

## **SUBSTITUTE ORDINANCE**

**WHEREAS**, the City of Chicago ("City") is a home rule unit of local government as defined in Article VII, §6(a) of the Illinois Constitution and, as such, it may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the City owns and, through its Chicago Department of Aviation ("CDA"), operates the airport known as Chicago Midway International Airport ("Midway Airport"); and

**WHEREAS**, the City possesses the power and authority to acquire private and public property both within and outside its municipal boundaries for airport uses and purposes, and for uses and purposes related thereto, pursuant to its home rule powers and the provisions of Divisions 101 and 102 of Article 11 of the Illinois Municipal Code; and

**WHEREAS**, the City has determined that it is useful, desirable, and necessary for the City to acquire certain parcels of real property located in the vicinity of Midway Airport that comprise the Midway armory aviation support facility, commonly known as 5400 West 63<sup>rd</sup> Street, Chicago, Illinois, 60638 ("Property"); and

**WHEREAS**, the Property is legally described on Exhibit A attached hereto and made a part hereof; and

**WHEREAS**, the Property is being acquired by the City for public purpose and use, namely, for uses and purposes attendant to the City's ownership and operation of Midway Airport, including, but not limited to, protection of airspace and operating environment integrity, protection from incompatible land uses, preservation of Runway Protection Zone or Runway Safety Area, or both, as recognized by the Federal Aviation Administration ("FAA"), and promotion of safety and security at or adjacent to Midway Airport; and

**WHEREAS**, the acquisition of the Property may require the City to coordinate with, obtain cooperation from, and enter agreement(s) with various state and federal governmental entities and agencies, including, but not limited to, the State of Illinois Department of Military Affairs, the Illinois National Guard, the Illinois Army National Guard, and the FAA; now, therefore;

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** The above recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION 2.** It is hereby determined, declared, and found that it is useful, desirable, and necessary that the City acquire the Property for public purpose and use in furtherance of the City's ownership and operation of Midway Airport.

**SECTION 3.** The Commissioner of CDA is authorized to make offers and negotiate agreements with the owner(s) of the Property for the purchase of the Property by the City.

**SECTION 4.** In the event the Commissioner of CDA and the owner(s) of the Property are able to agree on the terms of the purchase, the Commissioner of CDA is authorized to enter into an agreement with the owner(s) of the Property to purchase said Property in the name of and on behalf of the City for the agreed price, with such purchase price payable from any legally available funds of the City, including, without limitation, proceeds of any general airport revenue bonds previously issued, or grants, or other funds received by the City.

**SECTION 5.** In the event the Commissioner of CDA is unable to agree with the owners(s) of the Property on the terms of the purchase, or if an owner is incapable of entering into such a transaction with the City, or if an owner cannot be located, then the Commissioner of CDA shall report such fact to the Corporation Counsel and title and possession of such Property may be acquired by the City through condemnation, and the Corporation Counsel is authorized and empowered to institute and prosecute condemnation proceedings in the name of and on behalf of the City for the purpose of acquiring title to and possession of the Property in accordance with applicable eminent domain laws and in the manner provided by the Code of Civil Procedure, provided that in the event the Property is devoted to public use and owned by the State of Illinois, the Corporation Counsel shall obtain the State of Illinois's consent to the City's exercise of condemnation prior to instituting such condemnation proceedings.

**SECTION 6.** The Commissioner of CDA is authorized to execute such documentation as may be necessary or appropriate to implement the provisions of this ordinance, including, without limitation, intergovernmental agreements and purchase contracts, subject to the approval of the Corporation Counsel as to form and legality.

**SECTION 7.** If any provision of this ordinance is 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 8.** All other ordinances, resolutions, motions, or orders of the City Council in conflict with this ordinance are hereby amended to the extent of such conflict.

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

***Exhibit "A" referred to in this ordinance reads as follows:***