

ORDINANCE NO. 007-71

AN ORDINANCE AMENDING CHICAGO
TRANSIT BOARD ORDINANCE NO. 001-
204, AUTHORIZING SALE OF A CERTAIN
PARCEL OF SURPLUS PROPERTY
LOCATED BETWEEN MAPLE AVENUE
AND ISABELLA STREET, WILMETTE,
ILLINOIS, AND AUTHORIZING A GRANT
OF A PERMANENT NON-EXCLUSIVE
EASEMENT FOR ADJACENT PURPLE LINE
PROPERTY

WHEREAS, The Chicago Transit Authority ("Authority") owns certain vacant real estate which is adjacent to the Purple Line right-of-way between Maple Avenue and Isabella Street in Wilmette, Illinois ("Property"); and

WHEREAS, Chicago Transit Board Ordinance No. 88-176, dated November 2, 1988, declared as surplus a portion of the Property which had dimensions of 20' x 627' and authorized sale of same through the Authority's competitive bid process ("Sale Parcel"); and

WHEREAS, Following the competitive bidding process, the Chicago Transit Board by ordinance no. 89-16, dated January 6, 1989, authorized acceptance of the bid for the purchase of the Sale Parcel, in the amount of \$77,500, which was submitted by Dick Keefe Development Corporation ("Developer"); and

WHEREAS, The Developer planned to use the Sale Parcel as a private driveway to a housing development but was advised by the Village of Wilmette that the driveway would have to be at least 27' feet wide; and

WHEREAS, The Developer requested that the Authority grant a non-exclusive easement for driveway and sidewalk purposes over an additional portion of the Authority's Property, with dimensions of 7' x 627' ("Easement Parcel"), which is located immediately west of and adjacent to the Sale Parcel; and

WHEREAS, Chicago Transit Board Ordinance No. 89-141, dated October 4, 1989, authorized a grant of a permanent non-exclusive easement ("Easement") to the Developer for the Easement Parcel and established \$12,000 as consideration for said Easement; and

WHEREAS, The Village of Wilmette ("Wilmette") deferred the Developer's project, and the conveyance of the Authority's Sale Parcel and the grant of easement for the Authority's Easement Parcel to the Developer were never completed; and

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WHEREAS, In 2001, the Developer contacted the Authority and requested permission to complete the purchase of the Sale Parcel and to expand the Easement Parcel by including an additional parcel of Authority Property, which would provide driveway access from the Developer's property south to Isabella Street; and

WHEREAS, Due to its unique configuration and location, said additional parcel is not of value to anyone other than the Developer; and

WHEREAS, The new Easement Parcel has dimensions of 7' x 894.5', includes 6,261.5 square feet and is located immediately adjacent to the Authority's Purple Line right-of-way ("Expanded Easement Parcel"); and

WHEREAS, Chicago Transit Board Ordinance No. 001-204, dated December 5, 2001, authorized the sale of the Sale Parcel to the Developer for \$250,000 and the grant of easement for the Expanded Easement Parcel to the Developer for \$21,500; and

WHEREAS, Prior to the real estate closing, Wilmette mandated additional changes to the Developer's project, and the conveyance of the Authority's Sale Parcel and the grant of easement for the Authority's Expanded Easement Parcel to the Developer were never completed; and

WHEREAS, In 2006, the Developer satisfied the building and zoning requirements of Wilmette and again contacted the Authority in order to finalize this real estate transaction; and

WHEREAS, Staff recently obtained updated real estate appraisals which established the current market value of the Sale Parcel to be \$376,000 and the current market value of the grant of easement of the Expanded Easement Parcel to be nineteen thousand dollars (\$19,000); and

WHEREAS, The Developer has agreed to relocate and replace the existing Authority fence located along the east property line of the Authority's Property, extending from Maple Avenue to Isabella Street, at his own expense and reimburse the Authority for all expenses incurred for the relocation of existing Authority facilities or facilities owned by other companies located within the boundaries of the Expanded Easement Parcel; and

WHEREAS, Operations and Engineering staff have determined that the grant of Easement for the Expanded Easement Parcel will not impact transit operations,

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since the Authority will retain fee title to the subject property and reserve the right of 24-hour access over the subject property for operations and maintenance purposes; and

WHEREAS, Section 54.3-5 of the Regulations Governing Purchase and Sales Transactions provides for the award of contracts in those situations where the Transit Board determines that competitive bidding would be disadvantageous; now, therefore:

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

SECTION 1. The Chicago Transit Board hereby determines that the sale and easement of the subject property described herein is disadvantageous per Section 54.3-5 of the Regulations governing Purchase and Sale Transactions.

SECTION 2. Chicago Transit Board Ordinance No. 001-204, dated December 5, 2001, which authorized the sale to Dick Keefe Development Corporation of certain vacant Purple Line Right-of-Way property located between Maple Avenue and Isabella Street, in Wilmette, Illinois, for \$250,000, is hereby amended.

SECTION 3. The Chairman, or her designee, is authorized to sell certain vacant Purple Line right-of-way property, located between Maple Avenue and Isabella Street, Wilmette, Illinois, legally described on Exhibit A and depicted on Exhibit B, to Dick Keefe Development for \$376,000.

SECTION 4. Chicago Transit Board Ordinance No. 001-204, dated December 5, 2001, which authorized a grant of a permanent non-exclusive Easement for certain property located between Maple Avenue and Isabella Street, Wilmette, Illinois, \$21,500, is hereby amended.

SECTION 5. The Chairman, or her designee, is authorized to grant a permanent non-exclusive easement for certain vacant Purple Line right-of-way property located between Maple Avenue and Isabella Street, Wilmette, Illinois, legally described on Exhibit A and depicted on Exhibit B, to Dick Keefe Development for \$19,000.

SECTION 6. The total price for the sale of the property and the easement is \$395,000.00.

SECTION 7. That the Chairman of the Chicago Transit Board, or her designee, is hereby authorized to execute any and all documents required to effectuate

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the conveyance of both the Sale Parcel and the grant of easement to the Dick Keefe Development Corporation, including but not limited to an Easement Agreement substantially in the form of Exhibit C attached hereto.

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

APPROVED:

PASSED:

Chairman

July 11, 2007

Assistant Secretary

July 11, 2007