

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 Chicago Department of Transportation ("CDOT") has a project to implement safety measures and improvements to the viaduct carrying the Union Pacific Railroad line over Cicero Avenue due to the frequent occurrence of accidents and other traffic concerns ("Project"), including the acquisition of right of way to establish greater buffers between street traffic and buildings; and

WHEREAS, pursuant 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 rights of way for such projects; and

WHEREAS, the City has determined that it is useful, desirable, and necessary that the City acquire for the Project those parcels of real property as listed on the attached Exhibit A. or portions thereof (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 that the City acquire the Acquisition Parcels for public purposes, including implementing the objectives of the Project and fulfilling the objectives of the Plan.

SECTION 3. The Commissioner is authorized to negotiate with the owners of any interest in the Acquisition 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, 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 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 such facts to the Corporation Counsel. Such acquisition efforts shall commence with the delivery of an offer letter to the owner(s) of such Acquisition Parcel within four (4) years of the date of the publication of this ordinance.

SECTION 4. The Commissioner is authorized to enter into such agreements and execute such documents as may be necessary to implement the intention of this ordinance, including any agreement with any property owner impacted by the Project, and any such agreement may provide for City's indemnification of another party in connection with the Project, subject to the approval of the Corporation Counsel.

SECTION 5. 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 6. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. This ordinance shall be effective upon its passage and approval.