



City of Chicago



O2014-8638

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	10/8/2014
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	First amendment to intergovernmental agreement with Public Building Commission for construction of Lindbloom Math and Science Academy parking lot
Committee(s) Assignment:	Committee on Finance

FIN.



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

October 8, 2014

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

Ladies and Gentlemen:

At the request of the Public Building Commission, I transmit herewith an ordinance authorizing the execution of an intergovernmental agreement for Lindbloom Math and Science Academy.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor



1922

ORDINANCE

WHEREAS, the City of Chicago (the "City") is a home rule unit of local government under the 1970 Constitution of the State of Illinois and has the authority to promote the health, safety and welfare of its inhabitants, to furnish essential governmental services through its various departments and agencies and to enter into contractual agreements with units of local government for the purpose of achieving the aforesaid objectives; and

WHEREAS, on March 18, 1956, the City Council of the City (the "City Council") created the Public Building Commission of Chicago (the "Commission"), an Illinois municipal corporation, pursuant to the Public Building Commission Act of the State of Illinois (the "Act") for the purpose of facilitating the funding, acquiring and constructing of public buildings, improvements and facilities for use by local public agencies in the furnishing of essential governmental services; and

WHEREAS, the Commission is authorized and empowered by the Act to acquire fee simple title to real property, including easements and reversionary interests in streets, alleys and other public places, by purchase or the exercise of eminent domain, for public improvements in an area or areas that have been selected, located and approved by the governing bodies of the City and the Commission; and

WHEREAS, the Commission has heretofore undertaken the acquisition, construction, alteration, repair, renovation, rehabilitation and equipping of buildings and facilities for use by various public bodies including the City, the Board of Education of the City of Chicago (the "Board"), the Chicago Park District, and the Board of Trustees of Community College District No. 508, County of Cook and State of Illinois; and

WHEREAS, at the request of the City, acting through the Department of Planning and Development ("DPD"), the Commission by Resolution Number 7964 adopted on September 10, 2013 (the "Site Designation Resolution"), selected, located and designated several properties from 6100 through 6158 South Winchester Avenue (the "Site") for acquisition and construction

(including development of the scope, schedule, budget and conceptual design drawings) of a parking facility and ancillary improvements to serve the Board's Lindblom Math and Science Academy (the "Project"); and

WHEREAS, pursuant to an ordinance adopted by the City Council on November 13, 2013 (the "Ordinance"), on January 15, 2014, the City and the Commission entered into that certain Intergovernmental Agreement between the City of Chicago and the Public Building Commission of Chicago (Lindblom Math and Science Academy Parking Lot Project) (the "Agreement") for the Commission to coordinate and manage the planning, design and construction of the Project on behalf of the City; and

WHEREAS, the City is authorized under the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/1-74.4-1 *et seq.*, as amended from time to time (the "TIF Act"), to finance projects that eradicate blight conditions and conservation factors that could lead to blight through the use of tax increment allocation financing for redevelopment projects; and

WHEREAS, to induce certain redevelopment pursuant to the TIF Act, in accordance with the provisions of the TIF Act, pursuant to ordinances adopted on March 29, 2006, the City Council: (1) approved and adopted a redevelopment plan for the 63rd/Ashland Redevelopment Project Area ("Redevelopment Plan"); (2) designated the 63rd/Ashland Redevelopment Project Area (the "Redevelopment Area") as a "redevelopment project area" pursuant to the Tax Increment Allocation Redevelopment Act; and (3) adopted tax increment allocation financing for the 63rd/Ashland Redevelopment Project Area (the "TIF Adoption Ordinance") (items(1)-(3) collectively referred to herein as the "TIF Ordinances"); and

WHEREAS, the Site lies wholly within the boundaries of the Redevelopment Area; and

WHEREAS, under the TIF Act, such incremental ad valorem taxes which pursuant to the TIF Act have been collected and are allocated to pay redevelopment project costs and obligations incurred in the payment thereof ("Increment") may be used, among other purposes,

to pay the cost of public works and improvements as well as to acquire and construct public facilities, as contemplated in a redevelopment plan, and obligations relating thereto; and

WHEREAS, pursuant to the Ordinance and the Agreement, the City made available to the Commission a portion of the Increment from the Redevelopment Area in an amount not to exceed \$500,000 for the purpose of providing a portion of the funds required for the acquisition of the Site and construction of the Project in the Redevelopment Area; and

