

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 Illinois Commerce Commission ("ICC") has a project for improving public safety at the North Nagle Avenue highway-rail grade crossing of the track Union Pacific Railroad Company ("Railroad") (crossing identified as AAR/DOT #173 887G at milepost 10.31) in the City of Chicago, Cook County, Illinois ("Project"); and

WHEREAS, the Chicago Department of Transportation ("CDOT") has agreed to participate in the Project, by installing certain facilities, subject to reimbursement by ICC, and by maintaining certain other facilities, all related to the public use of the public ways; and

WHEREAS, among the facilities to be maintained by CDOT after completion is a pedestrian escape feature that is located outside the public way of Nagle Avenue; and

WHEREAS, in order to perform its agreed upon maintenance obligations, CDOT requires that Railroad convey an easement to City to allow access to railroad property outside the public way, for the improvement, maintenance and public use of a public sidewalk, gates and related facilities, including access and construction; and

WHEREAS, in order to perform its agreed upon installation and maintenance obligations on Railroad, and to allow public use of the public improvement, Railroad must grant a permanent easement to City to allow such access to railroad property outside the public way; and

WHEREAS, ICC, Railroad and CDOT have agreed upon compensation for the grant of easement, which compensation will be reimbursed by ICC as a Project cost; *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. The City Council hereby approves the acceptance of a grant of easement for the agreed compensation as herein described as necessary and appropriate for public use of the public way in North Nagle Avenue.

SECTION 3. The Commissioner of Transportation (the "Commissioner") is hereby authorized, subject to the approval of the Corporation Counsel as to form and legality, to accept an Easement Deed in substantially the form of Exhibit 1 which is attached hereto and incorporated herein.

SECTION 4. The Commissioner of CDOT is hereby authorized, subject to the review and approval of the City's Corporation Counsel as to form and legality, to negotiate, to execute and deliver agreements and such other documents, and take such other actions as may be necessary or appropriate to carry out and comply with the intent of this ordinance, including the ICC's, Railroad's and CDOT's successful completion of the Project.

SECTION 5. The City Council hereby opens as public way those portions of the Railroad property to the extent burdened by the grant of easement.

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 take effect upon its passage and approval.

Attachments: Exhibit I (to Ordinance) – Easement Deed

EXHIBIT A (to Easement Deed)

Legal Description of Easement Area

EASEMENT "A"

THAT PART OF THE UNION PACIFIC RAILROAD (FORMERLY CHICAGO AND NORTHWESTERN RAILWAY) RIGHT OF WAY, LYING WEST OF NORTH NAGLE AVENUE AND NORTH OF THE MOST NORTHERLY TRACK, IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION POINT OF THE WEST LINE OF SAID NORTH NAGLE AVENUE AND THE SOUTHWEST RIGHT OF WAY LINE OF SAID UNION PACIFIC RAILROAD (FORMERLY CHICAGO AND NORTHWESTERN RAILWAY); THENCE NORTH 00 DEGREE 27 MINUTES 52 SECONDS EAST ALONG SAID WEST LINE, 79.68 FEET TO AN INTERSECTION POINT WITH A LINE 7.69 FEET NORTHEAST OF AND PARALLEL WITH THE CENTER LINE OF SAID MOST NORTHERLY TRACK, SAID INTERSECTION POINT BEING ALSO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREE 27 MINUTES 52 SECONDS EAST ALONG SAID WEST LINE, 17.37 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 25 SECONDS WEST, 8.53 FEET; THENCE SOUTH 00 DEGREE 24 MINUTES 35 SECONDS WEST, 7.23 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 25 SECONDS WEST, 0.67 FEET; THENCE SOUTH 00 DEGREE 24 MINUTES 35 SECONDS WEST, 2.60 FEET TO A LINE 8.30 FEET NORTHEAST OF AND PARALLEL WITH SAID CENTER LINE OF THE MOST NORTHERLY TRACK; THENCE SOUTH 53 DEGREES 07 MINUTES 22 SECONDS EAST ALONG SAID PARALLEL LINE, 10.16; THENCE SOUTH 00 DEGREES 24 MINUTES 35 SECONDS WEST, 0.76 FEET; THENCE SOUTH 53 DEGREES 07 MINUTES 22 SECONDS, 1.26 FEET TO THE POINT OF BEGINNING; CONTAINING 118 SQUARE FEET, MORE OR LESS.

