

ORDINANCE NO. 015-41

AN ORDINANCE AUTHORIZING AN
AIR RIGHTS AGREEMENT WITH THE
ILLINOIS DEPARTMENT OF
TRANSPORTATION FOR THE
CONSTRUCTION, OPERATION AND
MAINTENANCE OF THE 95TH / DAN
RYAN TERMINAL (RED LINE)

WHEREAS, The Authority is undertaking a project (the "Project") to renovate and upgrade the 95th/Dan Ryan Terminal (the "Terminal"); and

WHEREAS, Section 8 of the Metropolitan Transit Authority Act, 70 ILCS 3605 et seq., grants the Authority the power to acquire by purchase, condemnation, lease, gift or otherwise any property and rights useful for its purposes; and

WHEREAS, To complete the Project, as well as operate and maintain the Terminal, the Authority must obtain air rights above the Dan Ryan Expressway and 95th Street from the Illinois Department of Transportation ("IDOT"), the owner and responsible authority; and

WHEREAS, The Authority and IDOT wish to enter into an air rights agreement (the "ARA") for the construction, operation and maintenance of the Terminal; and

WHEREAS, The ARA authorizes the construction, operation and maintenance of proposed facilities associated with the Project, over and immediately south of 95th Street and immediately north of 95th Street, including construction of a new bus bridge, construction of new pedestrian bridges, and widening of the 95th Street bridge; and

WHEREAS, The ARA authorizes the construction, operation and maintenance of proposed facilities associated with the Project to be constructed over the Dan Ryan Expressway northbound and southbound lanes and extend from State Street on the east to Lafayette Avenue on the west within the Dan Ryan right-of-way; and

WHEREAS, Commercial space within the Terminal dedicated to non-public transit purposes, shall be subject to payment of a license fee to IDOT, now therefore:

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

SECTION 1. The Chairman of the Transit Board of the Chicago Transit Authority, or his designee, or the Chief Engineer of the Project, is authorized to enter into an air rights agreement with the Illinois Department of Transportation for the non-exclusive right to construct, operate and maintain the new 95th/Dan Ryan Terminal above the Dan Ryan Expressway and 95th Street.

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SECTION 2. Pursuant to the agreement, IDOT will grant air rights to the authority over portions of the Dan Ryan Expressway and 95th Street for an initial term of five years for construction of the Terminal, which may be extended as necessary until construction is completed, and will thereafter grant air rights for any future construction, operation and maintenance of the Terminal for so long as any portion of the Terminal shall remain in the right-of-way; requires the Authority to pay an annual license fee of \$17.53 per square foot of commercial space dedicated to non-public transit purposes within the Terminal; and contains such other terms and conditions as are substantially in conformance with the agreement attached as Exhibit A.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

Chairman

April 20, 2015

Assistant Secretary

April 20, 2015