

ORDINANCE NO. 98-49

AN AMENDMENT TO CHICAGO
TRANSIT BOARD ORDINANCE
NO. 97-94 AUTHORIZING
ACQUISITION OF AIR RIGHTS
OF REAL ESTATE LOCATED AT
4323 SOUTH PRAIRIE AVENUE,
4331 SOUTH PRAIRIE AVENUE,
AND 4333 SOUTH PRAIRIE
AVENUE, CHICAGO, ILLINOIS,
FOR CONSTRUCTION OF NEW
STATION PLATFORMS FOR THE
43RD STREET RAPID TRANSIT
STATION (GREEN LINE)

WHEREAS, The Chicago Transit Authority ("Authority") is currently completing the construction and renovation of certain stations along the Green Line route; and

WHEREAS, The 43rd Street rapid transit station is located on the north side of East 43rd Street, between South Prairie Avenue and South Calumet Avenue, Chicago, Illinois; and

WHEREAS, The new station platforms will extend across East 43rd Street and must be widened to meet operating guidelines; and

WHEREAS, The Authority's right-of-way at this location is too narrow to accommodate the station platform widening project; and

WHEREAS, Engineering staff recommended that the Authority acquire air rights over seven parcels of property located on the west side of the Green Line right-of-way to accommodate the extension of the platforms; and

WHEREAS, Staff identified three (3) of the parcels of property, with their respective owners at 4323 South Prairie Avenue, owned by Carmella Edmondson, 4331 South Prairie Avenue owned by Margaret Thompson, and 4333 South Prairie Avenue, owned by Monzella Ellis and Mary Ellis; and

WHEREAS, Chicago Transit Board Ordinance No. 97-94 authorized the acquisition of the fee simple interest in air rights of real estate located at 4323 South Prairie Avenue, from Carmella Edmondson; 4331 South Prairie Avenue from Margaret Thompson,; and 4333 South Prairie Avenue from Monzella Ellis and Mary Ellis, at a fee of seven hundred fifty dollars (\$750.00) for each location; and

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WHEREAS, Staff and per diem counsel obtained signed real estate sales contracts in the amount of seven hundred fifty (\$750.00) dollars from Carmella Edmondson, 4323 South Prairie Avenue, and Margaret Thompson, 4331 South Prairie Avenue and completed real estate transactions necessary to convey the fee simple interest in the air rights of real estate to the Authority; and

WHEREAS, Staff and per diem counsel were unable to obtain a fully signed real estate contract from Monzella Ellis and Mary Ellis, 4333 South Prairie Avenue due to a series illness to Mr. Ellis; and

WHEREAS, A condemnation action was filed in the Circuit Court of Cook County, Illinois, under case Number 97 L 51174; and

WHEREAS, Pursuant to the Final Judgment Order entered in said action, the sum of one thousand dollars (\$1,000.00) was established as just compensation for the fee simple interest in the air rights of the subject property; and

WHEREAS, Pursuant to said Judgment, the Authority is required to deposit the sum of one thousand dollars (\$1,000.00) with the Treasurer of Cook County, which sum shall be held for the benefit of the owner or owners of the subject property, now, therefore:

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

SECTION 1. The Chicago Transit Board of the Chicago Transit Authority hereby approves the acquisition of the fee simple interest in air rights of real estate located at 4333 South Prairie Avenue, Chicago, Illinois, from Monzella Ellis and Mary Ellis as legally described in Exhibit "A" and depicted on Exhibit "B", both of which are attached hereto and incorporated herein by reference, at a fee of one thousand dollars (\$1,000.00).

SECTION 2. That pursuant to the Judgment Order entered in the condemnation action filed in the Circuit Court of Cook County, Illinois, under case numbered 97 L 51174, the Authority shall deposit the sum of one thousand dollars (\$1,000.00) with the Treasurer of Cook County, which sum shall be held for the benefit of the owner or owners of the subject property.

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SECTION 3. That the Chairman of the Chicago Transit Board, or her designee, is hereby authorized to execute any and all documents necessary to effectuate the conveyance of said air rights to the Chicago Transit Authority.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

APPROVED:


Chairman

May 13, 1998

PASSED:


Secretary

May 13, 1998