

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 City of Chicago Department of Transportation ("CDOT") has a project to transform the former elevated railroad corridor located between West 58th Street and West 59th Street from South Hoyne Avenue to South Lowe Street into a 1.75-mile shared-use path and naturalized space ("Englewood Nature Trail Project" or "Project"); and

WHEREAS, the Englewood Nature Trail Project will directly benefit neighborhood residents; will act as a catalyst for inclusive revitalization; will link active living, urban agriculture, and access to nature and the outdoors; and will provide significant safety, health and climate benefits to the neighborhood by providing a dedicated trail for walking and biking; and

WHEREAS, pursuant to Chapter 2-102-030 of the Municipal Code of the City, the Commissioner of CDOT ("Commissioner") has the authority to manage the preparation, planning, development and monitoring of transportation system projects within the City, including the acquisition of property rights for such projects; and

WHEREAS, the City has determined that it is useful, desirable, and necessary that the City acquire for the Englewood Nature Trail Project those parcels of real property as listed on the attached **Exhibit A** and depicted on the attached **Exhibit B**, or portions thereof or interests therein as the Commissioner deems necessary or desirable for the Project (the "Acquisition Parcels"); and

WHEREAS, pursuant to ordinances adopted on June 27, 2001, and published in the Journal of Proceedings of the City Council of the City (the "Journal") for such date at pages 61850 to 62055, and under the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4.1 *et seq.*, as amended (the "TIF Act"), the City Council of the City: (i) approved a redevelopment plan and project (the "Englewood Neighborhood Redevelopment Plan") for the Englewood Neighborhood Redevelopment Project Area (the "Englewood Neighborhood Redevelopment Area"); (ii) designated the Englewood Neighborhood Redevelopment Area as a "redevelopment project area" within the requirements of the TIF Act; and (iii) adopted tax increment financing for the Englewood Neighborhood Redevelopment Area; and

WHEREAS, the Original Plan was amended by to change the land use classification from residential to light industrial for certain parcels on Map 5, by ordinance adopted on November 13, 2013 and published in the Journal for such date at pages 63291 to 63292 (the Original Plan, as amended, the "Amended Plan"); and

WHEREAS, pursuant to ordinances adopted on March 29, 2006, and published in the Journal for such date at pages 72958 to 73124, and under the provisions of the TIF Act, the City Council of the City: (i) approved a redevelopment plan and project (the "63rd and Ashland Redevelopment Plan") for the 63rd and Ashland Redevelopment Project Area (the "63rd and Ashland Redevelopment Area"), (ii) designated the 63rd and Ashland Redevelopment Area as a

“redevelopment project area” within the requirements of the TIF Act; and (iii) adopted tax increment financing for the 63rd and Ashland Area; and

WHEREAS, the Original Area was amended to remove 120 overlapping parcels already part of the Englewood Neighborhood TIF, by ordinance adopted on September 8, 2010 and published in the Journal for such date at pages 98412 to 98459 (the Original Area, as reduced, the “Reduced Area”);

WHEREAS, the Englewood Neighborhood Redevelopment Area and the 63rd and Ashland Redevelopment Area are collectively referred to herein as the “Redevelopment Areas,” and the Englewood Neighborhood Redevelopment Plan and the 63rd and Ashland Redevelopment Plan are collectively referred to herein as the “Redevelopment Plans”; and

WHEREAS, 25 of the 32 Acquisition Parcels are located in the Redevelopment Areas, as indicated in Exhibit A, and the City finds that the acquisition of the Acquisition Parcels and the exercise of the City’s power of eminent domain shall be in furtherance of the Redevelopment Plans; and

WHEREAS, the Illinois General Assembly in 735 ILCS 30/25-7-103.12 has authorized the use of quick-take eminent domain proceedings by municipalities having a population of more than 500,000 for the purposes set forth in Divisions 74.2 and 74.3 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-74.2 and 74.3), 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 finds that the acquisition of the Acquisition Parcels for the purpose of implementing the Englewood Nature Trail Project will assist in the eradication and elimination of commercial blight or buildings and structures that are detrimental to the health, safety and welfare of the occupants and the welfare of the urban community, consistent with the purposes set forth in Division 74.2 of Article 11 of the Illinois Municipal Code; and

WHEREAS, the City finds that the acquisition of the Acquisition Property for the purpose of implementing the Englewood Nature Trail Project will assist in the creation, development, improvement, maintenance, and redevelopment of business districts and involves further creation of new and lasting infrastructure consistent with the purposes set forth in Division 74.3 of Article 11 of the Illinois Municipal Code; and

WHEREAS, the City under its home rule power finds that it is useful and necessary to use quick-take proceedings to acquire the Acquisition Parcels for the same purposes as those set forth in Divisions 74.2 and 74.3 of the Illinois Municipal Code; and

WHEREAS, the use of quick-take will allow the Englewood Nature Trail Project to move forward in accordance with the schedule contained herein; and

WHEREAS, pursuant to Resolution No. 24-CDC-36 adopted on September 10, 2024, the Community Development Commission recommended the acquisition of the Acquisition Parcels; **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 for the City, acting through the Commissioner, to acquire the Acquisition Parcels or portions thereof or interests therein for public purposes and for purposes of implementing the objectives of the Redevelopment Plans.

SECTION 3. The City hereby adopts the land acquisition and construction schedule for the Englewood Nature Trail Project, including the acquisition of the Acquisition Parcels or portions thereof or interests therein, as set forth in **Exhibit C** which is attached and incorporated ("Schedule").

SECTION 4. The Commissioner is authorized to negotiate with the owner(s) for the purchase of the Acquisition Parcels or portions thereof or interests therein. If the Commissioner and the owner(s) are able to agree on the terms of the purchase, the Commissioner 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, subject to the approval of the Corporation Counsel as to form and legality. If the Commissioner is unable to agree with any owner of an Acquisition Parcel on the terms of the purchase, or if an owner is unwilling or unable to enter into such a transaction in a timely manner with the City, or if an owner cannot be located, then the Corporation Counsel is authorized to institute and prosecute condemnation proceedings, including a motion for immediate vesting of title, on behalf of the City for the purpose of acquiring the Acquisition Parcels or portions thereof or interests therein under the City's power of eminent domain.

SECTION 5. The Commissioner, or a designee of the Commissioner, is each hereby authorized to (a) negotiate, execute and deliver such documents as may be necessary or appropriate to implement the purposes and provisions of this ordinance, subject to the approval of the Corporation Counsel, including indemnification, (b) amend, modify, or change the Schedule as reasonably required for the completion of the Englewood Nature Trail Project, and (c) determine whether the acquisition of the Acquisition Parcels, or portions thereof, or less than fee simple title therein, is necessary to implement the Project.

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