

ORDINANCE NO. 008-103

AN ORDINANCE AMENDING ORDINANCE
008-69 AUTHORIZING ACQUISITION OF A
PERMANENT AERIAL EASEMENT FOR A
SIGNAL PLATFORM AT 1038 WEST
ROSCOE STREET, CHICAGO ILLINOIS,
(BROWN LINE)

WHEREAS, The Chicago Transit Authority ("Authority") is undertaking a project to renovate and upgrade the stations of the Brown Line Rapid Transit Line ("Brown Line Capacity Expansion Project"); and

WHEREAS, Chicago Transit Board Ordinances No. 001-116, dated July 11, 2001, and amended by Ordinance No. 002-26, No. 003-11, No. 003-27, No. 003-50, No. 003-121, No. 005-20, No. 006-21, No. 006-83, and No. 007-70 authorized the Authority to negotiate for the purchase of designated parcels of property that are required for the completion of the Brown Line Capacity Expansion Project, subject to Chicago Transit Board approval of the purchase price; 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, As part of the Brown Line Capacity Expansion Project new track-level signal platforms have been installed at various locations determined by safety and operational needs; and

WHEREAS, The signal equipment mounted on the platforms provides critical support to Authority Rail Operations personnel by regulating the movement of trains in a safe manner, preventing collisions and derailments; and

WHEREAS, In order to maintain safe and efficient operations, the signal platforms must be strategically located at certain points along the Brown Line; and

WHEREAS, One of the signal platforms, located adjacent to 1038 West Roscoe Street ("Property"), is required for a track interlocking; and

WHEREAS, The existing Authority right-of-way property is inadequate to accommodate a signal platform; and

WHEREAS, A portion of the Authority's signal platforms extend over the garage on the Property; and

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WHEREAS, Engineering staff has recommended that the Authority acquire a grant of an aerial easement over the Property, which includes 49.50 square feet of air space ("Parcel No. AE1") to accommodate the signal platform; and

WHEREAS, The Authority has completed negotiations with the owners of the fee simple title of the Property to acquire a permanent aerial easement, Parcel No. AE1 at the Property; and

WHEREAS, On May 14, 2008, the Chicago Transit Board approved acquisition of an aerial easement identified as Parcel No. AE1 for \$12,300 via Ordinance 008-69; and

WHEREAS, This settlement amount was incorrect and should have been \$13,000; and

WHEREAS, Staff seeks to amend ordinance 008-69 to reflect the accurate settlement amount; now, therefore:

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

SECTION 1. Ordinance No.008-69 is hereby amended and restated as follows.

SECTION 2. The Chicago Transit Board of the Chicago Transit Authority hereby approves the acquisition of a permanent aerial easement identified as Parcel No. AE1 and legally described and depicted on Exhibits A and B, in the amount of thirteen thousand dollars (\$13,000) from Charles and Christine Roberts, owners of the Property located at 1038 West Roscoe Street, Chicago, Illinois.

SECTION 3. The Chairman of the Chicago Transit Board, or her designee, is hereby authorized to execute all documents required to effectuate the acquisition of a permanent aerial easement (Parcel No. AE1) at the Property.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

Chairman

Assistant Secretary

July 16, 2008

July 16, 2008