EASEMENT "B"

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EASEMENT "C"

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EASEMENT "D"

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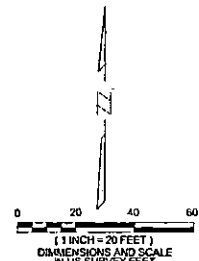
EXHIBIT "A"

PLAT OF SURVEY

PART OF W. 1/2 S.W. 1/4 SEC. 5-40-13 AND E. 1/2 S.E. 1/4 SEC. 6-40-13,
EAST OF THE THIRD PRINCIPAL MERIDIAN, CHICAGO, IN COOK COUNTY, ILLINOIS



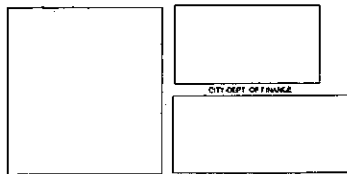
SITE MAP
(N.T.S.)



- LEGEND**
- TRAFFIC FLOW
 - MEASURED DIMENSION
 - RECORD DIMENSION
 - LOT LINE
 - EX. R.O.W. LINE
 - SECTION LINE
 - EASEMENT LINE
 - REBAR AS SET
 - BUILDING
 - FENCE
 - STREET/TRACK CENTERLINE
 - CUT - FOUND
 - EASEMENT AREA

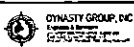
PREPARED FOR/MAIL TO:

CHICAGO DEPARTMENT OF TRANSPORTATION
2N. LASALLE STREET, SUITE 1110
CHICAGO IL 60602
TEL 312.744.3600
FAX 312.744.1200



CDOT# XX-XX-XX-XXXX

NO.	DATE	DESCRIPTION OF REVISIONS	DRAWN BY:	D.C.	DATE:	JUNE 2025
			CHECKED BY:	Z.C.	SCALE:	1"=20'
			APPROVED BY:		CONTRACT NO.	2025 003A



CDOT
CITY OF CHICAGO

UNION PACIFIC R.R.
AT N. NAGLE AVE. AND N. AVONDALE AVE.
CHICAGO, COOK COUNTY, ILLINOIS 60644

AFFECTED P.I.N.S.			
LOT	P.I.N.	APPLICANT OWNER	ZONE
UNION PACIFIC R.R.	13-05-500-005	UNION PACIFIC R.R.	
UNION PACIFIC R.R.	13-05-500-001	UNION PACIFIC R.R.	

SURVEYOR'S NOTES:

- THE EXISTING RIGHT OF WAYS ARE ESTABLISHED BASED ON THE COOK COUNTY TAX MAP AND CHICAGO 80 ACRE SHEETS AT W. 1/2 S.W. 1/4 SEC. 5-40-13 AND E. 1/2 S.E. 1/4 SEC. 6-40-13.
- SEE DEED TITLE COMMITMENT AND PUBLIC RECORD FOR EASEMENT AND/OR RESTRICTION NOT SHOWN HEREON.
- FIELD WORKS WERE COMPLETED ON 3/14/2025 AND 5/29/2025 AT THE INTERSECTION OF N. NAGLE AVE. AND N. AVONDALE AVE., CHICAGO, IL 60645
- BEARING IS BASED ON ILLINOIS STATE PLANE COORDINATES SYSTEM, ILLINOIS EASTZONE (1201), NAD 1983-2011 CORRS.
- ALL DIMENSIONS AND DISTANCES ARE MEASURED IN US SURVEY FEET.
- ALL MONUMENTS ARE PERMANENT AND OF SUFFICIENT QUANTITY, UNLESS OTHERWISE NOTED. NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENT UPON THE PLAT.

STATE OF ILLINOIS } S.S.
COUNTY OF COOK }

CHICAGO DEPARTMENT OF TRANSPORTATION HEREBY CERTIFIES THAT IT IS THE OWNER OF THE PROPERTY DESCRIBED HEREON AND AS SUCH HAS CAUSED SAID PROPERTY HEREON TO BE SURVEYED FOR THE PURPOSE OF DEDICATION FOR PUBLIC RIGHT OF WAY AS SHOWN AND DEPICTED ON PLAT.

