

ORDINANCE NO. 006-153

AN ORDINANCE AUTHORIZING AN
AMENDMENT TO ORDINANCE NO. 005-167,
AUTHORIZING THE ACQUISITION OF 3409
NORTH SOUTHPORT AVENUE AS
REQUIRED FOR THE BROWN LINE
CAPACITY EXPANSION PROJECT

WHEREAS, The Chicago Transit Authority ("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, Pursuant to Transit Board Ordinance No. 005-167, dated November 9, 2005, the Chicago Transit Board authorized the acquisition of three separate parcels of real estate needed for the Brown Line Capacity Expansion Project; and

WHEREAS, One of the parcels of real estate to be acquired by the Authority was the fee simple interest of a part of the property located at 3409 North Southport Avenue, Chicago, Illinois ("Parcel 32"), from Code 47 LLC, an Illinois Limited Liability Corporation ("Property Owner"), for the purchase price of \$265,000; and

WHEREAS, The acquisition included the taking of three parking spaces at the rear of the subject property, one of which was used for the storage of garbage receptacles and the remainder used as parking for the restaurant tenant; and

WHEREAS, In order to maintain maximum available parking on the remaining site, CTA originally agreed to allow the owner to place two garbage receptacles under the stairs of the Southport Station; and

WHEREAS, Subsequent to the adoption of Ordinance No. 005-167, CTA determined that the location of the garbage receptacles under the stairs would not be permitted due to safety reasons; and,

WHEREAS, The Property Owner demanded additional just compensation in the amount of \$30,000 for the taking of another parking space for the garbage receptacles and further damage to the remainder, and, therefore, the transaction contemplated by Ordinance No. 005-167 could not be completed; and

WHEREAS, The Authority still requires fee simple title to a portion of Parcel 32; and

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WHEREAS, The CTA has completed negotiations with the Property Owner of an amended settlement for the acquisition of the fee simple title of a portion of Parcel 32, in the amount of \$285,000; and

WHEREAS, The remaining terms and conditions of Ordinance No. 005-167 shall remain unchanged; now, therefore:

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

SECTION 1. That Chicago Transit Board Ordinance No. 005-167, dated November 9, 2005, is hereby amended.

SECTION 2. That the Chicago Transit Board of the Chicago Transit Authority authorizes the acquisition of the fee simple interest to a portion of the property located at:

Parcel 32 -	3409 North Southport Avenue	P.I.N. 14-20-313-003-0000
Partial Taking	Chicago, Illinois	
Station:	Southport	

Owner: Code 47 LLC, an Illinois Limited Liability Corporation.

Purchase Price: Two Hundred Eighty-Five Thousand Dollars (\$285,000), for fee simple title to a portion of the property (inclusive of the three parking spaces at the rear of the property).

SECTION 3. All provisions of Ordinance No. 005-167 not in conflict with this Ordinance shall remain in full force and effect.

SECTION 4. 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, and to execute any and all additional documents to effectuate the transactions contemplated herein.

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

APPROVED:

PASSED:

Chairman

Assistant Secretary

October 18, 2006

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