

CHICAGO DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT DIVISION

STREET AND ALLEY VACATION PROGRAM
FOR INDUSTRIAL USE

2 North LaSalle Street, Suite 950
Chicago, IL 60602

Revised 5/31/2024

STREET AND ALLEY VACATION PROGRAM – INDUSTRIAL USE

A. PROGRAM INTENT

Chicago is a city of industrial and residential neighborhoods. Just as residential communities require appropriate public assistance to help them become 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 established this program to address the needs of the industrial community.

Under the Street and Alley Vacation Program for Industrial Use, the City can confer ownership of streets and alleys to existing industrial operations that exist on properties adjacent to the right-of-way, provided that certain criteria and obligations are met by the applicant. Pending any required 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 are likely to improve the operations of the participating entity. Applicants will pay processing and relocation fees (if required) only; the land itself will be conveyed at no cost.

The benefits of this program are not realized by the industrial users alone; the entire city benefits with job retention, an expanded property tax base, and reduced expenditures on maintenance, illegal dumping removal, and crime prevention.

B. ELIGIBILITY GUIDELINES

1. The applicant must be the owner of an operating industrial company on a site that abuts the proposed vacation. Industrial companies are defined as those primarily engaged in one or more of the following activities:
 - i. Manufacturing, production, processing, assembly, fabrication, 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
 - ii. Transportation and wholesale trade (as distinguished from retail trade) of the materials, goods, or products listed above.
 - iii. Research and development of prototypes and processes related to the activities listed above.
2. The operating industrial company must be located in an established, industrially zoned area, and be engaged in an **exclusively** industrial use on the site. Planning Manufacturing Districts and Industrial Corridors are prioritized areas that are designated for industrial use in a number of plans available from the City's planning department.
 3. 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.
 4. If there are multiple property owners abutting the vacation area, or deemed to be affected by the proposal, all owners must concur and participate in the vacation process via quit claim or co-application.

C. PROGRAM REQUIREMENTS

General Requirements:

1. The applicant'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 any element of commercial or residential use will need to be processed under the Street and Alley Vacation Program for Commercial/Residential Use.** Industrial program applicants may opt to apply under the commercial use program if they would prefer to purchase the land outright (without the industrial covenant restriction).
2. The proposed vacation must not have a significant adverse effect on the security, accessibility, or operations of nearby land uses. Projects must meet basic configuration criteria; configurations that propose to dead-end an alley

or street mid-block, reroute street traffic through an alley, vacate half the width of a street/alley, create an irregular right-of-way line or superlot, vacate air rights, or vacate right-of-way leading to a public amenity will not be granted. 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 applicant 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](#). This may also include the granting of easements for access by the utility to its equipment (which will be handled by the City).
4. The applicant must pay all fees associated with application, plat creation and review, survey work, title work, land appraisals (although the resulting valuation will not ultimately be paid to the City), recording, and any other associated expenses necessary to ensure the success of the land conveyance.
5. If dedication of any new right-of-way (street or alley) is necessitated by the proposed vacation configuration, the applicant will be responsible for building the new right-of-way to current [City standards](#), at their own expense. (Applicants will be advised if a dedication of new right-of-way is necessary for their project.)

Requirements Specific to Industrial Applicants:

6. The applicant must agree to and complete the required restrictive covenant. The restrictive covenant limits use of the vacated right-of-way to exclusively industrial purposes in perpetuity (unless the applicant reapplies for a Release of Covenant, see section 7 below) that allows the City to retake the land if violated. The restrictive covenant must be recorded along with the ordinance with the Cook County Recorder's Office at the time of the vacation.
7. If an applicant would like to utilize the vacated right-of-way with non-industrial uses, they must notify CDOT in writing before adding any other uses (ex: commercial or residential). In such an event, a current appraisal will be completed to determine compensation due to the City, and a release will be produced upon payment and ordinance recording.
8. The applicant must occupy and maintain 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.

9. The applicant 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.

D. APPLICATIONS AND REVIEW

Applications will be reviewed in the order they are received. Application materials should be mailed 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 and meets basic configuration criteria. At this time you will be assigned a CDOT manager, a CDOT file number, and will receive an invoice for the \$2,000 non-refundable application fee. Please keep a copy of your submission in your files. Note: CDOT reserves the right to reject any application not meeting the burden of documentation, program and/or configuration criteria, or not judged to be in the best interest of the City.

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 applicant. The applicant will then have 90 days to coordinate, resolve, and submit proof of mutually satisfactory negotiations with any involved member entities. Obligations shall be summarized in a Resolution Letter that will be used in the ordinance to effectuate the vacation.

3. PHASE 3: LEGISLATION

In preparation for City Council review, CDOT will work with applicants to finalize the plat(s), submit their Electronic Disclosure Statement to the Law Department, and review and provide any comments on the draft ordinance. After initial introduction at City Council, an appraisal will be ordered by the Law Department (appraiser fee paid for by applicant, but **payment of the**

appraised amount is waived for industrial applicants in the restrictive covenant program). 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.

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 by the applicant. Once payments are received, the CDOT manager will provide a certified copy of the ordinance to the applicant. The applicant will record the ordinance and accompanying Restrictive Covenant, which restricts the use of the vacated right-of-way, with the Cook County Recorder's Office. The ordinance is valid for 180 days following the date of City Council passage, during which the applicant 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
STREET AND ALLEY VACATION PROGRAM - INDUSTRIAL USE**

Main Contact

Name on Title (if a trust, list company name):

Company Contact:

Phone/Fax:

Address (City, State, Zip):

Email:

Secondary Contact (typically Applicant Representative or Counsel)

Name:

Company:

Phone/Fax:

Address (City, State, Zip):

Email:

Purchaser Contact (only required if land is being sold and buyer is leading application)

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:

Will the vacated street/alley be 1) used a driveway or 2) built over:

Estimated cost to the applicant to develop the overall site (including the area proposed for vacation):

Proposed square footage of new construction:

Current Operations:

Size of applicant's current operation in square feet:

Number of Employees: full-time part-time total

Length of time applicant has been at current address:

Length of time applicant has been operating in Chicago (if different than above):

Signature below certifies that any zoning change or ownership change (that occurs on the applicant's property or any neighbor adjacent to the area to be vacated) will be promptly reported to the CDOT program manager prior to ordinance.

Applicant's Name:

Applicant's Signature:

Date:

Notary:

Instructions: If an accompanying dedication will be required to complete the vacation, 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 Vacation/Dedication 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

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Note: Please submit the following in a single package. Original documents are not required. If the file is opened and subsequently closed due to inactivity (i.e.: after three attempts by CDOT to complete the file), a reapplication fee will be assessed.

Project Overview:

- Completed 2-Page Application Form for applicable program (2 copies)
- \$2000 non-refundable application fee will be invoiced after receipt of application
(no fee payment shall be submitted with initial application materials)

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 vacation/dedication process must be reported to the CDOT Program Manager immediately or the ordinance will be nullified.

Design Proposal:

- Certified copy of a plat of vacation 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:

If the proposal requires a new dedication of public way, also include:

- Duty to Build Agreement, executed and notarized on applicant's letterhead (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)**