

CHICAGO DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT DIVISION

LONG-TERM EASEMENT PROGRAM

ROWAP@cityofchicago.org

2 North LaSalle Street, Suite 950

Chicago, IL 60602

Revised 12/6/2024

LONG-TERM EASEMENT PROGRAM

A. PROGRAM INTENT

There may be instances where the public interest is best served by permitting the construction of pedestrian bridges, tunnels, or other access rights, over or under public rights-of-way. In these instances, a long-term public way easement agreement may be granted. Such projects may support not-for-profit organizations—such as hospitals, educational institutions, and philanthropic entities—or provide broader infrastructure benefits, such as separating high-volume pedestrian areas from vehicular traffic, or offering shelter from inclement weather. By permitting these structures, the City facilitates community benefits while safeguarding its investment in long-term infrastructure. The long-term easement program does not involve the permanent conveyance of City-owned land.

For long-term easements granted to for-profit organizations, the City will hire an independent third-party appraiser to determine the fair market value of the easement, and the for-profit organization will be required to pay the compensation amount determined by the appraiser. For long-term easements granted to not-for-profit organizations that meet the criteria outlined in the application form, the fair market value payment will be waived.

Please note, in either instance, the placement of advertising, including logos or other promotional materials, on above-ground structures is strictly prohibited.

B. ELIGIBILITY GUIDELINES (ONLY APPLICABLE TO NOT-FOR-PROFITS)

1. The applicant must be the Board of Trustees or other governing authority of an operating non-for-profit corporation.
2. Applicant organizations must submit a letter from IRS granting or confirming current 501c standing, and current good standing of the organization with the Illinois Secretary of State.
3. Intended use of the adjacent properties and the easement area must be **exclusively** charitable, educational, or social. Projects that propose any element of commercial or residential use (or leasing for those uses) will be processed under the terms of the Street and Alley Vacation Program for Commercial/Residential Use.
4. 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 proposed for vacation. For new development projects, proof of funding will be required.

5. The proposed use of the right-of-way for which the easement is being considered must be used exclusively and directly to support secular, charitable activities currently conducted by the applicant for the benefit of the community. Examples of these might include: building expansion to serve a larger number of clients, installation of loading docks to improve means of distributing materials to the public, construction of vehicular or bicycle parking facilities to serve clients and employees, or similar activities that conform to the Chicago Zoning Ordinance.

C. PROGRAM REQUIREMENTS

1. The applicant's property must be located in an area zoned for the proposed use and be adjacent to the easement area.
2. The proposed easement area must not have an adverse effect on the security, accessibility, or operations of nearby users, or affect City access, traffic flow, or utilities at or below grade. Projects must meet basic configuration requirements. Projects that propose to move vehicles across a bridge, hang excessively low, take a less-than-direct route over the public way, construct structures that require support in the public way (i.e.: non clear-span structures), construct bridges over arterial streets, involve leasing the structure of the adjacent lots to others, or that include using the structure for advertising purposes, 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 the application, including those associated with plat creation and review, survey work, title work, land appraisals, recording, and any other associated expenses necessary to ensure the success of the land conveyance.
5. The applicant assumes responsibility for all materials located within the approved easement area, as specified in the Easement Agreement that must be recorded along with the ordinance, with the County Recorder of Deeds.
6. The applicant must accomplish the agreed upon plan and occupy and maintain the easement area 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 void the easement, demand compensation from the applicant and/or demolish the structure at the applicant's expense. The lack of company property on site, continuous use,

adequate maintenance, and/or company signage on the site will constitute abandonment. Failure to secure the area, and failure to develop the site per the agreed upon plan, will also serve as grounds to invalidate the easement.

7. The applicant should understand that failure to comply with the above conditions and those set forth in the Easement Agreement will allow the City, at its option, to invalidate the easement, or require the owner to pay fair market value in order to release the Easement Agreement.

D. APPLICATIONS AND REVIEW

Applications will be reviewed in the order they are received. **Application materials should be submitted electronically to:** ROWAP@cityofchicago.org.

Please attach each submittal file as an individual PDF and include in subject line “New Application Submittal.”

The applicant shall also mail or deliver (1) copy of the **full-sized plat** to:

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

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.

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 easement.

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. In the case of for-profit easements, after initial introduction at City Council, an appraisal will be ordered by the Law Department (appraiser fee paid for by applicant) and applicants will be required to submit a letter consenting to pay the appraised value prior to returning to City Council for the Transportation and Public Way Committee meeting. 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, the appraised value must be paid by the applicant (for-profit projects), as well as any additional construction or related fees. Once payments are received, the CDOT manager will provide a certified copy of the ordinance to the applicant. The applicant 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 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
LONG-TERM EASEMENT PROGRAM**

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 easement area be built above or below grade?

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

Size of applicant's current/planned operation in square feet:

Number of Employees: full-time part-time total

Length of time applicant has been at current address:

For not-for-profit applicants:

The below certifies that the easement area will be used **exclusively** for not-for-profit uses. Projects with any commercial or market residential components must be processed under the for-profit guidelines.

For ALL applicants:

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:

APPLICATION CHECKLIST LONG-TERM EASEMENT PROGRAM

Note: All application materials should be submitted electronically, except for the full-sized plat(s). Original documents are not required.

Project Overview:

- Completed 2-Page Application Form for applicable program
- \$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 easement area. Title should be no more than 1 year old. Tract searches and pro-forma titles are not acceptable.
- If applicant doesn't have ownership to all lots adjacent to the proposed easement area, provide recorded Quit Claim Deed(s) and proof of ownership from each adjacent property owner OR each adjacent owner shall file a co-application.
- If the land is held in trust, provide current certified copies of any land trusts naming the beneficiary.

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

Not for Profit Eligibility (ONLY IF APPLICABLE):

- Proof of 501C tax status and current good standing with the Illinois Secretary of State
- Articles of incorporation
- Bylaws of the organization
- List of Board of Directors
- Full, quantified description of **secular** activities occurring on the site

Design Proposal:

- Certified copy of a plat of easement that adheres to the [Plat Requirements](#) in three different sizes: 8.5x11, 11x17, and full-size (exact size of "full-size" to be determined by the surveyor to provide legibility)
- 8.5x11 site plan depicting the intended use of the area to be vacated
- 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

Agreements:

- Obligatory Maintenance and Indemnification Agreement