

ORDINANCE NO. 001-116

AN ORDINANCE DESIGNATING FOR
ACQUISITION VARIOUS PARCELS OF
PROPERTY LOCATED AT, NEAR, ABUTTING
AND ADJACENT TO THE BROWN LINE
RAPID TRANSIT LINE AND AUTHORIZING
NEGOTIATION FOR THEIR PURCHASE AND
PAYMENT OF RELOCATION EXPENSES AS
REQUIRED FOR THE BROWN LINE
RECONSTRUCTION PROJECT

WHEREAS, The Illinois General Assembly has found and declared that it is necessary and in the public interest to create a municipal corporation for public ownership and operation of a transportation system in the Metropolitan Area of Cook County; and

WHEREAS, The Metropolitan Transit Authority Act, at 70 ILCS 3605/6, established the Chicago Transit 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 platforms of the Brown Line rapid transit stations are inadequate to accommodate the operation of eight (8) car rapid transit service; and

WHEREAS, The Fullerton, Belmont and Armitage stations on the Brown Line are also in need of extensive repair and renovation; and

WHEREAS, The Chicago Transit Authority has undertaken a project to rehabilitate and renovate the Brown Line ("Brown Line Reconstruction Project"); and

WHEREAS, In the course of construction and renovation, the Chicago Transit 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 property or rights therein that may be required at grade level, air levels and subterranean levels will be such property that abuts, lies adjacent or in close proximity to the Brown Line elevated structure presently existing; and

WHEREAS, The specific parcels of property which the Authority desires to acquire are listed on Exhibit A, attached hereto ("designated parcels of property"); and

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WHEREAS, In order for the Chicago Transit Authority to continue to provide efficient and adequate transportation service to the metropolitan area of Cook County, it has determined that it is necessary and would be in the best interest of the Chicago Transit Authority and the public it serves to acquire rights to the designated parcels of property or rights therein, whether at grade level, air levels or subterranean levels, to complete the Brown Line Reconstruction Project; and

WHEREAS, During the Brown Line Reconstruction Project, the Authority will also be required to obtain Right of Entry Agreements to perform environmental assessment reports on some of the parcels of property which are listed on Exhibit A, and/or to temporarily access various parcels of property, including property not identified on Exhibit A and which the Authority does not intend to acquire, that abut, or lie near, adjacent or in close proximity to the Brown Line rapid transit line for the purposes of Authority operations, construction, engineering or maintenance activities necessary to complete the scheduled construction and renovation of the Brown Line; and

WHEREAS, The Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted programs 42 USC §4601, and its implementing regulations at 49 CFR Subtitle A, Part 24 ("Relocation Act") sets out the procedures the Authority must follow to relocate persons affected by the Authority's acquisition of the designated parcels of property; and

WHEREAS, Subpart B, C, D and E of the Relocation Act set out the types and amount of relocation expenses the Authority will be required to pay to such persons; and

WHEREAS, In order to expedite payment of all required relocation expenses, staff recommends that the Executive Vice President for Construction, Engineering and Facilities, with approval by the General Counsel, be authorized to pay such expenses not exceeding seventy-five thousand dollars (\$75,000) from time to time without the need to receive prior approval from the Board for each separate expenditure; and

WHEREAS, The General Manager, Real Estate will periodically report the Authority's expenditures for relocation expenses to the Board; and

WHEREAS, Staff also recommends that the General Counsel, or his designee, be authorized to send an offer to purchase to the property owners of the designated parcels of property, negotiate the terms of purchase or bring an action in condemnation for those designated parcels of property whose owners cannot reach agreement with the Authority regarding the terms of purchase; and

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WHEREAS, Staff will obtain approval of the Board of the purchase terms prior to completion of the acquisition of each designated parcel of 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 makes the findings of fact and the determination set forth in the preamble to this ordinance.

SECTION 2. That it is hereby found and determined that it is necessary, desirable and convenient for the Chicago Transit Authority to acquire rights, including but not limited to fee simple title to and possession of the various parcels of property listed on Exhibit A, that abut or lie near, adjacent 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 will include land at grade, air and/or subterranean levels.

SECTION 3. That the General Counsel of the Chicago Transit Authority, or his designee, is hereby authorized to send an offer to purchase and negotiate with the owner or owners of each designated parcel of property deemed necessary for completion of the Brown Line Reconstruction Project, 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.

SECTION 4. That, if the General Counsel of the Chicago Transit Authority, or his 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 designee, shall institute and prosecute condemnation proceedings in the name of and in 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 5. That, in the event condemnation proceedings are instituted, the General Counsel shall report said litigation at the immediate next Board meeting and shall not

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complete the process of acquiring the subject property without prior approval of the terms of acquisition by the Board.

SECTION 6. That the Executive Vice President for Construction, Engineering and Facilities, with approval by the General Counsel, shall pay relocation expenses not exceeding seventy-five thousand dollars (\$75,000) to displaced property owners as required by and in the amounts set forth in the Relocation Act and in conformance with Relocation Payment Process attached hereto as Exhibit B, with all such expenditures reported to the board on a monthly basis.

SECTION 7. That the President of the Chicago Transit Authority is hereby authorized to negotiate and execute Right of Entry Agreements which shall permit the Authority to perform environmental assessment reports when required on the parcels of property listed on Exhibit A, attached hereto and incorporated herein, and/or to temporarily access various parcels of property, including property not identified on Exhibit A and which the Authority does not intend to acquire, that abut, or lie near, adjacent or in close proximity to the Brown Line rapid transit line for the purposes of Authority operations, construction, engineering or maintenance activities necessary to complete the scheduled construction and renovation of the Brown Line. Said Right of Entry Agreements will extend for a term not to exceed six (6) months, permit the Authority to indemnify the property owners, pay a fee which does not exceed five thousand dollars (\$5,000.00), and contain such other terms as are substantially in conformance with the terms set forth in Exhibit C.

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

APPROVED:

PASSED:

Chairman

Assistant Secretary

July 11, 2001

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