
CITY OF CHICAGO

RULES



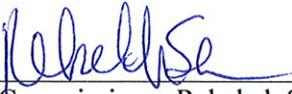
RULES REGARDING STREET AND ALLEY VACATIONS FOR NOT FOR PROFIT UNDER 2-102-030(L); 2-102-030 (O); 2-102-040

LAST UPDATED JULY 27, 2015



BY AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION PURSUANT TO **2-102-030 (l)**; **2-102-030 (o)**; **2-102-040**, THE FOLLOWING RULES REGARDING **STREET AND ALLEY VACATION NOT FOR PROFIT RULES** ARE ADOPTED HEREIN.

By Order of the Commissioner:

Signed:  _____
Commissioner Rebekah Scheinfeld

Date: _____

Published: **July 27, 2015**
Effective: **July 27, 2015**

STREET AND ALLEY VACATION PROGRAM NOT-FOR-PROFIT

I. PROGRAM INTENT

Jane Addams envisioned the charitable activities of Hull House as a chorus of voices "lifted by a high motive". This tradition continues in Chicago with a wide ranging network of charitable organizations that have served its citizens in critical times of need. In Mayor Emanuel's effort to support and promote the activities of philanthropic organizations, the City of Chicago has established the Not-for-profit Street and Alley Vacation Program.

Under the Program, the City reviews proposals to vacate little-used streets and alleys to not-for-profit organizations located on adjacent sites. Pending City Council approval of the project and favorable review by utility and City service providers, the vacated rights-of-way can then be used for expansion and modernization purposes, employee/client parking, improved security, truck staging, landscaping, the creation of a campus, or other accessory uses.

The benefits of the Not-for-profit and Alley Vacation Program are not exclusively realized by the participating charitable organization alone. The public good is also served through the expanded activities of the charity, and City expenditures on street and alley maintenance, as well as crime prevention, are reduced.

II. ELIGIBILITY GUIDELINES

- A. The applicant must be the board of trustees or other governing authority of an operating not-for-profit corporation. Not-for-profit corporations are those that are primarily engaged in charitable, scientific, and education pursuits as described by the Not for Profit Corporation Act of 1986. Applicant organizations must be able to show current 501 IRS standing, and current good standing with the Illinois Secretary of State. Intended use of the adjacent properties and the area to be vacated must be exclusively charitable. Projects that propose an element of commercial or residential use will be processed under the Commercial/Residential Program.
- B. The applicant must be able to demonstrate no less than five (5) years of continuous operation and service to the community and be the owner of the property directly abutting the area(s) proposed for vacation. For new development projects, proof of funding will be required.
- C. The proposed right-of-way to be vacated must be used directly to support secular, charitable activities currently conducted by the applicant for the benefit of the community. Examples of these might be 1) building expansion to serve a larger

- D. number of clients 2) installation of loading docks to improve means of distributing materials to clients 3) construction of parking facilities to serve clients and employees, or 4) similar activities that conform to the Chicago Zoning Ordinance.
- E. The proposed vacation must not have an adverse effect on the security, accessibility, or operations of nearby land users; and must meet basic design configuration requirements. Projects that purpose to vacated half the width of a street, vacate air rights, create and irregular right-of-way line, pour street traffic into intersecting alleys, or dead end the right-of-way in the middle of the block, will not be granted.
- F. All property owners abutting the vacation area must concur in the vacation. Under State law, abutting property owners share in the conveyance of the public way according to their percentage share of frontage on the vacated street or alley.

III. PROGRAM REQUIREMENTS

- A. The beneficiary's property must be located in an area zoned for the proposed use and be adjacent to the area to be vacated.
- B. The beneficiary must pay all fees necessary to affect any utility relocations or adjustments as requested by the various agencies represented by the Office of Underground Coordination.
- C. The beneficiary must pay all fees associated with survey and title work, required appraisal of land, recording the ordinance, and other associated expenses necessary to ensure the success of the land conveyance, and the required Restrictive Covenant.
- D. The beneficiary is responsible to constructing any new right-of-way (street or alley) that may be necessitated by the vacation. This will be at the beneficiary's expense, and the right-of-way shall be constructed to City standards in effect at the time of recording.
- E. The beneficiary (or subsequent owner) assumes responsibility for the maintenance of the vacated right-of-way, as specified in the Restrictive Covenant that must be recorded, along with the ordinance, with the County Recorder of Deeds, at the time of the vacation.

