



City of Chicago



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Committee(s) Assignment:	Committee on the Budget and Government Operations



OFFICE OF THE MAYOR
CITY OF CHICAGO

RICHARD M. DALEY
MAYOR

January 13, 2011

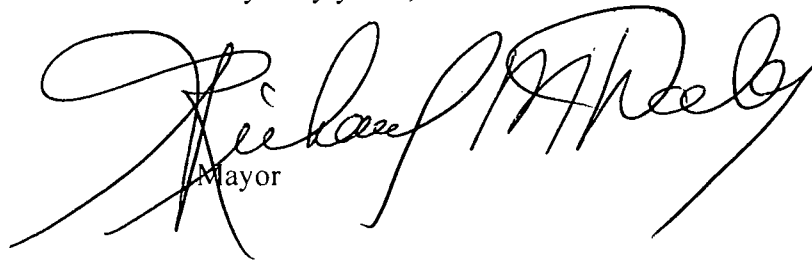
TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Cultural Affairs and Special Events, I transmit herewith an ordinance authorizing the execution of agreements with Millennium Park, Inc.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,


Mayor

ORDINANCE

WHEREAS, as a way to create new parkland, the City of Chicago (the "City") developed Millennium Park (the "Park"), which has evolved into the most significant millennium project in the world; and

WHEREAS, located in downtown Chicago on Michigan Avenue between Randolph and Monroe Streets, the 24.5-acre Park is a unique center for world-class art, music, architecture and landscape design, where a person can experience everything from interactive public art and ice skating to al fresco dining and free classical music presentations; and

WHEREAS, with an unprecedented combination of architecture, monumental sculpture and landscape design, the Park includes the artistry of an unparalleled collection of world-renowned artists, architects, planners and landscape architects, and includes such pieces as: Cloud Gate, one of the world's largest outdoor sculptures designed by Anish Kapoor; the Crown Fountain, an interactive fountain comprised of two 50-foot-high illuminated glass-block towers designed by Spanish sculptor Jaume Plensa; and the Park's most prominent feature, the Jay Pritzker Pavilion, the most sophisticated outdoor concert venue of its kind in the United States, designed by Erank Gehry, one of the world's greatest living architects; and

WHEREAS, Cloud Gate, the Crown Fountain, the Jay Pritzker Pavilion and other enhancements in the Park (collectively, the "Donor Enhancements") have been funded by private donors, including at least \$180,000,000 contributed by or at the request of Millennium Park, Inc., an Illinois not-for-profit corporation ("MPI"); and

WHEREAS, pursuant to a Grant Agreement dated December 21, 2001 between the City and MPI, as amended, MPI agreed to establish an endowment fund (the "Endowment Fund") which may be used by MPI to finance: (i) insuring the Donor Enhancements, (ii) upgrading, replacing and improving the Donor Enhancements, and (iii) unforeseen expenditures with respect to the Donor Enhancements; and

WHEREAS, MPI may solicit additional contributions and funding for the Endowment Fund from individuals, foundations and corporations ("Private Funds"), and in connection with such solicitations, MPI may organize a separate or new entity (the "Foundation") for the purpose of soliciting contributions to the Endowment Fund, holding the Endowment Fund and disbursing moneys in the Endowment Fund for the Donor Enhancements; and

WHEREAS, the fundraising efforts by MPI and/or the Foundation for the Endowment Fund are designed to supplement the public funds of the City appropriated for operation and maintenance of the Park ("Public Funds"); and

WHEREAS, the success of efforts by MPI and/or the Foundation to raise Private Funds for the Endowment Fund is contingent upon and facilitated by private-sector donors being assured that their gifts will not be offset by corresponding reductions in Public Funds by the City; and

WHEREAS, it is appropriate and in the best interests of the City that the City demonstrate its commitment that Private Funds raised by MPI and/or the Foundation will not be used to reduce Public Funds provided by the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

1. The City's Commissioner of Cultural Affairs and Special Events or her designee is hereby authorized to enter into grant and other agreements with MPI and/or the Foundation in connection with the fundraising efforts by MPI and/or the Foundation for the Endowment Fund. Such agreements may include the following provisions:

(a) Private Funds contributed to the Endowment Fund will be considered as an additional, not an alternative, source of revenue for the Park, and increased Private Funds will not be the basis or justification for offsetting reductions in Public Funds by the City.

(b) The City will use its best efforts to cooperate with and assist MPI and/or the Foundation in efforts to solicit Private Funds for the Endowment Fund.

(c) The City may indemnify parties providing funding to the City from the Endowment Fund.

2. To the extent that any ordinance, resolution, rule, order or provision of the Municipal Code of Chicago (the "Municipal Code"), 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 of this ordinance shall not affect any of the other provisions of this ordinance. No provision of the Municipal Code or violation of any provision of the Municipal Code shall be deemed to render voidable at the option of the City any document, instrument or agreement authorized hereunder or to impair the validity of this ordinance or the documents, instruments or agreements authorized by this ordinance; provided, further, that the foregoing shall not be deemed to affect the availability of any other remedy or penalty for any violation of any provision of the Municipal Code.

3. This ordinance shall be in full force and effect from and after its passage and approval.