

ORDINANCE NO. 013-104

AN ORDINANCE AUTHORIZING THE
ACQUISITION OF A PERMANENT
EASEMENT FOR CERTAIN
PROPERTY LOCATED AT EAST 9th
STREET AND SOUTH HOLDEN
COURT, CHICAGO, ILLINOIS

WHEREAS, The Chicago Transit Authority ("Authority") Green Line right-of-way extends over the City of Chicago's Holden Court public way in the South Loop area; and

WHEREAS, The City of Chicago ("City") is the owner of certain property located at the southwest corner of East 9th Street and South Holden Court, Chicago, Illinois, (the "Property"), which is located immediately adjacent to the Authority's Green Line; and

WHEREAS, The City is in the process of conveying the Property to Ninth St. Investors, LLC ("Developer"); and

WHEREAS, During a recent survey of the property, it was discovered that certain Green Line underground foundations and one aerial platform (the "Facilities") were located below and above grade level on the adjacent Property; and

WHEREAS, Authority Infrastructure staff reviewed the survey information and confirmed the encroachment of the Facilities onto the adjacent Property; and

WHEREAS, Infrastructure staff has recommended that the Authority acquire a permanent easement which would permit the Authority Facilities that are located below and above grade level to remain on the Property; and

WHEREAS, As a condition of the sale of the Property to the Developer, the City has required the Developer to grant the Authority a permanent easement for the Property; and

WHEREAS, The General Counsel has completed negotiations with the Developer to acquire a permanent easement for the east ten feet of the Property below and above grade level at a cost of \$1.00; and

WHEREAS, The Metropolitan Transit Authority Act, at 70 ILCS 3605/8 provides that the Authority has the power to acquire by purchase, condemnation, lease, gift or otherwise any property and rights useful for its purposes; now, therefore

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

SECTION 1. That the Chairman of the Chicago Transit Board, or his designee, is authorized to execute an easement agreement between Ninth Street Investors, LLC, as Grantor, and the Chicago Transit Authority, as Grantee, for certain property located at the southwest corner of East 9th Street and South Holden Court, Chicago, Illinois, as legally described on Exhibit A and depicted on Exhibit B attached hereto and made a part hereof, for a cost of One Dollar (\$1.00) and such other terms in a form substantially in conformance with Exhibit C, attached hereto and made a part hereof.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

Chairman

July 15, 2013

Assistant Secretary

July 15, 2013