

ORDINANCE NO. 012-113

AN ORDINANCE DESIGNATING FOR ACQUISITION VARIOUS PARCELS OF PROPERTY LOCATED IN CLOSE PROXIMITY TO THE 95TH/DAN RYAN TERMINAL AND AUTHORIZING NEGOTIATION FOR THEIR PURCHASE AND PAYMENT OF RELOCATION EXPENSES AND EXECUTION OF RIGHT OF ENTRY AGREEMENTS AS REQUIRED FOR THE 95TH STREET TERMINAL IMPROVEMENT PROJECT

WHEREAS, The Chicago Transit Authority ("Authority") is undertaking a project to renovate and upgrade the 95th/Dan Ryan Terminal ("95th Street Terminal Improvement Project"); 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 95th Street Terminal Improvement Project will include the expansion and renovation of the 95th/Dan Ryan Terminal, which will include improvements to the quality and efficiency of bus operations at this location; and

WHEREAS, The existing Authority bus terminal and right-of-way property are not large enough to accommodate the planned components of the 95th Street Terminal Improvement Project and the construction staging activities that will be required to complete the Project; and

WHEREAS, In the course of construction and renovation, the Authority will be required to obtain additional property or rights therein, including land at grade level, air levels, and subterranean levels for location and placement of structures, structural supports, columns, facilities and related appurtenances; and

WHEREAS, The property or rights therein that may be required at grade level, air levels, and subterranean levels will be such property that is in close proximity to the 95th/Dan Ryan Terminal presently existing; and

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WHEREAS, Infrastructure and Planning staff have recommended that the Authority acquire specific parcels of property, the legal descriptions of which are listed on Exhibit A, attached hereto, ("Designated Parcels of Property"); and

WHEREAS, In order for the Authority to continue to provide efficient and adequate transportation service on the 95th/Dan Ryan Terminal, it has been determined that it is necessary and in the best interest of the Authority and the public it serves to acquire rights to the Designated Parcels of Property or rights therein, whether at grade level, air levels or subterranean levels, to complete the 95th Street Terminal Improvement Project; and

WHEREAS, During the 95th Street Improvement Terminal Project, the Authority will also be required to obtain Right of Entry Agreements to perform environmental assessment reports on some of the Parcels of property listed on Exhibit A, and/or to temporarily access various parcels of property, including property not identified on Exhibit A and which the Authority does not intend to acquire, that lie near or are in close proximity to the 95th/Dan Ryan Terminal for the purposes of Authority operations, construction, engineering, or maintenance activities necessary to complete the 95th Street Terminal Improvement Project; and

WHEREAS, The Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted programs 42 USC 4601, and its implementing regulations at 49 CFR Subtitle A, Part 24, ("Uniform Act") sets out the procedures that the Authority must follow to relocate owners and tenants affected by the Authority's acquisition of the Designated Parcels of Property; and

WHEREAS, Subpart B,C, D, and E of the Uniform Act set out the types and amount of relocation expenses the Authority will be required to pay to such displaced persons; and

WHEREAS, In order to expedite payment of all required relocation expense, staff recommends that the Chief Planning Officer, with the approval of the General Counsel, be authorized to pay such expenses not exceeding seventy-five thousand dollars (\$75,000) to any owner or tenant of the Designated Parcels of Property from time to time without the need to receive prior approval of the Board for each separate expenditure; and

WHEREAS, The Chief Planning Officer will report the Authority's expenditures for relocation expenses to the Board on a monthly basis; and

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WHEREAS, Staff also recommends that the General Counsel, or her designee, be authorized to send an offer to purchase to the property owners of the Designated Parcels of Property, negotiate the terms of the purchase or bring an action in condemnation for those Designated Parcels of Property whose owners cannot reach agreement with the Authority regarding the terms of purchase; and

WHEREAS, Staff will obtain approval of the Board of the purchase terms prior to completion of the acquisition of each Designated Parcel of Property; 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 makes the findings of fact and the determination set forth in the preamble to this Ordinance.

SECTION 2. That it is hereby found and determined that it is necessary, desirable and convenient for the Chicago Transit Authority to acquire rights, including but not limited to fee simple title to and possession of the nine Designated Parcels of Property listed on Exhibit A, that are in close proximity to the 95th/Dan Ryan Terminal, and that will be required and necessary to complete the 95th Street Terminal Improvement Project. Such rights will include land at grade, air and/or subterranean rights.

SECTION 3. That the General Counsel of the Chicago Transit Authority, or her designee, is hereby authorized to send an offer to purchase to negotiate with the owner or owners of each Designated Parcel of Property deemed necessary for the completion of the 95th Street Terminal Improvement Project, in accordance with the guidelines set forth in the Uniform Act and other applicable laws with the terms of purchase for each designated Parcel of Property to be approved by the Board prior to completion of the purchase.

SECTION 4. That, if the General Counsel of the Chicago Transit Authority, or her designee, is unable to agree with the owner or owners of any Designated Parcel of Property for the purchase price in the case of the sale thereof, or the residence of the owner or owners of said property is unknown, or they are not residents of the State of Illinois, or they are unable to deliver clear and merchantable title thereto, then the General Counsel, or her designee, shall institute and prosecute condemnation proceedings in the name of the Chicago Transit Authority for the purpose

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of acquiring title to said property or rights therein whether land at grade level, air levels or subterranean levels under the Chicago Transit Authority's right of eminent domain and said property is hereby declared to be useful, advantageous, desirable and necessary to the Chicago Transit Authority for the purposes set forth above.

SECTION 5. That, in the event condemnation proceedings are instituted, the General Counsel shall report said litigation at the immediate next Board meeting and shall not complete the process of acquiring the subject property without the prior approval of the terms of acquisition by the Board.

SECTION 6. That the Chief Planning Officer, with the approval of the General Counsel, is authorized to pay relocation expenses not exceeding Seventy-Five Thousand Dollars (\$75,000) to displaced property owners and tenants as required by and in the amounts set forth in the Uniform Act and in conformance with the Relocation Payment Process attached hereto as Exhibit B, with all such expenditures reported to the Board on a monthly basis.

SECTION 7. That the President of the Chicago Transit Authority is hereby authorized to negotiate and execute Right of Entry Agreements which shall permit the Authority to perform environmental assessment reports when required on the Designated Parcels of Property listed on Exhibit A, attached hereto and made a part hereof, and/or to access temporarily various parcels of property, including property not identified on Exhibit A and which the Authority does not intend to acquire, that lie near or in close proximity to the 95th/Dan Ryan Terminal for the purposes of Authority operations, construction, engineering or maintenance activities necessary to complete the 95th Street Terminal Improvement Project. Said Right of Entry Agreements will extend for a term not to exceed eighteen (18) months, permit the Authority to indemnify the property owners, pay a fee which does not exceed One Thousand Dollars (\$1,000) per month, and include such other terms that are substantially in conformance with the terms set forth in Exhibit C.

SECTION 8. This Ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

Chairman

Assistant Secretary

September 12, 2012

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