IN WITNESS WHEREOF SAID _____ HAS CAUSED THIS CERTIFICATE TO BE SIGNED BY ITS DULY AUTHORIZED _____ ON ITS BEHALF THIS _____ DAY OF _____ 2025

STATE OF ILLINOIS } S.S. SURVEYOR'S CERTIFICATE
COUNTY OF COOK }

THIS IS TO CERTIFY THAT I, ZHONG CHEN, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, NUMBER 035-00399 HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY. THAT THIS SURVEY IS TRUE AND COMPLETE AS SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEFS. THAT THE PLAT CORRECTLY REPRESENTS SAID SURVEY, THAT ALL MONUMENTS FOUND AS ESTABLISHED ARE OF PERMANENT QUANTITY AND OCCUPY THE POSITIONS SHOWN THEREON AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED AT CHICAGO, ILLINOIS THIS 6TH DAY OF JUNE 2025 A.D.

DYNASTY GROUP, INC., ILLINOIS DESIGN FIRM - LAND SURVEYOR, CHICAGO, ILLINOIS 60604
NO. 154000104-0010, EXP. 04/23/2027

ZHONG CHEN - ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-00399
LICENSE EXPIRATION DATE: 11-30-2026

EXHIBIT "A"
PLAT OF SURVEY

SHEET NO.
1 OF 2

ELIMINARY

EXHIBIT "A"

LEGAL DESCRIPTION:

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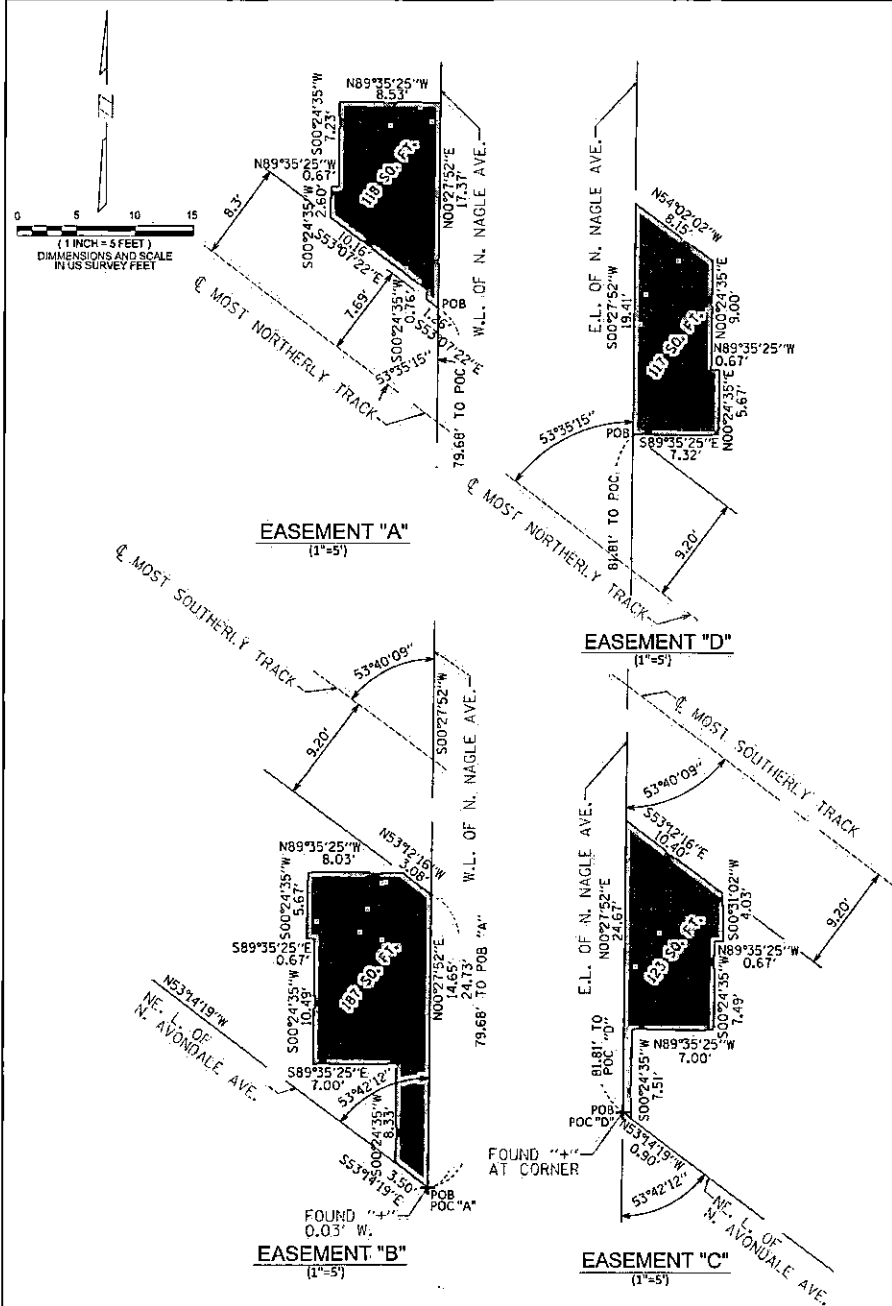
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DATE	DESCRIPTION OF REVISIONS	DRAWN BY: D.C.	DATE: JUNE 2025	UNION PACIFIC R.R. AT N. NAGLE AVE. AND N. AVONDALE AVE. CHICAGO, COOK COUNTY, ILLINOIS 60606	EXHIBIT "A" LEGAL DESCRIPTION PLAT OF SURVEY	SHEET NO. 2 OF 2
		CHECKED BY: Z.C.	SCALE: 1"=5'	CITY OF CHICAGO		
		APPROVED BY:	CONTRACT NO. 2025 000X			

