

ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule municipality under Art. VII, Sec. 6(a) of the Illinois Constitution of 1970, and as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, on August 15, 2024, the Chicago Plan Commission adopted the Englewood Agro-Eco District Land Use Plan establishing proposed land uses and redevelopment goals and objectives for the Englewood Nature Trail and Agro-Eco District (the "Plan") which include, among other things, using ecological, environmental and sustainable best practices for new construction and the rehabilitation of buildings and their landscapes, with design contributing to the vibrancy, aesthetics and character of the neighborhood; and

WHEREAS, on September 19, 2024, the Chicago Plan Commission adopted a resolution that recommended the acquisition of the parcels of property that listed on the attached Exhibit A (the "Acquisition Parcels"), in order to achieve the goals and objectives of the Plan (the "Project"); and

WHEREAS, the Department of Fleet and Facility Maintenance has identified approximately \$8,800,000 in appropriated funds to remediate properties within the area covered by the Plan, including the area of the Acquisition Parcels; and

WHEREAS, following completion of the acquisition and environmental remediation of the Acquisition Parcels, it is the intention of the Department Planning and Development ("DPD") to request proposals for development in accordance with the Plan and Project and in accordance with authority granted by the City Council; and

WHEREAS, the City has determined that the acquisition of the Acquisition Parcels is useful, desirable and necessary for municipal purposes and the public welfare; and

WHEREAS, the City desires to establish a project schedule that will utilize quick-take procedures in order to implement the Project in a timely manner; and

WHEREAS, in 735 ILCS 30/25-7-103.12, the Illinois General Assembly has authorized home rule municipalities to use quick-take procedures in eminent domain proceedings under home rule powers pursued for the same purposes as those 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 to eradicate, eliminate and/or reduce commercial blight and similar conditions; and

WHEREAS, the City Council hereby finds that the Project will further and assist in the eradication, elimination or reduction 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 Project will further and assist in the development, improvement, maintenance, and redevelopment of business districts, thereby

increasing employment and economic growth, 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, desirable and necessary to use quick-take to acquire the Acquisition Parcels for these same purposes; 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 Project and fulfilling the goals and objectives of the Plan.

Section 3. The Project Schedule, 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 the Acquisition Parcels for the purchase of the Acquisition Parcels or portions thereof. If the Commissioner is able to agree with any owner of an Acquisition Parcel upon the price to be paid for such Acquisition Parcels, or a portion thereof, the Commissioner is authorized, subject to the approval of the Corporation Counsel as to form and legality, to purchase the such Acquisition Parcel, or a portion thereof, in the name of and on behalf of the City of Chicago for the agreed price, with such purchase price to be paid out of any legally available funds of the City, including, without limitation, the proceeds of any grants or other funds received by the City.

Section 5. If the Commissioner is unable to agree with an owner(s) of an Acquisition Parcel on the purchase price, or if an owner is unable or unwilling to provide good title, or if an owner cannot be located, then the Commissioner shall report such facts to the Corporation Counsel who is hereby authorized to institute and prosecute condemnation proceedings, including "quick-take" proceedings, on behalf of the City for the purpose of acquiring fee simple title or other property interest(s) in such Acquisition Parcel, or portions thereof, under the City's power of eminent domain.

Section 6. The Commissioner, is authorized to (1) execute such documents and agreements as may be necessary and appropriate to implement the intent and provisions of this ordinance, (2) amend, modify, or change the Project Schedule adopted in Section 3 above, and (3) determine whether the acquisition of the Acquisition Parcels, or a portion thereof, or less than a fee simple title is necessary or appropriate to implement the Project, all subject to the approval of the Corporation Counsel.

Section 7. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or enforceability of such provision shall not affect any of the other provisions of this ordinance.

Section 8. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed or amended to the extent of such conflict.

Section 9. This ordinance shall be effective upon its passage and approval.