

**DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO**

**STREET AND ALLEY VACATION
PROGRAM**

INDUSTRIAL

2 NORTH LASALLE STREET, SUITE 950 CHICAGO, ILLINOIS 60602

Effective 10/1/2021

STREET & ALLEY VACATION PROGRAM: INDUSTRIAL

I. Program Intent

Chicago is a city of industrial and residential neighborhoods. Just as residential communities need appropriate public assistance to make them pleasant places in which to live, industrial areas require specific types of improvements to meet constantly evolving needs. Among its many amenities for industry, Chicago offers safe, functional, and attractive places in which to do business. Toward this end, the City has established the Industrial Vacation Program.

Under the Program, the City can (at no expense) confer ownership of streets and alleys to the existing industrial firms that are in operation on adjacent properties, provided that certain criteria and obligations are met by the beneficiary. Pending a successful utility reconfiguration, the vacated right of way can be utilized for plant expansion and modernization, employee parking, improved security, truck staging or other accessory uses that is likely to improve the operation of the participating firm.

The benefits of the Industrial Vacation Program are not realized by the participating industrial firms alone. The entire City profits by retaining jobs, expanding the property tax base; and reducing expenditures on maintenance, illegal dumping removal, and crime prevention.

II. Eligibility Guidelines

A. The applicant must be the owner of an operating industrial firm on a site that abuts the proposed vacation. Industrial firms are defined as those primarily engaged in one or more of the following activities:

1. Manufacturing, production, processing, assembly, fabricating, cleaning, servicing and repair of materials, goods or products, including but not limited to the following:

- a. Food products
- b. Tobacco products
- c. Apparel and other textile products
- d. Lumber and wood products
- e. Furniture and fixtures
- f. Paper and allied products
- g. Printed and published products
- h. Chemicals and allied products
- i. Petroleum and coal products
- j. Rubber and miscellaneous plastics

- k. Leather and leather products
 - l. Stone, clay and glass products
 - m. Primary metals
 - n. Fabricated metal products
 - o. Industrial machinery and equipment
 - p. Electronic and electric equipment
 - q. Instruments and tools
 - r. Computers, software and associated products
- 2. Transportation and wholesale trade, as distinguished from retail trade, of the materials, goods or products listed above.
 - 3. Research and development of prototypes and processes related to the activities listed above.
- B. The operating industrial firm must be located in an established, industrially Zoned area, and be engaged in an exclusively industrial use on the site. Planned Manufacturing Districts and Industrial Corridors are prioritized areas that are designated in a series of plans available from the City's planning department.
- C. The vacated right of way must be used exclusively for an active industrial activity or for an accessory activity that directly supports the existing use of the applicant's adjacent site by means of improved security, improved processing of materials and/or improved management of employees.
- D. The proposed vacation must not have a significant adverse effect on the security, accessibility or operations of nearby land uses; and must meet basic configuration criteria. Projects that propose to dead-end an alley or street in the middle of a block, turn out street traffic through an alley, vacate half the width of a street/alley, create an irregular right of way line, vacate air rights, or vacate right of way leading to a public amenity will not be granted.
- C. All other property owners (if any) abutting the proposed vacation area, and those deemed affected by the proposal, must concur in the vacation.

III. Program Requirements

- A. The beneficiary's property must be located in an area zoned for industrial use, adjacent to the area to be vacated, and actively engaged in an exclusively industrial qualified use. Projects that include an element of commercial or residential use will be processed under the Commercial/Residential Program.

- B. The beneficiary must pay all fees necessary to affect any utility relocation or adjustments, or otherwise remove the objections of the various Office of Underground Coordination (utility review board) agencies.
- C. The beneficiary must pay all fees associated with plat creation / review, title, appraisal (although this amount will not ultimately be paid to the City), recording, and other associated expenses necessary to assure the validity of the land conveyance and the restrictive covenant.

All plats must adhere to the most current plat requirements as available. Search “Chicago Maps and Plats” and see Plat Standards.

D. The beneficiary is responsible for constructing any new alley/street that may be necessitated by the vacation. This will be at its own expense, and built to City standards. Dedications will not be credited against the value of the vacation.

E. The beneficiary (or any subsequent industrial owner) must continue to maintain the vacated right of way in an industrial use, as specified in a 40 year restrictive covenant that will be recorded with the County Recorder of Deeds at the time of vacation. The beneficiary (or any subsequent owner) must notify the Department of Transportation in writing before attempting to change the vacated right of way to any non-industrial use. In such an event, a current appraisal will be completed to determine compensation due the City.

F. The beneficiary (and subsequent owners) must occupy the vacated right-of-way and the abutting property continuously. Failure to occupy the vacated right of way and the abutting property for a period of 12 consecutive months constitutes abandonment. Failure to secure the area, or to develop the site per the agreed upon plan, are also constitute grounds for reversion.

