

## 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**, Scottsdale Center LLC, an Illinois limited liability company ("Scottsdale") is the owner of property generally located at 79<sup>th</sup> Street and Cicero Avenue in Chicago, Illinois ("Property"); and

**WHEREAS**, an Easement Agreement between the City and Scottsdale which granted the City an easement and right of way for the installation, maintenance, operation, repair, renewal, and replacement of the City's water lines on Scottsdale's Property (the "Original Easement"), was recorded on March 20, 1956 as document number 16526149; and

**WHEREAS**, Scottsdale desires that the City vacate and release all of its right, title and interest in the Original Easement so as to accommodate the construction of certain new improvements on the Property; and

**WHEREAS**, the City is willing to vacate and release all of its right, title and interest in the Original Easement provided that Scottsdale grant a new water main easement upon the land legally described on Exhibit A attached hereto and made a part hereof (such property, the "New Easement Area") on the terms and conditions set forth in this Agreement and the easement agreement attached hereto as Exhibit B; and

**WHEREAS**, Scottsdale is willing to grant to City a new water main easement on the terms and conditions set forth in this Agreement and in the Easement Agreement and City is willing to accept such new water main easement; now therefore,

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

SECTION 1. The forgoing recitals are hereby incorporated herein and adopted as the findings of the City Council.

SECTION 2. The Commissioner of the Department of Water Management (the "Commissioner") or a designee of the Commissioner is each hereby authorized, with the approval of the City's Corporation Counsel as to form and legality, to negotiate, execute and deliver an Easement Agreement between Scottsdale and the City substantially in the form attached hereto as Exhibit B and made a part hereof, and such other supporting documents as may be necessary or appropriate to carry out and comply with the provisions of the Easement Agreement, with such changes, deletions and insertions as shall be approved by the persons executing the Easement Agreement.

SECTION 3. 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 4. All ordinances, resolutions, motions or orders in conflict with this

ordinance are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall take effect upon its passage and approval.

[Exhibits referred to in this ordinance are on file and available for public inspection in the Office of the City Clerk.]

Document No. P02009. 5784

REFERRED TO COMMITTEE ON  
HOUSING AND REAL ESTATE

JUL 29 2009

*Michael del Valle*  
City of Chicago