WHEREAS, the Redevelopment Plan contemplates that tax increment financing assistance would be provided for the acquisition of real property for, and the construction thereon of public improvements, such as the Project, within the boundaries of the Redevelopment Area; and

WHEREAS, pursuant to Section 2.2 of the Agreement, the Commission and the City have agreed upon an Undertaking Budget reflecting changes in the Project cost after the competitive bidding process; and

WHEREAS, pursuant to the Intergovernmental Cooperation Act of the State of Illinois and Section 12.1 of the Agreement, the City has determined that it is necessary, desirable and in the public interest to enter into an amendment to the Agreement in substantially the form attached hereto as Exhibit 1 (the "Amendment") in order to increase the amount of Increment from the Redevelopment Area available to the Commission for the purpose of acquiring the Site and constructing the Project to not to exceed \$2,468,000 now, therefore,

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

Section 1. The recitals of this ordinance are hereby incorporated into this text as if set out herein in full.

Section 2. The DPD Commissioner and the Budget Director are each hereby authorized to execute, *subject to the review of the Corporation Counsel as to form and legality*, the Amendment and such other documents as are necessary, between the City and the Commission, which may contain such other terms as are deemed necessary or appropriate by

the parties executing the same on the part of the City.

Section 3. The DPD Commissioner, the Budget Director and their respective designees are each authorized to execute such additional documents, information, assurances and certifications and to take such additional actions in connection with the Project as may be necessary or required pursuant to the Amendment as contemplated therein.

Section 4. To the extent that any ordinance, resolution, rule, order or provision of the Municipal Code of Chicago, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall be controlling. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

Section 5. This ordinance shall take effect upon its passage and approval.

EXHIBIT 1

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF CHICAGO AND THE PUBLIC BUILDING COMMISSION OF CHICAGO
(LINDBLOM MATH AND SCIENCE ACADEMY PARKING LOT)

This First Amendment to Intergovernmental Agreement (the "Amendment"), dated as of _____, 2014 is made by and between the City of Chicago, an Illinois municipal corporation, having its principal offices at City Hall, 121 North LaSalle Street, Chicago, Illinois 60602 (the "City"), and the Public Building Commission of Chicago, an Illinois municipal corporation, having its offices at the Richard J. Daley Center, Room 200, Chicago, Illinois 60602 (the "Commission").

RECITALS

WHEREAS, the City of Chicago (the "City") is a home rule unit of local government under the 1970 Constitution of the State of Illinois and has the authority to promote the health, safety and welfare of its inhabitants, to furnish essential governmental services through its various departments and agencies and to enter into contractual agreements with units of local government for the purpose of achieving the aforesaid objectives; and

WHEREAS, on March 18, 1956, the City Council of the City (the "City Council") created the Public Building Commission of Chicago (the "Commission"), an Illinois municipal corporation, pursuant to the Public Building Commission Act of the State of Illinois (the "Act") for the purpose of facilitating the funding, acquiring and constructing of public buildings, improvements and facilities for use by local public agencies in the furnishing of essential governmental services; and

WHEREAS, the Commission is authorized and empowered by the Act to acquire fee simple title to real property, including easements and reversionary interests in streets, alleys and other public places, by purchase or the exercise of eminent domain, for public improvements in an area or areas that have been selected, located and approved by the governing bodies of the City and the Commission; and

WHEREAS, the Commission has heretofore undertaken the acquisition, construction, alteration, repair, renovation, rehabilitation and equipping of buildings and facilities for use by various public bodies including the City, the Board of Education of the City of Chicago (the "Board"), the Chicago Park District, and the Board of Trustees of Community College District No. 508, County of Cook and State of Illinois; and

WHEREAS, at the request of the City, acting through the Department of Planning and Development ("DPD"), the Commission by Resolution Number 7964 adopted on September 10, 2013 (the "Site Designation Resolution"), selected, located and designated several properties from 6100 through 6158 South Winchester Avenue (the "Site") for acquisition and construction (including development of the scope, schedule, budget and conceptual design drawings) of a parking facility and ancillary improvements to serve the Board's Lindblom Math and Science Academy (the "Project"); and

