

ORDINANCE NO. 019-48

AN ORDINANCE AUTHORIZING THE
ACQUISITION OF A CONSTRUCTION
EASEMENT ON PROPERTY
LOCATED AT 5343 NORTH
BROADWAY AVENUE, CHICAGO,
ILLINOIS FOR THE RED AND PURPLE
MODERNIZATION PROJECT

WHEREAS, The Chicago Transit Authority ("Authority") has identified a need for additional land for the construction of the Red and Purple Modernization Project (the "Project"); and

WHEREAS, The Authority has received a Finding of No Significant Impact ("FONSI") from the Federal Transit Administration ("FTA") for the Project; and

WHEREAS, On November 18, 2015, the Board approved Ordinance No. 015-117, designating the acquisition of twenty-three (23) parcels of property ("Designated Parcels of Property") as necessary for the location and placement of structures, structural supports, columns, facilities and related appurtenances for the Project and authorizing negotiations for the purchase of the properties; and

WHEREAS, One of the Designated Parcels of Property, located at 5343 North Broadway Avenue, Chicago, Illinois ("Parcel 22"), consists of approximately 13,067 square feet of surface parking; and

WHEREAS, Parcel 22 is owned by Broadway Real Estate, LLC, an Illinois limited liability company ("Owner"), and is legally described and depicted in Exhibit A hereto; and

WHEREAS, The Authority seeks to acquire a seven (7) year construction easement on Parcel 22, legally described and depicted in Exhibit A, no later than June 30, 2019; and

WHEREAS, Eminent domain litigation for Parcel 22 is ongoing and the parties wish to provide the Authority with the construction easement for Parcel 22 in advance of a Final Judgment Order for preliminary just compensation of Three Million Three Hundred Thousand Dollars (\$3,300,000.00); and

WHEREAS, The final amount for the construction easement on Parcel 22 shall be determined at the conclusion of the eminent domain case and Authority staff shall obtain the consent of the Board for any additional payment once the final amount is determined; and

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WHEREAS, The Metropolitan Transit Authority Act, 70 ILCS 3605/8, provides that the Authority has the power to acquire any real property useful for its purposes; now, therefore:

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

SECTION 1. The Chicago Transit Board hereby approves the acquisition of a construction easement for a term of seven (7) years from the Owner of real property located at 5343 North Broadway Avenue, Chicago, Illinois, legally described and depicted in Exhibit A hereto, for preliminary just compensation of Three Million Three Hundred Thousand Dollars (\$3,300,000.00), subject to a potential additional payment following the Final Judgement Order in the eminent domain case.

SECTION 2. The Chairman of the Board, or his designee, is hereby authorized to execute all documents required to effectuate the acquisition of the construction easement on Parcel 22 by the Authority.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

Chairman

June 12, 2019

Assistant Secretary

June 12, 2019