



City of Chicago



O2016-5114

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	6/22/2016
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	Extension of previous Right of Entry Agreement with Chicago Park District for additional parking at 3050 S Cottage Grove Ave
Committee(s) Assignment:	Committee on Housing and Real Estate



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

June 22, 2016

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 ordinances authorizing the execution of lease agreements and right-of-entry agreements.

Your favorable consideration of these ordinances will be appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Rahm Emanuel".

Mayor

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 parking lot located at 3050 South Cottage Grove Avenue, Chicago, Illinois, PIN 17-27-407-063, consisting of approximately 92,400 square feet (the "Property"); and

WHEREAS, the Chicago Park District (the "Licensee") operates the 31st Street Beach and Harbor, and the Licensee wishes to use the Property as an overflow public parking lot for the 31st Street Beach and Harbor during the summer season; and

WHEREAS, pursuant to Section 2-51-050(l) 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 allow Licensee access to the Property for use as an overflow public parking lot (the "Right of Entry Agreement"); and

WHEREAS, Licensee wishes to continue to use the Property for the duration of the 2016 summer season, and for the 2017 summer season; and

WHEREAS, pursuant to Section 2-51-050(l) of the Municipal Code of Chicago, City Council approval is required to extend the Right of Entry Agreement 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. Notwithstanding any provision to the contrary in Section 2-51-050(l) of the Municipal Code of Chicago regarding the 90 day limit on extensions for right of entry agreements, 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 existing term through October 3, 2016; 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. The Commissioner of the Department of Fleet and Facility Management is authorized to execute a similar Right of Entry Agreement with the Licensee for the Property for a term not to exceed May 1, 2017 through October 31, 2017.

SECTION 4. 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 August 26, 2016, by and between **CITY OF CHICAGO**, an Illinois municipal corporation and home rule unit of government (the “**City**”) and **CHICAGO PARK DISTRICT**, an Illinois municipal corporation (the “**Licensee**”).

RECITALS

WHEREAS, on May 28, 2016, City and Licensee executed that certain Right of Entry Agreement (the “**Agreement**”) governing Licensee’s access to the real property located at 3050 South Cottage Grove Avenue, Chicago, Illinois, PIN 17-27-407-063 (the “**Property**”) for use as overflow parking for the 31st Street Beach and Harbor; and

WHEREAS, the Term of the Agreement expires August 25, 2016; and

WHEREAS, Licensee wishes to continue to use the Property for the duration of the 2016 summer season; and

WHEREAS, by ordinance adopted on _____, 2016, the City Council authorized the extension of the Term of the Agreement.

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 to October 3, 2016.
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

CHICAGO PARK DISTRICT,
An Illinois municipal corporation

By: _____

Print Name: _____

Title: _____

Approved as to form and legality:

Deputy Corporation Counsel
Department of Law