EXHIBIT 1 (to Ordinance)

EASEMENT DEED

After Recording, Mail To:
John D. McDonough
City of Chicago Department of Law
121 N. La Salle Street
Chicago, Illinois 60602
(312) 744-8973
john.mcdonough3@cityofchicago.org

(Space Above Reserved for County Recorder's Use)

UPRR Project No. 0515395

EASEMENT DEED

THIS Easement Deed is made this _____ day of _____, 20____, between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation ("Grantor"), and **CITY OF CHICAGO**, an Illinois municipal corporation ("Grantee"), whose address is 2 North LaSalle Street, Suite 820, Chicago, Illinois 60602.

Grantor for and in consideration of the sum of **NINETEEN THOUSAND FIVE HUNDRED EIGHTY FIVE DOLLARS (\$19,585.00)** and other valuable consideration, to it paid by Grantee, the receipt whereof is hereby confessed and acknowledged, grants to Grantee, its successors and assigns, a **SURFACE EASEMENT** ("Easement") on and along the property located in Chicago, Illinois, described in **Exhibit A**, attached and by reference made a part of this Easement Deed (the "Easement Area"), for the sole purpose of the improvement, maintenance and public use of a public sidewalk, gates and related facilities, including access and construction, at or near Grantor's Mile Post 10.31 (DOT No. 173887G), on Grantor's Harvard Subdivision in Chicago, Cook County, Illinois.

The Easement is granted for the purpose described above and for surface use only. Without limitation of the foregoing, this grant does not include the right to install utilities of any nature, including, without limitation, fiber optic, cable television, electrical, gas or liquid distribution, or telephone lines.

Grantor, its successors and assigns, reserves the right to construct at any and all times and to maintain railroad tracks and appurtenances, fiber optic or signal lines and facilities, pipe, telephone, and electric pole and wire lines, over, under and across the Easement Area, but in such a way as to not interfere with Grantee's use of the Easement; it being understood that the rights so

reserved by Grantor, its successors and assigns, are retained along with the general right of Grantor, its successors and assigns, to use of the Easement Area for any purpose, including, but not limited to any and all general railroad purposes, which is not inconsistent with Grantee's use of the Easement.

The Easement is granted pursuant to the terms and conditions contained in the separate ICC Stipulated Agreement 2232 executed _____, subsequent Commission Order defined therein, and all outstanding leases, licenses and other outstanding rights, including, without limitation, those for pipe, telephone, electric and fiber optic lines and the right of renewals and extensions of the same, and subject also to all conditions, limitations, restrictions, encumbrances, reservations or interests of any person that may affect the Easement Area, whether recorded or unrecorded, including the maintenance and use of a Commercial Signboard identified as Audit No. 200604 and its related facilities. Grantor will coordinate with Grantee to prevent any such use of the Easement Area in a manner inconsistent with the Grantee's use of the public sidewalk, gates, and related facilities.

