

ORDINANCE NO. 001-129

AN ORDINANCE AUTHORIZING THE
ACQUISITION OF REAL ESTATE AT 2012
SOUTH CALIFORNIA AVENUE, CHICAGO,
ILLINOIS, LOCATED ADJACENT TO THE
DOUGLAS BRANCH OF THE BLUE LINE
RAPID TRANSIT LINE AS REQUIRED FOR
THE DOUGLAS BRANCH RECONSTRUCTION
PROJECT

WHEREAS, The Chicago Transit Authority (the "Authority") has undertaken a project to completely rehabilitate and renovate the Douglas branch of the Blue Line ("Douglas Branch Reconstruction Project"); and

WHEREAS, The structure, stations and appurtenances thereto of the rapid transit route of the Douglas branch of the Blue Line are antiquated and in need of extensive repair and renovation; and

WHEREAS, In the course of construction, reconstruction, renovation and rehabilitation, the Authority will be required to obtain additional property or rights therein, including land at grade level, air levels and subterranean levels for location and placement of structures, structural supports, columns, stations and related appurtenances; and

WHEREAS, The Metropolitan Transit Authority Act, at 70 ILCS 3605/6, permits the Authority to acquire, construct, own, operate and maintain a public service transportation system in said area; and

WHEREAS, The Metropolitan Transit Authority Act, at 70 ILCS 3605/10, empowers the Chicago Transit Authority with the right of eminent domain to acquire private property and property devoted to any public use which is necessary for the purposes of the Chicago Transit Authority; and

WHEREAS, The California Station of the Blue Line, which is located on the east side of South California Avenue, immediately north of West 21st Street, will be completely renovated and reconstructed as a part of the Douglas Branch Reconstruction Project; and

WHEREAS, The California Station design provides for an expanded rapid transit station at this location to meet operating guidelines; and

WHEREAS, The existing Authority right-of-way property at this location is inadequate to accommodate the station reconstruction project; and

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WHEREAS, Engineering staff has recommended that the Authority acquire additional property on the west side of South California Avenue, north of West 21st Street, to accommodate the widening of station platforms; and

WHEREAS, Staff has identified the owner of one of the parcels of real estate, which is listed on Exhibit A as Parcel Number 5 and commonly known as 2012 South California Avenue, Chicago, Illinois, as Gustavo Mora Amezcua; and

WHEREAS, Said property consists of a two-story, brick masonry constructed, store front apartment building with a two-car garage which is located immediately adjacent to the Blue Line right-of-way; and

WHEREAS, There is one commercial tenant and one residential tenant at said property; and

WHEREAS, Chicago Transit Board Ordinance No. 000-68 determined that it was necessary, desirable and convenient for the Authority to acquire title to and possession of various parcels of property, or rights therein, at grade level, air levels and subterranean levels that either lie near, abut, lie adjacent to or in close proximity to the Douglas branch of the Blue Line rapid transit route as listed on Exhibit A, and that will be required and necessary to complete the scheduled reconstruction, renovation and rehabilitation of the Douglas branch of the Blue Line rapid transit line; and

WHEREAS, Ordinance No. 000-68 also provided that in the event that attempts to negotiate and finalize the purchase of said property were unsuccessful, the General Counsel, or his designee, was authorized to commence condemnation proceedings to acquire said property subject to Board approval of the terms of purchase; and

WHEREAS, Ordinance No. 000-68 also established a Relocation Payment Process which includes relocation payments for displaced Property Owner's, residential tenants and businesses; and

WHEREAS, The General Counsel commenced negotiations with Gustavo Mora Amezcua to acquire fee simple title of the subject property; and

WHEREAS, A condemnation action was filed in the Circuit Court of Cook County, Illinois, under case number 00 L 51073, after attempts to negotiate and finalize the purchase of property from Gustavo Mora Amezcua were unsuccessful; and

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WHEREAS, During condemnation proceedings, a negotiated settlement of one hundred eighty-five thousand (\$185,000) dollars was reached by the Authority and Gustavo Mora Amezcua for the purchase of the subject property; and

WHEREAS, Pursuant to the agreed Final Judgment Order which shall be entered in said action, the Authority will be required to deposit the sum of one hundred eighty-five thousand (\$185,000) dollars with the Treasurer of Cook County, which sum shall be held for the benefit of the owner of the subject property; 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 acquisition of the fee simple interest of property located at 2012 South California Avenue, Chicago, Illinois, legally described on Exhibit B and depicted on Exhibit C, for the negotiated settlement amount of one hundred eighty-five thousand (\$185,000) dollars.

SECTION 2. Upon entry of the agreed Final Judgment Order in the condemnation action filed in the Circuit Court of Cook County, Illinois, under case number 00 L 51073, which is substantially in the form attached hereto and incorporated herein by reference as Exhibit D, the Authority shall be required to deposit the sum of one hundred eighty-five thousand (\$185,000) dollars with the Treasurer of Cook County, which sum shall be held for the benefit of the owner or owners of the subject property.

SECTION 3. That the Chairman of the Chicago Transit Board, or her designee, is hereby authorized to execute all documents required to effectuate the acquisition of the subject property by the Authority, subject to receipt of clear and merchantable title.

SECTION 4. All relocation expenses will be paid in accordance with the Relocation Payment Process approved by the Chicago Transit Board in ordinance No. 000-68.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

Chairman

Assistant Secretary

August 1, 2001

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