

ORDINANCE NO. 003-121

FIFTH AMENDMENT TO  
ORDINANCE NO. 001-116,  
AUTHORIZING ACQUISITION  
OF ADDITIONAL PARCELS  
OF PROPERTY LOCATED AT,  
NEAR, ABUTTING AND  
ADJACENT TO THE BROWN  
LINE RAPID TRANSIT LINE,  
AND MODIFYING THE  
PROVISIONS GOVERNING  
APPEALS CONTAINED WITHIN  
THE DOCUMENT CAPTIONED  
"RELOCATION PAYMENT  
PROCESS FOR MOVING AND  
RELATED EXPENSES"

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WHEREAS, The Metropolitan Transit Authority Act, at 70 ILCS 3605/6, established the Chicago Transit Authority ("Authority") to acquire, construct, own, operate and maintain a public service transportation system in the Metropolitan Area of Cook County; and

WHEREAS, The Metropolitan Transit Authority Act, at 70 ILCS 3605/10, empowers the 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 Authority has undertaken a project to rehabilitate and renovate the Brown Line, including construction of platforms to accommodate the operation of eight-car rapid transit service and extensive repair and renovation of many of the stations ("Brown Line Capacity Expansion Project"); and

WHEREAS, On July 11, 2001, the Chicago Transit Board passed Ordinance No. 001-116 whereby the Board found and determined that it is necessary, desirable and convenient for the Authority to acquire rights including, but not limited to, fee simple title to and possession of the various parcels of property 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 include land at grade, air and/or subterranean levels; and

WHEREAS, Ordinance No. 001-116 designated 62 parcels of real estate as required for the Brown Line Capacity Expansion Project, which properties were listed on Exhibit A attached thereto; and

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WHEREAS, The Chicago Transit Board has previously passed certain amendatory ordinances, Ordinance No. 002-26, Ordinance No. 003-27 and Ordinance No. 003-50, amending Ordinance No. 001-116 to revise Exhibit A to contain a revised list of parcels of real estate, or interests therein, designated for acquisition for the Brown Line Capacity Expansion Project and to add Exhibit A-1, Exhibit A-3 and Exhibit A-4 listing additional parcels of real estate, or interests therein, designated for acquisition for the Brown Line Capacity Expansion Project; and

WHEREAS, The Authority's capital improvements program consultants, Capital Improvement Program Management (CIPM), have recently advised that additional revisions to the plans for the Brown Line Capacity Expansion Project have been incorporated into the Project; and

WHEREAS, Pursuant to the aforementioned revisions to plans for the Brown Line Capacity Expansion Project, it will be necessary to acquire rights to two additional parcels of property, or rights therein, at grade level, air levels or subterranean levels, which properties are listed on Exhibit A-5, attached hereto;

WHEREAS, The additional parcels of property or rights therein, would be acquired pursuant to the process authorized by Transit Board Ordinance No. 001-116; and

WHEREAS, In order to complete the revisions to the Brown Line Capacity Expansion Project, it will be necessary and would be in the best interest of the Chicago Transit Authority and the public it serves to amend Ordinance 001-116 to include the additional properties designated on Exhibit A-5; and

WHEREAS, Ordinance 001-116 adopted a relocation cost reimbursement procedure, by means of a certain document captioned "Relocation Payment Process For Moving and Related Expenses, attached as Exhibit B to Ordinance 001-116, which addresses the payment of relocation costs under applicable law, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and the implementing regulations (49 CFR Subtitle A, Part 24); and

WHEREAS, The Law Department has recommended that within the document captioned "Relocation Payment Process For Moving and Related Expenses," attached as Exhibit B to Ordinance 001-116, there is a provision, titled "10. Appeals Process," that should be amended to more closely follow the requirements of applicable law under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and the implementing regulations (49 CFR Subtitle A, Part 24); now, therefore:

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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 finds and determines 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 parcels of real estate described on Exhibit A-5, and that the acquisition of the parcels of real estate described on Exhibit A-5 will be required and necessary to complete the scheduled construction and renovation of the Brown Line rapid transit line.

SECTION 2. That the Chicago Transit Board of the Chicago Transit Authority hereby amends Ordinance No. 001-116 to add the additional parcels of real estate described on Exhibit A-5, attached hereto and by this reference made a part hereof.

SECTION 3. Within the document captioned "Relocation Payment Process For Moving and Related Expenses, attached as Exhibit B to Ordinance 001-116, the provision titled "10. Appeals Process" shall be amended entirely by replacing it with the language attached hereto as Exhibit B-1.

SECTION 4. Except as amended hereby, all of the provisions of Ordinance No. 001-116, Ordinance No. 002-26, Ordinance No. 003-27 and Ordinance No. 003-50 shall remain in full force and effect.

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

APPROVED:

PASSED:

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Vice Chairman

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Assistant Secretary

September 4, 2003

September 4, 2003