The Easement is also limited to such rights as Grantor may have in the Easement Area and is granted without warranty, express or implied. No damages shall be recoverable from Grantor because of any dispossession of Grantee or because of failure of, or defect in, Grantor's title.

If Grantees, its successors or assigns, abandon the Easement Area or any portion of the Easement Area, for the purposes of the Easement, the Easement will cease and terminate with respect to the portion of the Easement Area so abandoned, and the title to the Easement Area will be freed from the burden of the Easement. Nonuse of the Easement Area or any portion thereof, for the purposes of the Easement for the period of one (1) year, following the removal of the facilities and improvements therefore, will be deemed an abandonment of the Easement Area or portion thereof not used.

Grantor and Grantee have caused this Easement Deed to be executed as of the date first herein written.

UNION PACIFIC RAILROAD COMPANY
(Federal Tax ID No. 94-6001323)

By _____

Printed Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

On this ____ day of _____, 20____, before me, _____, a Notary Public in and for said County and State, personally appeared _____ who is the _____ of Union Pacific Railroad Company, a Delaware corporation, and who is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public for and in said State

↑ (Affix Notary Seal Here) ↑

My commission expires: _____



CITY OF CHICAGO



COMMITTEE ON HOUSING & REAL ESTATE
CITY COUNCIL

ALDERMAN BYRON SIGCHO-LÓPEZ
CHAIRMAN

CITY HALL - 3RD FLOOR
121 NORTH LASALLE STREET
CHICAGO, ILLINOIS 60602

PHONE: 312-744-0584

11 July 2025

TO THE PRESIDENT AND MEMBERS OF CITY COUNCIL:

Your Committee on Housing and Real Estate for which a meeting was held on July 9th, 2025 was referred an ordinance from the Department of Transportation for acceptance of negotiated permanent easement from Union Pacific Railroad to facilitate Illinois Commerce Commission project for improving public safety at N Nagle Ave highway-rail grade crossing to be maintained by Chicago Department of Transportation. (45th Ward)

(O2025-0018220)

Having the same under advisement, begs leave to report and recommend that Your Honorable Body Pass the proposed communication transmitted herewith.

The recommendation was Passed by the same roll call as was used to determine quorum in Committee.

Sincerely,

A handwritten signature in black ink that reads "Byron Sigcho-López".

Byron Sigcho-López
Chairman, Committee on Housing & Real Estate



OFFICE OF THE MAYOR
CITY OF CHICAGO

BRANDON JOHNSON
MAYOR

June 18, 2025

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith an ordinance authorizing the acceptance of a grant of easement from Union Pacific Railroad Company for the construction of pedestrian safety facilities.

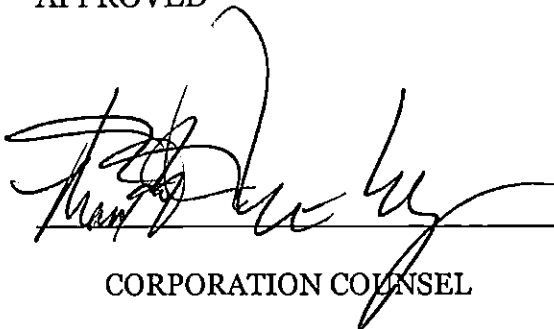
Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to be "BJ", followed by a horizontal line.

Mayor

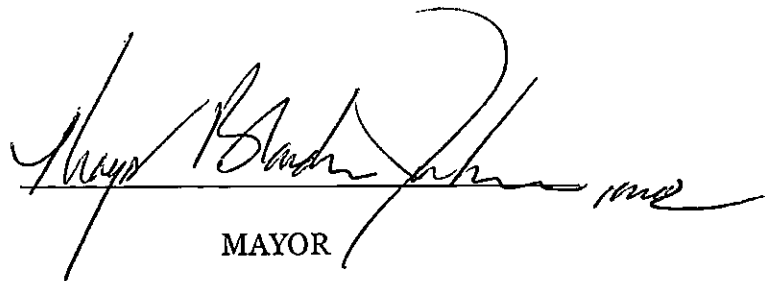
APPROVED



CORPORATION COUNSEL

DATED: 7-18-25

APPROVED



MAYOR

DATED: July 18, 2025