G. The beneficiary should understand that failure to comply with the above conditions and the restrictive covenant will allow the City to, at its option, 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 follow the attached checklist and return materials to:

CDOT/Division of Project Development
Public Way / Vacations Program
2 N. LaSalle Street, Suite 950
Chicago, IL 60602
312-744-4996

- B. Applications will be reviewed by the Department of Transportation, Division of Project Development to ensure that they meet basic design criteria and qualify under the program guidelines.
- C. Applications will be forwarded to the Office of Underground Coordination for review by its utility members. Comments will be sent to the beneficiary or her representative. The applicant will submit proof of mutually satisfactory negotiations with the involved utilities to our office within 90 days. The applicant is responsible for any fees to relocate and/or remove the equipment or structures.
- D. Upon completion of any required utility negotiations, an ordinance will be prepared by the Department of Transportation and forwarded to the City Council and the Committee on Transportation and the Public Way for public hearing, and approval.
- E. The beneficiary is given 180 days after the date of City Council passage of the ordinance to pay any required fees and record a certified copy of the ordinance with the Recorder of Deeds, accompanied by a covenant prepared by the Law Department that restricts the use of the vacated right of way to industrial purposes only.

PLEASE KEEP A COPY OF YOUR SUBMITTAL FOR YOUR FILES.

**APPLICATION
INDUSTRIAL VACATION**
(A nonrefundable application fee of \$2,000.00 will be invoiced to you)

1. Titleholder (if in trust, list business name): _____

Company Contact: _____ Phone/Fax: _____

Address: _____ Zip: _____

E-mail: _____

2. Other contact: _____

Company: _____ Phone/Fax: _____

Address: _____ Zip: _____

E-mail: _____

3. Describe the general location (include boundaries) and approximate number of square feet to be vacated (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., W. George St."): _____

Zoning: _____ Ward _____

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

5. Will the area be 1) used as a driveway? OR 2) built over?

6. What is the estimated cost to complete the proposed development that includes the area proposed for vacation? \$ _____

7. Description of industrial operation currently on applicant's property:

8. Size of applicant's current industrial operation in square feet _____

9. Employees: full-time _____ part-time _____ total _____

10. Length of time applicant has been at current address: _____

11. Length of time operating in Chicago (if different from above): _____

The below certifies that their site is being/will be used exclusively for industrial use; and that any zoning change, or ownership change that occur on the applicant's property, or that of any neighbor adjacent to the area to be vacated, will be reported promptly to the program manager prior to ordinance.

Owner Name
(printed): _____

Owner (not attorney) Signature:

_____ Date: _____

Notary:

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 plans indicating 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 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.

Instructions: This below document must be reproduced on the applicant's letterhead, initialed/executed by same, and notarized:

DUTY TO BUILD AGREEMENT FOR CREATION OF NEW STREET/ALLEY

In support of my current application with the Chicago Department of Transportation's Public Way unit, for a dedication of my private property for new public way, 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 AGREEMENT:

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

CDOT FILE: _____

_____ I further understand that all rights of way being dedicated must be built to standard City specifications as detailed in the most current version of CDOT's Regulation for Openings, Construction and Repair in the Public Way; with lighting in the public way designed and approved in accordance with the CDOT Electrical Design Standards both of which are shown at the CDOT Maps and Plats website.

_____ 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: _____ Date: _____

Printed name: _____ Title: _____

Organization: _____

Address with Zip: _____

Phone / Fax: _____

Email: _____

Notary:

FINAL APPLICATION CHECKLIST

INDUSTRIAL VACATION

Please submit the following in a single package with the correct number of copies.

Original documents are not required. Substantially incomplete packages will be returned.

- Completed program application (3 copies)
- An invoice for the application fee of \$2,000 will be sent to you
- Be aware that Economic Disclosure forms will be requested electronically by the Law Department prior to legislation. Send no documents now.
- Letter from applicant (on letterhead) agreeing to pay for the appraisal of the land (although no compensation will be required under this program) and the legal fees associated with plat review.
- Current and complete title policy showing PINs, legals and ownership to ALL lots adjacent to the vacation*. No tract searches or pro-forma titles will be accepted.
- Recorded quit claim deed/from each non-applicant neighboring property owner (if applicable)
- Proof of ownership for any neighbors submitting quit claim deeds or Consent to Vacation forms *(these documents can be obtained through the neighbor, or obtained by the applicant through public information means
- Recently certified copy of any land trusts (if applicable) naming the beneficiary. You will need to re-certify again later.
- Fully dimensioned and legible site plan
- Certified copy of plat of vacation &/or plat of dedication that complies with the current CDOT Plat Standards (1 8.5x11, and 1 11x17 or full sized). Plat standards are available at: <http://chicago.gov/MapsAndPlats>
- Duty to Build Agreement if project includes a new dedication (if applicable)
- Phase I Environmental Site Assessment (ESA) conducted in accordance with ASTM E1527-13 standards and conducted/dated within 180 days of the application (ONLY where new public way is being dedicated)

* Any changes in ownership that occur before the vacation has been recorded must be reported immediately, or the ordinance will be nullified and delays incurred.

** Please be aware that all appraisals are completed by MAI certified appraisers and average in cost from \$2000 for small residential projects, to \$10,000 for large complexes