The beneficiary agrees not to sell, transfer, or lease the area to be vacated, for a term to be specified in the Restrictive Covenant without City Council approval. Conveyance to a 2nd party that is not qualified under the program will require appraised compensation to the City of Chicago.

- F. The beneficiary (or subsequent owner) must occupy the vacated right-of-way and the abutting property continuously. Failure to actively occupy for a period of 12 consecutive months will constitute abandonment and the City will move to retake. The lack of company property, use, and/or company signage on the site will constitute abandonment. Failure to secure the area against illegal use, and failure to develop the site per the agreed upon plan, will also serve as grounds for reversion to the City.
- G. The beneficiary should understand that failure to comply with the above conditions and those set forth in the Restrictive Covenant will allow the City, at its option, to recover the vacated property, or require the owner to pay fair market value in order to release the Restrictive Covenant.

IV. APPLICATION AND REVIEW

- A. The applicant should complete and return the application to the following address:

CDOT/Division of Project Development
Attn: Vacations Program
30 N. LaSalle St., Suite 500
Chicago, IL 60602

- B. Applications will be reviewed by CDOT staff to ensure that they qualify under the Program guidelines and meet basic configuration criteria. CDOT reserves the right to reject any application not meeting the burden of documentation, program/configuration criteria, or not judged to be in the best interest of the City.
- C. A set of comments from the members of the Office of Underground Communication will be sent by CDOT to the beneficiary or her representative. The representative will coordinate, complete, and submit proof of mutually satisfactory negotiations with involved utilities. Proof will be requested.
- D. The beneficiary is given 180 days after the date of City Council passage to pay any required fees and record a certified copy of the ordinance with the Recorder of Deeds, accompanied by the covenant that restricts the use of the vacated right-of-way, to the proposed purposes.

NOTE: PLEASE KEEP A COPY OF YOUR SUBMISSION IN YOUR FILES

- * A Reapplication fee will be assessed if the file is closed due to inactivity.

**APPLICATION
NOT FOR PROFIT VACATION
(FEE: \$350.00 CHECK TO THE DEPT. OF REVENUE- Nonrefundable)**

1. Name on title (if a trust, list company name): _____

Company contact: _____ Phone/Fax: _____

Address: _____ Zip: _____

Email: _____

2. Other Contact: _____

Company: _____ Phone/Fax: _____

Address: _____ Zip: _____

Email: _____

Note: we must have full contact information for 2 reps

3. Describe the general location with boundaries (ex: "S. Smith St, between W. Riley St & W. George Street"; or "the north-south alley in the block bounded by S. Smith St., W. Riley St., S. Jane St. and W. George St.")

Zoning: _____ Ward: _____

4. Description of intended use of area proposed for vacation:

5. Will the street/alley to be vacated be built over (with a building)? Y / N

6. What is the estimated cost to the beneficiary to develop the overall site including the area proposed for vacation? \$ _____
7. What is the zoning of the site? _____
8. Size of applicant's current operation in square feet: _____
9. Number employees: full-time _____ part-time _____ total _____
10. Length of time applicant has been at current address: _____

The below certifies that their site is being/will be used exclusively for charitable or educational use. Projects with any commercial or market residential components must be handled under the Commercial/Residential Vacation Program. The below also certifies that any zoning change, or ownership change that occurs on the applicant's property, or that if any neighbor adjacent to the area to be vacated, will be reported promptly to the program manager prior to ordinance.

Applicant's Name
(printed): _____

Applicant's Signature _____ Date: _____

IMPORTANT:

Larger development projects will require simultaneous review by the CDOT Plan Review Committee. Call (312) 744-4996 for submission requirements (or provide a copy of your stamp approved plans to prove prior acceptability)

A reapplication fee will be assessed if the file is closed due to inactivity

DETERMINING PROPERTY OWNERSHIP IF UNKNOWN

Each property in the City of Chicago has been assigned a unique Permanent Index Number (PIN). This PIN can be used to identify the owner of the property. If the PIN is unknown, it can be determined with a visit to Room 403 of the County Building located at 118 N Clark.

