

ORDINANCE NO. 005-144

AN ORDINANCE GRANTING AN
EASEMENT TO DEPAUL UNIVERSITY
FOR REPLACEMENT PARKING ON
CTA RIGHT-OF-WAY PROPERTY

WHEREAS, The Authority has begun the process of rehabilitating its Brown Line rail system, known as the Brown Line Capacity Expansion project ("Project"); and

WHEREAS, Part of the Project includes improvements to the Fullerton station and adjacent rapid transit tracks located west of DePaul University's Lincoln Park campus ("DePaul"); and

WHEREAS, The Authority filed condemnation proceedings, in the matter of *Chicago Transit Authority vs. DePaul University, et al.* (04L 51019), to acquire the necessary real estate from DePaul; and

WHEREAS, The Authority currently leases the right-of-way property under the transit structure and adjacent to DePaul's campus pursuant to a lease dated November 1, 1894, and amended August 27, 1925, between McCormick Theological Seminary of the Presbyterian Church ("Seminary"), as Lessor, and Northwestern Elevated Railway Company, as lessee ("Leased Property"); and

WHEREAS, DePaul is the successor in interest to the interest of the Seminary and the Authority is the successor in interest to the interest of Northwestern Elevated Railway Company under the lease; and

WHEREAS, The Authority currently uses portions of the Leased Property for its transit structure; and

WHEREAS, At the same time, DePaul uses portions of the Leased Property for vehicular parking for 95 vehicles; and

WHEREAS, In order to complete the needed improvements to the Fullerton station, the Authority must acquire permanent easements over portions of the Leased Property; and

WHEREAS, The Leased Property will not be available for parking by DePaul during construction; and

WHEREAS, After construction, the Authority will reconstruct the parking area under the right-of-way, but DePaul's available parking spaces will be reduced by 27 spaces due to the improvements the Authority will construct in the right-of way; and

ORDINANCE NO. 005-144

(Continued) -2

WHEREAS, In order to ameliorate the damages caused by the loss of parking spaces to DePaul, staff has identified right-of-way property owned by the Authority located on the north and south sides of West Montana Street, east of North Sheffield Avenue, which is not currently being used for operations ("Authority's Property"); and

WHEREAS, The cost to the Authority of providing the easement for a parking lot was included in the appraised value of the acquisition of DePaul property needed for the Fullerton Station improvements; and

WHEREAS, Staff recommends that the Authority grant to DePaul a permanent easement for parking on the Authority's Property, to begin after completion of the Brown Line project; and

WHEREAS, DePaul's use of the Authority's Property for parking will be subject to the right of the Authority to operate, maintain, renovate and repair its transit structure; now, therefore:

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

SECTION 1. That the Chicago Transit Board of the Chicago Transit Authority hereby authorizes a grant of an easement to DePaul University for certain Authority Brown Line right-of-way property, located on the north and south sides of Montana Street, at the completion of construction of the Fullerton Station on the following terms: (1) DePaul will have a permanent right for ingress, egress and parking purposes; (2) the Authority will retain the right to operate, maintain and repair its transit facilities as needed; (3) the parking lot improvements will be constructed by the Authority in accordance with proposed parking Alternative 1, attached as Exhibit A hereto; (4) the parking lot improvements will be completed and available for use by DePaul on or before the Authority has completed all work on the Fullerton station; (5) the parking lot improvements will be constructed on the Authority right-of-way property identified by P.I.N. numbers 14-29-500-030-0000, 14-29-500-031-0000 and 14-29-500-037-8001 (part), a depiction of which is attached as Exhibit B hereto; (6) DePaul University will indemnify the Authority; and (7) DePaul will pay a fee of Ten Dollars (\$10.00) for the easement.

ORDINANCE NO. 005-144
(Continued) -3

SECTION 2. The Chairman of the Chicago Transit Board, or her designee, is hereby authorized to execute the permanent easement agreement and any and all additional documents to effectuate the transactions contemplated herein after approval of such documents by the Chairman, President and General Counsel.

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

APPROVED:

PASSED:

Chairman

October 11, 2005

Assistant Secretary

October 11, 2005