

ORDINANCE

WHEREAS, the City of Chicago (“City”) is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, and as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Department of Planning and Development (“DPD”) has a plan known as the “South Shore Corridor Study” that seeks to raise visibility, promote opportunities, and attract investment appropriately to address development and other issues along the corridors of 75th Street and 79th Streets in the South Shore community (“Plan”); and

WHEREAS, consistent with the Plan, DPD has a project for the 79th Street and Exchange Avenue area and has accepted one or more proposals for new mixed-use redevelopment to be constructed consistent with the city’s Equitable Transit-Oriented Development (“ETOD”) goals; and

WHEREAS, Phase 1 of the project, located on the southeast corner of the 79th Street and Exchange Avenue intersection, is under construction and will provide for 43 new affordable residential units with ground-floor retail; and

WHEREAS, Phase 2 of the project (“Phase 2 Project”) will be located at the northwest corner of the 79th Street and Exchange Avenue intersection and is anticipated to provide up to 114 new residential units in accordance with Planned Development 1582 approved by City Council on December 12, 2023 (C.J. pp. 7995, et seq.); and

WHEREAS, the City has determined that it is useful, desirable, and necessary that the City acquire for the Plan and the Project those parcels of real property as listed on the attached Exhibit A or portions thereof (the “Acquisition Parcels”); and

WHEREAS, the General Assembly in 735 ILCS 30/25-7-103.12, has authorized the use of quick-take eminent domain proceedings by municipalities for the purposes set forth in Division 74.2 and 74.3 of Article 2 of the Illinois Municipal Code, said purposes being the redevelopment of commercial or business areas by removing commercial blight for redevelopment purposes, and for the same purposes when established pursuant to home rule powers; and

WHEREAS, the City Council hereby finds that the Phase 2 Project will further and assist in the eradication and elimination of commercial blight or conservation areas containing buildings and structures that are detrimental to the health, safety and welfare of the occupants and the welfare of the urban community, consistent with Division 74.2 of Article 11 of the Illinois Municipal Code; and

WHEREAS, the City Council hereby finds that the Phase 2 Project will further and assist in the creation, development, improvement, maintenance, and redevelopment of business districts

and involves further creation of new and lasting infrastructure consistent with Division 74.3 of Article 11 of the Illinois Municipal Code; and

WHEREAS, the City under its home rule power finds that it useful and necessary to use quick-take to acquire the Acquisition Parcels for these same purposes; and

WHEREAS, pursuant to Resolution No. 25-CDC-1 adopted on January 5, 2025, the Community Development Commission recommended that DPD acquire the Acquisition Parcels in furtherance of the Plan; **now, therefore**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. It is hereby determined and declared that it is useful, desirable and necessary that the City acquire the Acquisition Parcels for public purposes, including implementing the Phase 2 Project and fulfilling the objectives of the Plan.

SECTION 3. The Schedule for the Phase 2 Project, including the acquisition of the Acquisition Parcels or portions thereof, as set forth in Exhibit B which is attached and incorporated, is hereby adopted by the City Council.

SECTION 4. The Commissioner of DPD (“Commissioner”) is authorized to negotiate with the owners of any interest in the Parcels for the purchase of the Acquisition Parcels or portions thereof. If the Commissioner and any owner are able to agree on the terms of the purchase, including the price or interests therein, then the Commissioner, subject to the approval of the Corporation Counsel as to form and legality, is authorized to purchase the Acquisition Parcels or portions thereof or interests therein on behalf of the City for the agreed price with such purchase price to be paid out of legally available funds of the City, including, without limitation, the proceeds of any grants or other funds received by the City. If the Commissioner is unable to agree with any owner of an Acquisition Parcel or portions thereof or interests therein on the terms of the purchase, or if an owner is unwilling or unable to enter into such a transaction with the City, or if an owner cannot be located, then the Commissioner shall report it to the Corporation Counsel, who is then authorized to institute and prosecute eminent domain proceedings, including a motion for immediate vesting of title, on behalf of the City for the purpose of acquiring the Acquisition Parcel or portion thereof or interest therein in accordance with the Schedule for the Phase 2 Project referenced above.

SECTION 5. The Commissioner is authorized to (1) execute such documents as may be necessary to implement the provisions of this ordinance, including any agreement with any property owner or other party impacted by the Phase 2 Project, and any such agreements may provide for City’s indemnification of such owner or other party, (2) amend, modify, or change the

Schedule for the Phase 2 Project including the acquisition of the Acquisition Parcels, adopted above, and (3) determine, from time to time, whether the acquisition of the each of the Acquisition Parcels, or a portion thereof, or less than fee simple title remains necessary or appropriate to implement the Phase 2 Project, or both, all subject to the approval of the Corporation Counsel.

SECTION 6. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 7. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 8. This ordinance shall be effective upon its passage and approval.