

ORDINANCE NO. 013-138

AN ORDINANCE AUTHORIZING THE ACQUISITION OF TWO PERMANENT EASEMENTS AND THE RELEASE OF ONE PERMANENT EASEMENT FOR CERTAIN PROPERTY LOCATED BETWEEN THE SOUTH SIDE OF WEST DIVISION STREET AND THE NORTH SIDE OF WEST HILL STREET, EAST OF NORTH ORLEANS STREET, CHICAGO, ILLINOIS (BROWN LINE)

WHEREAS, The Authority's Brown Line right-of-way extends from the south side of West Division Street to the north side of West Hill Street, east of North Orleans Street, in the Near North area; and

WHEREAS, In 1977, the City Council of the City of Chicago ("City") passed an Ordinance that vacated a portion of West Elm Street, east of North Orleans Street and immediately adjacent to the Brown Line right-of-way and gave the Chicago Transit Authority ("the Authority") a permanent easement for a portion of West Elm Street for the Authority's operations and maintenance purposes; and

WHEREAS, In August, 2009, the Chicago Plan Commission and the City of Chicago Department of Housing and Economic Development adopted Planned Development 136 for an 8.5 acre property bounded by West Division Street, North Wells Street, West Hill Street, and the CTA's Brown Line right-of-way ("the Property"); and

WHEREAS, Atrium Village Associates, LP ("Developer") is the owner of the Property; and

WHEREAS, Developer, in cooperation with the City, is planning to construct a residential development on the Property, which is located immediately adjacent to the Authority's Brown Line right-of-way; and

WHEREAS, Planned Development No. 136 requires Developer to grant the Authority a permanent easement on West Division Street of approximately 3,000 square feet to allow for the possibility of future CTA use; and

WHEREAS, Planned Development No. 136 also requires that Developer grant the Authority a permanent easement for maintenance of the Brown Line right-of-way and elevated structure located between West Division Street and West Hill Street; and

WHEREAS, In exchange for the aforementioned permanent easements, Planned Development No. 136 requires the Authority to release its easement for a portion of vacated West Elm Street that includes approximately 1,555 square feet for the Developer's use; and

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WHEREAS, Planning and Infrastructure staff have reviewed the property included in the release of easement and determined that the proposed release of easement would not impact Authority operations at this location; and

WHEREAS, The General Counsel has completed negotiations with Developer to acquire the two permanent easements and to release its permanent easement for the portion of vacated West Elm Street; 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 and to sell, lease, transfer or convey any property or rights when no longer useful; now, therefore:

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 agreement with Atrium Village Associates, LP pursuant to which the Chicago Transit Authority, as Grantee, will acquire two permanent easements from Atrium Village Associates, LP, as Grantor, in exchange for the Chicago Transit Authority's release of one permanent easement for the portion of vacated West Elm Street in favor of Atrium Village Associates, LP, for certain property located between the south side of West Division Street, and the north side of West Hill Street, east of North Orleans Street, Chicago, Illinois, as legally described on Exhibit A and depicted on Exhibit B attached hereto and made a part hereof, 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

Assistant Secretary

October 9, 2013

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