EITHER

1. Bring PIN to the lower level Recorder's Office-Tract Book Section and enter this into computer.
2. Computer will reveal the name of the Taxpayer of Recording with a document deed recorded.
3. Take the information to the Retrieval Vault across the hall from the Tract Book Section
4. Bring the Document # to microfilm room (next door). Fill out an order form and get the microfilm reel or jacket that contains the deed that you are seeking.
5. Pay fee (menu posted) and obtain a certified copy of the deed.

OR

(FEE REQUIRED)

1. Contact a title company with the PIN and request a copy of the last deed.

Plat Requirements

FOR THE CURRENT PLAT REQUIREMENTS
PLEASE FIND THEM ON SAME WEBPAGE AS APPLICATIONS, AT THE BOTTOM, CLICK
ON PLAT REQUIREMENTS

OR AT LINK

<http://www.cityofchicago.org/content/dam/city/depts/cdot/permit/general/2015%20Docs/PlatRequirements.pdf>

Attention: The below document must be reproduced on the applicant's letterhead, executed by same, and notarized:

DUTY TO BUILD AGREEMENT FOR CREATION OF A NEW ALLEY/STREET

In support of my current application with the Chicago Department of Transportation's Maps and Plats unit, for a dedication of my private property, I hereby state that I am the applicant or the company agent for the applicant company involved in the project, and that I have the authority to agree to the below terms of the dedication. Please initial:

_____ I am aware that I am responsible for the construction of all new public and private rights of way (streets, alleys, etc) described on the Plat of Subdivision/Dedication.

_____ I further understand that all rights of way (both public and private) must be built to City specifications as detailed in CDOT's Regulation for Openings, Construction and Repair in the Public Way.

_____ Lastly, I understand that construction deposits will be required to assure that the work is done correctly. An inspection will be conducted by the City upon completion of the work. The City of Chicago reserves the right to require demolition and reinstallation of any facilities that are judged to be sub par or that do not adhere to the City's standards.

Signed: _____ Date: _____

Printed name: _____ Title: _____

Organization: _____

Address: _____ Zip: _____

Phone/fax: _____ / _____

Email: _____

Notary:

FINAL APPLICATION CHECKLIST
NOT FOR PROFIT VACATION

- Letter from the respective alderman in support of your project (2 copies)
- Completed program application (2 copies)
- Application fee of \$350.00 (check made payable to Chicago Dept of Revenue) (1 copy)
- Economic Disclosure Statement form for the title holder, any sub companies, and individual owners; and an org chart depicting the relationships (2 copies)
- Current title policy showing PINs, legals, and ownership to ALL lots adjacent to the vacation. No tract searches or pro-forma titles. (2 copies)*
- Recorded quit claim deed from each non-applicant neighboring property owner, if applicable (2 copies)
- Recently certified copy of any land trusts (if applicable) naming the beneficiary (2 copies).
- Proof of 501C tax status and current good standing with the Illinois Secretary of State (1 copy)
- 1 copy of each: by laws or the organization, list of board of directors, and articles of incorporation or charter
- Full, quantified description of **secular** activities occurring on the site (2 copies)
- Certified copy of a plat of vacation (and dedication, if applicable) that complies with the current CDOT Plat Standards (attached) in 8.5x11 and larger sizes (1 copy each)
- Applicant letter (on letterhead) agreeing to pay for the appraisal of the land although the compensation will NOT be paid to the City under this program (2 copies)**
- If new development, submit proof of funding and proof of CDOT Review Committee approval. (A traffic study may be required)
- 8.5x11 diagram depicting the intended use of the area to be vacated (2 copies)
- Completed Duty to Build Agreement for any new dedications (if applicable)

*Any changes in ownership that occurred before the vacation has been recorded must be reported immediately, or the ordinance will be nullified. Changes before recording will cause delay.

** Please be aware that all appraisals are completed by MAI certified appraiser and range in cost from \$2,000 for small residential projects, to \$7,600 to the review