

ORDINANCE NO. 007-70

AN ORDINANCE AUTHORIZING A NINTH  
AMENDMENT TO ORDINANCE 001-116,  
AUTHORIZING ACQUISITION OF  
ADDITIONAL AERIAL EASEMENTS FOR  
THE BROWN LINE RECONSTRUCTION  
PROJECT

WHEREAS, On July 11, 2001, the Chicago Transit Board passed Ordinance No. 001-116, whereby it determined that it is necessary for the Authority to acquire rights including, but not limited to, fee simple title to and possession of the various parcels of property that abut or lie near, adjacent to or in close proximity to the Brown Line rapid transit line, and that will be required and necessary to complete the scheduled construction and renovation of the Brown Line rapid transit line. Such rights include land at grade, air and/or subterranean levels; and

WHEREAS, The Chicago Transit Board previously passed certain amendatory ordinances (Ordinance Numbers 002-26, 003-11, 003-27, 003-50, 003-121, 005-20, 006-21, and 006-83) amending Ordinance No. 001-116 which, among other things, revised the list of parcels of real estate, or interests therein, designated for acquisition for the Brown Line Capacity Expansion Project ("Brown Line Project"); and

WHEREAS, It is necessary to acquire seven additional aerial easements at various properties located adjacent to or in close proximity to the Brown Line, further described on Exhibit A, for the placement of signal platforms for the Brown Line Project; and

WHEREAS, In order to complete the Brown Line Project, staff recommends that the CTA acquire easement rights to seven signal platforms owned by six different owners, as listed on Exhibit A; now, therefore:

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

SECTION 1. The Chicago Transit Board of the Chicago Transit Authority hereby finds and determines that it is necessary for the Chicago Transit Authority to acquire easement rights for the various properties located adjacent to or in close proximity to the Brown Line rapid transit line and further described on Exhibit A, and that will be required and necessary to complete the scheduled construction and renovation of the Brown Line rapid transit line.

SECTION 2. The General Counsel of the Chicago Transit Authority, or her designee, is hereby authorized to send an offer to purchase and negotiate with the owner or owners of the properties, further described on Exhibit A, as it is deemed necessary for completion of the Brown Line Reconstruction Project and in accordance with the guidelines set forth in the Relocation Act with the terms of purchase for each designated parcel of property to be approved by the Board prior to completion of the purchase.

ORDINANCE NO. 007-70

(Continued) -2

SECTION 3. 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 his/her designee, shall institute and prosecute condemnation proceedings in the name of and on behalf of the Chicago Transit Authority for the purpose 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 use and purposes set forth above.

SECTION 4. 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 prior approval of the terms of acquisition by the Board.

SECTION 5. Except as amended hereby, all of the provisions of ordinance numbers 001-116, 002-26, 003-11, 003-27, 003-50, 003-121, 005-20, 006-21, and 006-83 and the Authority's Relocation Procedure shall remain in full force and effect.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

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Chairman

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Assistant Secretary

July 11, 2007

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