



Office of Chicago City Clerk



O2011-4625

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City Council Document Tracking Sheet

Meeting Date:	6/8/2011
Sponsor(s):	Mayor Emanuel, Rahm
Type:	Ordinance
Title:	Acquisition of property for library reading garden
Committee(s) Assignment:	Committee on Housing and Real Estate



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OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

June 8, 2011

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 an acquisition of property for a library reading garden.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

ORDINANCE

WHEREAS, pursuant to the provisions of an Act to Authorize the Creation of public building commissions and to define their rights, powers and duties, as amended, presently codified at 50 ILCS 20/1 et seq. (the "Act"), the City Council (the "City Council") of the City of Chicago (the "City") created the Public Building Commission of Chicago (the "Commission") for the purpose of facilitating the construction of public buildings and improvements; and

WHEREAS, pursuant to the Act, the Commission is a municipal corporation and constitutes a body both corporate and politic separate and apart from the City; and

WHEREAS, at the request of the City, the Commission has heretofore undertaken a program involving the acquisition, construction, alteration, repair, renovation, rehabilitation, enlargement and improvement of branch library facilities for use by the Chicago Public Library (the "Branch Library"); and

WHEREAS, on July 30, 1997, the City Council of the City, at pages 49658 through 49721 of the Journal of Proceedings of the City Council, authorized the execution of an interagency agreement between the Commission and the City which provides for the implementation of such project; and

WHEREAS, pursuant to such City Council authority, the Commission and the City have entered into that certain Master Intergovernmental Agreement (Branch Library Projects) dated as of October 1, 1997 (such agreement, the "Intergovernmental Agreement"); and

WHEREAS, the Library has heretofore requested that the Commission acquire the property commonly known as 1000-1014 East 73rd Street, Chicago, Illinois (the "Property"), for the purpose of acquiring and constructing a new Branch Library and ancillary improvements in the Grand Crossing area of the City (the "Project"); and

WHEREAS, the Board of Commissioners (the "Board") of the Commission, by resolution adopted on December 11, 2007, selected, located and designated the Property for acquisition and construction for the aforesaid purposes; and

WHEREAS, the selection, location and designation of the Property was approved by the City Council pursuant to an ordinance (the "Site Designation Ordinance") which was passed on February 6, 2008, at pages 20662-20665 of the Journal of Proceedings of the City Council of such date; and

WHEREAS, such acquisition has occurred and construction of such Grand Crossing Branch Library has been substantially completed; and

WHEREAS, subsequent to the designation of the Property by the Commission and approval of the Site Designation Ordinance by the City Council, the Library requested that the Commission designate an additional parcel of land located to the Property, commonly known as 1018-1022 East 73rd Street, Chicago, Illinois and legally described on Exhibit A of this

Ordinance (the "Additional Property"), to provide a Reading Garden that will be used in conjunction with the Project; and

WHEREAS, by resolution adopted on May 12, 2011, the Board of Commissioners of the Commission selected, located and designated the Additional Property for acquisition and development of a Reading Garden and related improvements; and

WHEREAS, the Additional Property lies wholly within the territorial limits of the City, is conveniently located and of sufficient size to accomplish and effectuate the aforesaid purposes and provide appropriate architectural settings and adequate landscaping for such purposes; and

WHEREAS, the Additional Property, upon being acquired and at all times thereafter, shall be under public ownership and control; and

WHEREAS, pursuant to the requirements of Section 14 of the Act, the Board has requested that the City Council approve the Additional Property, so selected, located and designated by the Commission, as a site to be acquired for construction of the new Grand Crossing Branch Library Reading Garden and ancillary improvements; and

WHEREAS, pursuant to Section 14(b) of the Act, the Commission has the authority to acquire fee simple title to the Property, including, if necessary, through the exercise of the power of eminent domain; and

WHEREAS, 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; now, therefore,

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

SECTION 1. The foregoing findings and recitals are hereby adopted as the findings of the City Council and incorporated herein by reference.

SECTION 2. It is hereby determined and declared that it is useful, desirable and necessary for the Commission, on behalf of the City, to acquire the Additional Property for the public purposes set forth in the recitals. The City hereby approves the selection, location and designation of the Additional Property for acquisition, development and construction of the new Grand Crossing Branch Library Reading Garden and related facilities by the Commission.

SECTION 3. The City approves the Commission's authority to negotiate with the owner(s) for the donation or purchase of the Additional Property. If the Commission and the owner(s) are able to agree on the terms of the donation or purchase, the Commission is authorized to acquire the Additional Property on behalf of the City upon such terms as shall be agreed by the parties. If the Commission is unable to agree with the owner(s) of the Additional Property on the terms of the donation or purchase, or if the owner(s) is or are incapable of entering into such a transaction with the Commission on behalf of the City, or if the owner(s) cannot be located, the City consents to the Commission's institution and prosecution of condemnation proceedings for the purpose of acquiring fee simple title to the Additional Property under the Commission's power of eminent domain.

SECTION 4. Upon completion of the acquisition of the Additional Property and the construction by the Commission of the Project including the Branch Library and the Reading Garden and related and ancillary improvements, the City approves the conveyance of the Property and the Additional Property to the City upon request by the City by customary documents of conveyance as provided in the Intergovernmental Agreement.

SECTION 5. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 6. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. This ordinance shall be effective upon its passage and approval.

EXHIBIT A

**Grand Crossing Branch Library Reading Garden
1018-1022 East 73rd Street
Chicago, Illinois**

Legal Description

The East 1/2 of Lot 21 and all of Lots 18, 19 and 20 in Block 14 in Cornell, being a subdivision of the West 1/2 of Section 26 and the Southeast 1/4 of Section 26 (with the exception of the East 1/2 of the Northeast 1/4 of said Southeast 1/4), and the North 1/2 of the Northwest 1/4, the South 1/2 of the Northwest 1/4, lying West of the Illinois Central Railroad and the Northwest 1/4 of the Northeast 1/4 of Section 35, Township 38 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

**PIN Nos: 20-26-111-034
 20-26-111-035
 20-26-111-036**