



City of Chicago



O2015-8425

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 11/18/2015

Sponsor(s): Emanuel (Mayor)

Type: Ordinance

Title: Extension of previously right of entry for decommissioned
12th District Police Station at 100 S Racine Ave

Committee(s) Assignment: Committee on Housing and Real Estate

ORDINANCE

WHEREAS, the City of Chicago (the "City") is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, and as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City is the owner of the decommissioned 12th District Police Station building and surrounding grounds located at 100 South Racine Avenue, Chicago, Cook County, Illinois (the "Property"); and

WHEREAS, by ordinance adopted on May 6, 2015, and published at pages 108379-108436 in the Journal of the Proceedings of the City Council of the City of such date, the City Council of the City ("City Council") authorized the conveyance of the Property to the Chicago Children's Theatre, an Illinois not-for-profit corporation (the "Developer"); and

WHEREAS, the Developer proposes to rehabilitate and develop the Property to include two theaters, classrooms, support spaces, administrative offices, and underground parking; and

WHEREAS, the Developer and the City anticipate that the conveyance of the Property will be completed in early 2016; and

WHEREAS, the Developer wishes to begin remediation work on the Property prior to the completion of the conveyance of the Property; and

WHEREAS, the Developer has hired Pepper Environmental Technologies, Inc., an Illinois corporation (the "Licensee"), to conduct remediation work at the Property; and

WHEREAS, pursuant to Section 2-51-050(I) of the Municipal Code of Chicago, the Commissioner of the Department of Fleet and Facility Management has the authority to enter into right of entry agreements for up to 90 days each; and

WHEREAS, the City and Licensee have entered into a right of entry agreement to begin remediation work at the Property (the "Right of Entry Agreement"); and

WHEREAS, it is anticipated that Licensee's remediation work will require more than 90 days; and

WHEREAS, pursuant to Section 2-51-050(I) of the Municipal Code of Chicago, City Council approval is required to extend the Right of Entry Agreement for 90 days beyond the initial 90 day term; *now, therefore,*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. The Commissioner of the Department of Fleet and Facility Management is authorized to execute an amendment to the Right of Entry Agreement to extend the term by 90 days; such amendment to be approved as to form and legality by the Corporation Counsel in substantially the form attached hereto as Exhibit A.

SECTION 3. This ordinance shall take effect immediately upon its passage and approval.

EXHIBIT A

Amendment to Right of Entry Agreement

AMENDMENT TO RIGHT OF ENTRY AGREEMENT

THIS AMENDMENT TO RIGHT OF ENTRY AGREEMENT (the "Amendment") is made and effective as of _____, 2015 by and between CITY OF CHICAGO, an Illinois municipal corporation and home rule unit of government (the "City") and PEPPER ENVIRONMENTAL TECHNOLOGIES, INC., an Illinois corporation (the "Licensee").

RECITALS

WHEREAS, on October 15, 2015, City and Licensee executed that certain Right of Entry Agreement (the "Agreement") governing Licensee's access to 100 South Racine Avenue, Chicago, Illinois (the "Property"); and

WHEREAS, the Term of the Agreement expires January 3, 2016, and Licensee requires more time to complete the remediation work contemplated under the Agreement; and

WHEREAS, by ordinance adopted on _____, 2015, and published at pages _____ - _____ in the Journal of the Proceedings of the City Council of the City of such date, the City Council authorized the extension of the Term of the Agreement by 90 days.

NOW THEREFORE, in consideration of the above recitals, and the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The foregoing recitals are hereby incorporated into and made a part of this Amendment by this reference.
2. The Term of the Agreement is hereby extended by ninety (90) days.
3. If any term, provision or condition of this Amendment is found to be or is rendered invalid or unenforceable, it shall not affect the remaining terms, provisions and conditions of this Amendment, and each and every other term, provision and condition of this Amendment shall be valid and enforceable to the fullest extent permitted by law.
4. This Amendment shall be governed, construed, applied and enforced in accordance with the laws of the State of Illinois.
5. This Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of such counterparts shall together constitute one Amendment.
6. City and Licensee further acknowledge and agree that, except to the extent hereinabove provided, the provisions of the Agreement remain unmodified and in full force and effect. This Amendment is hereby attached and made part of the Agreement and is specifically incorporated into the Agreement. To the extent any terms and provisions of this Amendment are inconsistent with the terms and provisions of the Agreement, the terms and provisions of this Amendment shall prevail.

IN WITNESS WHEREOF, the parties have executed this Amendment to the Agreement as of the day and year first above written.

CITY OF CHICAGO,

an Illinois municipal corporation and home rule unit of government

By: _____
Commissioner
Department of Fleet and Facility Management

By: _____
Commissioner
Department of Planning and Development

PEPPER ENVIRONMENTAL TECHNOLOGIES, INC.,

an Illinois corporation

By: _____

Print Name: _____

Title: _____

Approved as to form and legality:

Deputy Corporation Counsel
Department of Law

HSG-



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

November 18, 2015

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Fleet and Facility Management, I transmit herewith an ordinance authorizing an extension of a previously executed right-of-entry agreement.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor



JOSEPH A. MOORE

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**CITY COUNCIL
CITY OF CHICAGO**

COUNCIL CHAMBER

CITY HALL, ROOM 200
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COMMITTEE MEMBERSHIPS

HOUSING AND REAL ESTATE
CHAIRMAN

BUDGET AND GOVERNMENT OPERATIONS

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FINANCE

HEALTH AND ENVIRONMENTAL PROTECTION

HUMAN RELATIONS

SPECIAL EVENTS, CULTURAL AFFAIRS AND RECREATION

December 9, 2015

To the President and Members of the City Council:

Your Committee on Housing and Real Estate, for which a meeting was held on December 7, 2015, having had under consideration the appointment introduced by Mayor Rahm Emanuel on November 18, 2015, this being the extension of a right-of-entry agreement with the Chicago Housing Authority for 100 S. Racine Ave., begs leave to recommend that Your Honorable Body Approve said appointment transmitted herewith.

This recommendation was concurred in by a voice vote of all committee members present with no dissenting votes.

Respectfully submitted,

Joseph A. Moore, Chairman
Committee on Housing and Real Estate



APPROVED
Kevin Emanuel
Mayor
12/23/15

APPROVED
Ralph N. Allen
CORPORATION COUNSEL