

CHICAGO DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT DIVISION

RIGHT OF WAY OPENING PROGRAM
FOR CITY OF CHICAGO DEPARTMENTS

2 North LaSalle Street, Suite 950
Chicago, IL 60602

Revised 5/31/2024

OPENING PROGRAM FOR CITY DEPARTMENTS

A. PROGRAM INTENT

The Department of Transportation may from time to time establish new streets and alleys as needed to serve the changing needs of the public. Examples of this program include street widenings or converting a lot into a streetscapes plaza.

The process of legally opening public way involves converting City-owned lots of record into right-of-way by removing the taxable PINs associated with the property. The configuration of such openings is at the sole discretion of the Chicago Department of Transportation.

After City Council consideration and approval, the requesting City department is then responsible for constructing the resulting new right-of-way area.

B. ELIGIBILITY GUIDELINES

The petitioning City department must be a City of Chicago department and the land must be owned by the City of Chicago in order to be opened as right-of-way. Note: other City agencies (ex: CHA, CPD, CTA) may also establish right-of-way, however this must be done through the Subdivision/Dedication Program.

C. PROGRAM REQUIREMENTS

1. The proposed opening must not have a significant adverse effect on the security, accessibility, or operations of nearby land uses.
2. CDOT will review the application to ensure that it qualifies under the program guidelines. CDOT reserves the right to reject proposals that are not judged to be in the public's best interest, or that are deemed contrary to the Department's mission.
3. The petitioning City department must pay all fees necessary to complete any utility relocations, removals, or otherwise resolve the objections as requested by the Office of Underground Coordination (OUC) [member agencies](#). Alternatively, the petitioner may opt to leave utilities in place.
4. The petitioning City department must pay all fees associated with plat creation and review, survey work, title work, recording, and any other associated expenses necessary to ensure the success of the right-of-way opening.
5. The petitioning City department must construct any newly opened right-of-way or show evidence of CDOT agreement to construct, or pay for the construction, of the same.

D. APPLICATIONS AND REVIEW

Applications will be reviewed in the order they are received. Application materials should be submitted to:

CDOT - Project Development Division
Attn: Public Way Unit
2 N. LaSalle St, Suite 950
Chicago, IL 60602

Projects are completed in four phases, as outlined below.

1. PHASE 1: INITIAL PROGRAM REVIEW

Initial review of application materials will be conducted by CDOT program managers to ensure that the proposed project qualifies under the program guidelines. At this time the petitioning City department will be assigned a CDOT manager and a CDOT file number. Please keep a copy of your submission in your files.

2. PHASE 2: AGENCY REVIEW

If the proposal is deemed acceptable by the CDOT manager, the project will be submitted to the Office of the Underground Coordination (OUC) for review by member entities with interest and/or facilities in the right-of-way. Once comments are received from the member entities, they will be provided to the petitioning City department. The petitioner will then have 90 days to coordinate, resolve, and submit proof of mutually satisfactory negotiations with any involved member entities, which may include allowing utilities to remain in place. Obligations shall be summarized in a Resolution Letter that will be used in the ordinance to effectuate the opening.

3. PHASE 3: LEGISLATION

In preparation for City Council review, CDOT will work with the petitioner to finalize the plat(s) and review and provide any comments on the draft ordinance. After initial introduction at City Council, the project will be referred to the Transportation and Public Way Committee for review. At this time, applicants must (re)familiarize the local Alderman with the project and appear at the Transportation Committee to present the project. If passed by the Transportation Committee, the ordinance proceeds to full Council for the final vote and passage. 30 days after the ordinance is passed by City Council, the legislation is published by the City Council Journal, making it law. Recall that Closure ordinances and plats are not recorded.

4. PHASE 4: RECORDING

30 days after the ordinance is passed by City Council, the legislation is published by the City Council Journal, making it law. Only legislation that has been published in the Journal can begin the recording process. Prior to recording the final documents, any construction, utility, or related fees must be paid. Once payments are received, the CDOT manager will provide a certified copy of the ordinance to the petitioner. The petitioner will record the ordinance with the Cook County Recorder's Office. The ordinance is valid for 180 days following the date of City Council passage, during which the petitioner must complete any payments and record the required documents. Applicants can expect approximately 10 months from CDOT's receipt of a complete application package to final processing of the project.

**APPLICATION FORM
OPENING PROGRAM FOR CITY DEPARTMENTS**

Contact Info

Titleholder: _____
Department Contact: _____
Phone/Fax: _____
Address (City, State, Zip): _____
Email: _____

Secondary Contact

Name: _____
Company: _____
Phone/Fax: _____
Address (City, State, Zip): _____
Email: _____

Note: Full contact information for two project representatives is required.

Project Location:

General location with boundaries (ex: "S. Smith St between W. Riley St & W. George St" 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: _____

Description of Intended Use:

Instructions: If an accompanying dedication will be required to complete the opening, the text below must be reproduced on the applicant's letterhead, initialed/executed by the applicant, and notarized.

DUTY TO BUILD AGREEMENT

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 involved in the property, and that I have the authority to agree to the below terms of the dedication.

Initial

_____ 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 Opening associated with CDOT File No (to be added by CDOT later): _____

_____ 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 included on 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 subpar or that do not adhere to the City's standards.

Signed: _____ Date: _____

Printed Name: _____ Title: _____

Full Address: _____

Organization Name: _____

Phone: _____ Fax: _____

Email: _____

Notary:

APPLICATION CHECKLIST OPENING PROGRAM FOR CITY DEPARTMENTS

Note: Please submit the following in a single package. Original documents are not required.

Project Overview:

- Completed 1-Page Application Form for Opening program (2 copies)
- A memo from the head of the petitioning City department requesting the opening and explaining the need for the proposal, and agreeing to pay for legal fees associated with plat review (2 copies)

Ownership Documentation:

- Current title policy showing PINs, legal descriptions of land, and ownership to ALL lots adjacent to the proposed vacation. Title should be no more than 1 year old. Tract searches and pro-forma titles are not acceptable. (1 copy of each document)
- If applicant doesn't have ownership to all lots adjacent to the proposed vacation, provide recorded Quit Claim Deed(s) and proof of ownership from each adjacent property owner OR file a co-application. (1 copy of each document)
- If the land is held in trust, provide current certified copies of any land trusts naming the beneficiary. (1 copy of each document)

Note: any changes in ownership that occur during the right-of-way opening process must be reported to the CDOT Program Manager immediately or the ordinance will be nullified.

Design Proposal:

- Certified copy of a plat of opening that adheres to the [Plat Requirements](#) in three different sizes: 8.5x11 (1 copy), 11x17 (1 copy), and full-size (1 copy)
- 8.5x11 site plan depicting the intended use of the area to be vacated (1 copy)
- If the proposal is part of a Planned Development project, or an amendment to a Planned Development, it must be reviewed by the CDOT Plan Review Committee (PRC) and meet applicable [PRC guidelines](#). Note a traffic study may be required. Provide PRC approval and proof of funding (1 copy)

Dedications:

- Duty to Build Agreement, executed and notarized on applicant's letterhead, or other commitment regarding how the project will be funded and constructed (1 copy)
- Phase 1 Environmental Site Assessment (ESA) conducted in accordance with ASTM E1527-13 standards and dated within 180 days of application is required, but CDOT will request the ESA electronically (**no hard copies required**)