

ORDINANCE NO. 001-204

AN ORDINANCE AMENDING CHICAGO
TRANSIT BOARD ORDINANCE NO. 89-16,
AUTHORIZING SALE OF A CERTAIN
PARCEL OF SURPLUS PROPERTY
LOCATED BETWEEN MAPLE AVENUE
AND ISABELLA STREET, WILMETTE,
ILLINOIS, AND AMENDING ORDINANCE
NO. 89-141, 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, The Chicago Transit Authority on December 8, 1988, advertised for bids for the sale of the Sale Parcel; and

WHEREAS, Chicago Transit Board Ordinance No. 89-16, dated January 6, 1989, authorized acceptance of the bid for the purchase of the Sale Parcel in the amount of seventy-seven thousand five hundred dollars (\$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 twenty-seven (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

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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 twelve thousand dollars (\$12,000) as consideration for said Easement; and

WHEREAS, The Village of 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

WHEREAS, The Developer recently contacted the Authority and requested permission to complete the purchase of the Sale Parcel and finalize the grant of easement for use of the Easement Parcel; and

WHEREAS, The Developer also desires 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 895', includes 6,263 square feet and is located immediately adjacent to the Authority's Purple Line right-of-way ("Expanded Easement Parcel"); and

WHEREAS, Staff has commissioned independent real estate appraisal reports, which determined that the current market value of the Sale Parcel is two hundred fifty thousand dollars (\$250,000), and the current market value of the grant of easement of the Expanded Easement Parcel is twenty-one thousand five hundred dollars (\$21,500); and

WHEREAS, The Sale Parcel is not required for Authority operations; 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

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Authority for all expenses incurred for the relocation of existing CTA 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, since the Authority will retain fee title to the subject property and reserve the right of twenty-four (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. That the Chicago Transit Board of the Chicago Transit Authority hereby approves the sale price 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, of two hundred fifty thousand dollars (\$250,000).

SECTION 2. The Chicago Transit Board Ordinance No. 89-16, dated January 6, 1989, which authorized the sale of the subject property, located between Maple Avenue and Isabella Street, in Wilmette, Illinois, for seventy-seven thousand five hundred (\$77,500) dollars, to Dick Keefe Development Corporation is hereby amended.

SECTION 3. That the Chicago Transit Board hereby approves the expansion of the size of the 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 a parcel that is 6,263 square in size and the increase in easement fee to twenty-one thousand five hundred dollars (\$21,500).

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SECTION 4. That the Chicago Transit Board Ordinance No. 89-141, dated October 4, 1989, which authorized a Grant of a permanent non-exclusive Easement for certain property located between Maple Avenue and Isabella Street, Wilmette, Illinois, for twelve thousand (\$12,000) dollars, is hereby amended.

SECTION 5. That the Chairman of the Chicago Transit Board, or her designee, is hereby authorized to execute any and all documents required to effectuate 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.

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

APPROVED:

PASSED:

Chairman

December 5, 2001

Assistant Secretary

December 5, 2001