WHEREAS, pursuant to an ordinance adopted by the City Council on November 13, 2013 (the "Ordinance"), on January 15, 2014, the City and the Commission entered into that certain Intergovernmental Agreement Between the City of Chicago and the Public Building Commission of Chicago (Lindblom Math and Science Academy Parking Lot Project) (the "Agreement") for the Commission to coordinate and manage the planning, design and construction of the Project on behalf of the City; and

WHEREAS, the City is authorized under the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/1-74.4-1 *et seq.*, as amended from time to time (the "TIF Act"), to finance projects that eradicate blight conditions and conservation factors that could lead to blight through the use of tax increment allocation financing for redevelopment projects; and

WHEREAS, to induce certain redevelopment pursuant to the TIF Act, in accordance with the provisions of the TIF Act, pursuant to ordinances adopted on March 29, 2006, the City Council: (1) approved and adopted a redevelopment plan for the 63rd/Ashland Redevelopment Project Area ("Redevelopment Plan"); (2) designated the 63rd/Ashland Redevelopment Project

Area (the "Redevelopment Area") as a "redevelopment project area" pursuant to the Tax Increment Allocation Redevelopment Act; and (3) adopted tax increment allocation financing for the 63rd/Ashland Redevelopment Project Area (the "TIF Adoption Ordinance") (items(1)-(3) collectively referred to herein as the "TIF Ordinances"); and

WHEREAS, the Site lies wholly within the boundaries of the Redevelopment Area; and

WHEREAS, under the TIF Act, such incremental ad valorem taxes which pursuant to the TIF Act have been collected and are allocated to pay redevelopment project costs and obligations incurred in the payment thereof ("Increment") may be used, among other purposes, to pay the cost of public works and improvements as well as to acquire and construct public facilities, as contemplated in a redevelopment plan, and obligations relating thereto; and

WHEREAS, pursuant to the Ordinance and the Agreement, the City made available to the Commission a portion of the Increment from the Redevelopment Area in an amount not to exceed \$500,000 for the purpose of providing a portion of the funds required for the acquisition of the Site and construction of the Project in the Redevelopment Area; and

WHEREAS, the Redevelopment Plan contemplates that tax increment financing assistance would be provided for the acquisition of real property for, and the construction thereon of public improvements, such as the Project, within the boundaries of the Redevelopment Area; and

WHEREAS, pursuant to Section 2.2 of the Agreement, the Commission and the City have agreed upon an Undertaking Budget reflecting the total costs required in order to acquire the Site and construct the Project ; and

WHEREAS, pursuant to the Intergovernmental Cooperation Act of the State of Illinois and Section 12.1 of the Agreement, the City has determined that it is necessary, desirable and in the public interest to enter into an amendment to the Agreement in substantially the form attached hereto as an exhibit (the "Amendment") in order to increase the amount of Increment from the

Redevelopment Area available to the Commission for the purpose of acquiring the Site and constructing the Project to \$2,468,000

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereby agree as follows:

SECTION I
INCORPORATION OF RECITALS AND DEFINITIONS

The recitations and definitions set forth above constitute an integral part of the Amendment and are hereby incorporated herein by this reference with the same force and effect as if set forth herein as agreements of the parties.

SECTION II
AMENDMENTS TO AGREEMENT

2.1. The amount of Increment from the Redevelopment Area available to the Commission for the purpose of acquiring the Site and constructing a parking lot thereon is hereby increased by \$1,968,000 from not to exceed \$500,000 to not to exceed \$2,468,000

2.2 Exhibit B to the Agreement is hereby deleted in its entirety and replaced with Amended Exhibit B attached hereto and hereby incorporated herein. Further, Section 9.4 of the Agreement is hereby amended to include the following: "After land acquisition and construction costs are finalized, and prior to incurring any costs that exceed \$2,100,000, PBC may request (if needed) written approval by OBM and DPD (as successor to DHED) for the release of \$368,000 in additional Project funds.

2.3 Except as amended hereby the Agreement remains in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed or caused this First Amendment to Intergovernmental Agreement between the City of Chicago and the Public Building Commission of Chicago regarding the Lindblom Math and Science Academy Parking Lot Project to be executed, all as of the date first written above.

