring a permanent aerial easement under the Authority's right of eminent domain, and said property is hereby declared to be useful, advantageous, desirable and necessary to the Authority for the use and purposes set forth above.

SECTION 5. In the event condemnation proceedings are instituted, the Acting General Counsel shall report said litigation at the immediate next Board meeting and shall not complete the process of acquiring the subject permanent aerial easement without prior approval by the Transit Board.

SECTION 6. The Chairman of the Chicago Transit Board, or her designee, is hereby authorized to execute any and all additional documents necessary to effectuate the transactions contemplated herein.

SECTION 7. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

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Chairman

July 20, 2006

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Assistant Secretary

July 20, 2006