

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, on September 14, 2023, the City Council approved, an ordinance (C.J., pp. 2725-2743, hereinafter “Ordinance”) authorizing acquisition of numerous parcels or portions for improvement of roadways project along South Burley Avenue, from East 122nd Street to East 126th Place; South Carondelet Avenue, from East 122nd Street to East 126th Place; and East 122nd Street, from South Avenue Oto South Carondelet Avenue and along the Norfolk Southern Railway Company grade crossing at East 122nd Street (“Burley Project”); and

WHEREAS, the Commissioner of Transportation (“Commissioner”) has proceeded to acquire several of the parcels authorized for acquisition for the Burley Project as provided in the Ordinance; and

WHEREAS, in several cases, as required by applicable law and in accordance with customary practice, the Commissioner has acquired, along with the portion of property required for the Burley Project, those uneconomic remnant parcels that would have been left over if the Commissioner only acquired the properties actually needed for the Burley Project (“Uneconomic Remnant Parcels”); and

WHEREAS, the Commissioner has learned that many of the owners of properties whose property is to be acquired by the City for the Burley Project desire to acquire in exchange the Uneconomic Remnant Parcels as replacement parcels for those being acquired for the City; and

WHEREAS, making the Uneconomic Remnant Parcels available as replacement parcels to owners of Acquisition Parcels would provide alternate locations for such owners to locate structures and conduct activities that would be disrupted by the City acquiring their Acquisition Parcels for the Burley Project; and

WHEREAS, the Commissioner desires the authority to offer and include the conveyance of Uneconomic Remnant Parcels to owners of Acquisition Parcels needed for the Burley Project in connection with the settlement of the acquisition of such Acquisition Parcels; and

WHEREAS, the Commissioner will cause the Uneconomic Remnant Parcels to be appraised or use other appropriate methods to determine their fair market value so that their conveyance can be integrated into the settlement; and

WHEREAS, since the Uneconomic Remnant Parcels were not and are not necessary for the Project except to the extent that they were required to be acquired under applicable law, and since they are not necessary for another public purpose, it is in the best interest of the City and its

residents to authorize the conveyance of Uneconomic Remnant Parcels to owners of Acquisition Parcels in connection with a settlement of such acquisitions; **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. Section 6 of the Ordinance is hereby amended by adding the following underscored language and shall read as follows

SECTION 6. The Commissioner is authorized to negotiate with the owner(s) for the purchase of the Acquisition Parcels or portions thereof. 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 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. Further, the Commissioner is authorized to include in any settlement to purchase an Acquisition Parcel a provision by which the City would convey one or more uneconomic remnants from Acquisition Parcels previously acquired by City where the uneconomic remnants have been determined by the Commissioner to be not necessary for the completion of the Project. 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 Commissioner may advise the Corporation Counsel who is then 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 under the City's power of eminent domain.

SECTION 3. The remainder of the Ordinance shall remain in full force and effect as enacted.

SECTION 4. 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 5. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. This ordinance shall be effective upon its passage and approval.