CITY OF CHICAGO

By: _____
Commissioner
Department of Planning and Development

By: _____
Budget Director
Office of Budget and Management

PUBLIC BUILDING COMMISSION OF CHICAGO

By: _____
Executive Director

Approved as to form and legality for the Public Building Commission of Chicago:

AMENDED EXHIBIT B
AMENDED PROJECT BUDGET
(Lindblom Math and Science Academy Parking Lot)

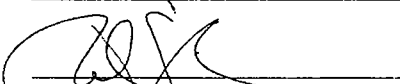
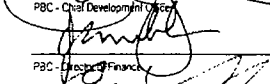
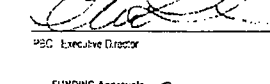
(See Attachment)

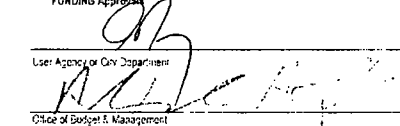
Total Project Budget

Public Building Commission of Chicago - Richard J. Daley Center - 50 West Washington, Room 200 - Chicago, Illinois 60602 - Tel. 312-744-3050 - Fax 312-744-8055

User Agency: City of Chicago	Project Number: 04415	Date: 8/26/2014
Project: Lindbergh Parking Lot	PM: Brian Prok	Funding Amount: \$2,468,000
Address: 6130 S. Wolcott Avenue	Funding Source(s): 63rd Ashland TIF	
Current Ward / A&L: 16 / Foulkes		
2615 Ward / A&L: 16 / Thompson		

Cost Codes	Group Headings	Undertaking Budget (Parcels 1-11)	Comments
I	Planning		
01.01	Legal Fees - Planning	\$0	
01.02	Geotechnical Testing - Planning	\$11,911	
01.03	Environmental Assessment - Planning	\$35,000	
01.04	Design Architect - Planning	\$29,000	
01.05	Project Management - Planning	\$79,000	
01.07	Site Survey / Traffic Studies / LEED Registration	\$24,000	
01.13	Other Planning Costs	\$0	
	Sub-Total	\$178,911	
II	Land Acquisition & Site Control		
02.01	Legal Fees - Acquisition	\$163,000	
02.06	Land Acquisition	\$332,000	
02.07	Relocation Costs	\$105,000	
02.09	Abatement, Demol, Fencing, Storage, & Property Management	\$272,000	
02.11	Utility Service & Relocation Costs	\$118,000	
02.13	Other Land Acquisition Costs	\$0	
	Sub-Total	\$990,000	
III	Environmental and Site Preparation		
03.01	Environmental Testing / Consulting & Advt Geotech (after UT)	\$43,000	
03.06	Environmental Remediation & Site Preparation	\$21,589	
03.08	Site Prep Contract Contingency	\$0	
03.09	Site Prep Allowance	\$0	
03.13	Other Environmental & Site Prep Costs	\$0	
	Sub-Total	\$64,589	
IV	Design		
04.01	Design Architect Fees	\$64,000	
04.02	AOR Basis Fees & Reimbursables	\$6,000	
04.10	Commissioning Agent	\$0	
04.11	Permitting Costs	\$3,000	
04.13	Other Design Related Costs	\$0	
	Sub-Total	\$73,000	
V	Project Implementation		
05.01	Project Management Costs	\$121,000	
05.04	Pre-Bid Advertising & Document Reproduction	\$1,000	
05.06	Community Outreach	\$0	
05.07	Affirmative Action Compliance	\$0	
05.09	PBC Administration	\$31,500	
05.12	Legal Fees - Project Implementation	\$15,000	
05.13	Other Project Implementation Costs	\$0	
	Sub-Total	\$168,500	
VI	Construction		
06.01	Testing and Inspection	\$0	
06.04	General Construction	\$636,000	
06.05	General Construction Allowances	\$0	
06.06	General Construction Contract Contingency	\$0	
06.07	IT Systems	\$0	
06.08	FF&E - Furnishings	\$0	
06.09	Public Artwork Program	\$0	
06.13	Other Project Construction Costs	\$0	
	Sub-Total	\$636,000	
VII	Contingency		
07.01	Project Contingency	\$328,000	
	Sub-Total	\$328,000	
	TOTAL PBC BUDGET	\$2,468,000	
09.01	FF&E	\$0	
09.02	Telecom	\$7	
09.03	Art	\$7	
	TOTAL PROJECT BUDGET	\$2,468,000	


 PBC - Chief Development Officer

 PBC - Director of Finance

 PBC - Executive Director

 FUNDING Approval

 User Agency or City Department
 Office of Budget & Management