



City of Chicago



O2014-55

Office of the City Clerk Document Tracking Sheet

Meeting Date:	1/15/2014
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	First Amendment to Intergovernmental Agreement with City of Chicago and Public Building Commission for construction of Chinatown Branch Library
Committee(s) Assignment:	Committee on Finance



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

January 15, 2014

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

Ladies and Gentlemen:

At the request of the Commissioner of Planning and Development, I transmit herewith an ordinance amending an intergovernmental agreement with the Public Building Commission.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

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 Chicago Park District, and the Board of Trustees of Community College District No. 508, County of Cook and State of Illinois; and

WHEREAS, pursuant to an ordinance adopted by the City Council on February 13, 2013 (the "Ordinance"), on April 25, 2013 the City and the Commission entered into that certain Intergovernmental Agreement (the "Agreement") for the for acquisition and construction

(including the development of the scope, schedule, budget and conceptual design drawings) of a branch library and ancillary improvements (the "Project") at the property commonly known as 2101-15 South Archer Avenue and 2100-24 South Wentworth Avenue, Chicago, Illinois (the "Site"); 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 July 21, 1999 and February 16, 2000, the City Council: (1) approved and adopted a redevelopment plan for the 24th/Michigan Redevelopment Project Area ("Redevelopment Plan"); (2) designated the 24th/Michigan 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 24th/Michigan 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 \$3,600,000 for the purpose of providing a portion of the funds required for the acquisition of the Site; 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, since the execution of the Agreement the amount of funds required for the acquisition of the Site has increased; and

WHEREAS, the City has determined that it is necessary, desirable and in the public interest to enter into an amendment to the Agreement with the Commission in substantially the form attached hereto as an exhibit (the "Amendment") pursuant to the Intergovernmental Cooperation Act of the State of Illinois in order to increase the amount of Increment from the Redevelopment Area available to the Commission for the purpose of acquiring the Site to not to exceed \$6,800,000; 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 Commissioner of the Department of Planning and Development (the "DPD Commissioner"), the Commissioner of the Library (the "Library Commissioner"), the Commissioner of 2FM (the "2FM Commissioner") and the Budget Director, along with the City Comptroller, 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 Library Commissioner, the Budget Director, and the 2FM Commissioner and their respective designees, along with the City Comptroller, 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

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF CHICAGO AND THE PUBLIC BUILDING COMMISSION OF CHICAGO
(CHINATOWN BRANCH LIBRARY)

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 Chicago Park District, and the Board of Trustees of Community College District No. 508, County of Cook and State of Illinois; and

WHEREAS, pursuant to an ordinance adopted by the City Council on February 13, 2013 (the "Ordinance"), on April 25, 2013 the City and the Commission entered into that certain Intergovernmental Agreement (the "Agreement") for the for acquisition and construction (including the development of the scope, schedule, budget and conceptual design drawings) of a branch library and ancillary improvements (the "Project") at the property commonly known as 2101-15 South Archer Avenue and 2100-24 South Wentworth Avenue, Chicago, Illinois (the "Site"); 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 July 21, 1999 and February 16, 2000, the City Council: (1) approved and adopted a redevelopment plan for the 24th/Michigan Redevelopment Project Area ("Redevelopment Plan"); (2) designated the 24th/Michigan 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 24th/Michigan 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 \$3,600,000 for the purpose of providing a portion of the funds required for the acquisition of the Site; 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, since the execution of the Agreement the amount of funds required for the acquisition of the Site has increased; and

WHEREAS, the parties have determined that it is necessary, desirable and in the public interest to enter into this Amendment to the Agreement pursuant to the Intergovernmental Cooperation Act of the State of Illinois in order to increase the amount of Increment from the Redevelopment Area available to the Commission for the purpose of acquiring the Site to not to exceed \$6,800,000; now, therefore,

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

DEFINITIONS

All references in the Agreement to the "Department of Housing and Economic Development" are hereby amended to the Department of Planning and Development, and all references to "DHED" are hereby amended to DPD. Otherwise, for purposes of this Amendment all capitalized terms shall have the meanings assigned in the Agreement.

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 is hereby increased by \$3,200,000 from not to exceed \$3,600,000 to not to exceed \$6,800,000.

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.

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 Chinatown Branch Library to be executed, all as of the date first written above.

CITY OF CHICAGO

By: _____
City Comptroller

By: _____
Commissioner
Chicago Public Library

By: _____
Commissioner
Department of Planning and Development

By: _____
Commissioner
Department of Fleet and Facility Management

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
(Chinatown Branch Library)**

(See Attachment)

PRELIMINARY PROJECT BUDGET



Public Building Commission of Chicago • Richard J. Daley Center • 50 West Washington, Room 200 • Chicago, Illinois 60602 • Tel: 312-744-3090 • Fax: 312-744-800

Division : Chicago Public Libraries
 Project : Chinatown Library
 Address : 2100 - 2110 S Wentworth
 Ward/Ald.: 25th / Solis

Project Number: 08150
 Date: 12/30/2013
 PM: Edward Bark

Cost Codes	GL Code	Group Headings	Original Undertaking (Submitted as rollup 10/31/12)	Revised Undertaking (\$6.8M Land Acq. & Other Related Costs)	Comments
		Building Square Footage	20,064	16,000	
I		Planning			
		Sub-Total	\$47,900	\$23,245	Phase I Environmental Evaluation, LEED Registration, Traffic Study, Site Survey
II		Land Acquisition & Site Control			
		Sub-Total	\$4,228,049	\$7,027,500	
III		Environmental and Site Preparation			
		Sub-Total	\$1,004,825	\$203,950	Phase II Environmental, Geotechnical Testing, Environmental Remediation & Site preparation
IV		Design			
		Sub-Total	\$768,000	\$274,610	Design Architect Fees, AOR Basic Services Fees, Commissioning Agent, Storm Water Review, Zoning Review
V		Project Implementation			
		Sub-Total	\$1,337,201	\$1,067,180	Project Management, Pre-Bid Advertising, Document Reproduction, Affirmative Action Consulting, PBC Administration
VI		Construction			
		Sub-Total	\$8,214,026	\$10,203,514	Testing and Inspection, General Construction, Allowances, Contract Contingency, Construction Contingency
		TOTAL PBC BUDGET	\$15,600,001	\$18,800,000	
IX		User Agency Budget			
		Sub-Total	\$346,153	\$346,153	Client Art, Client FF+E, Client Telecom, Library Relocation
		TOTAL PROJECT BUDGET	\$15,946,154	\$19,146,153	

USES:

Land Acq. & Other Related Costs	\$ 3,600,000	\$ 6,800,000
All Other Costs	\$ 12,000,001	\$ 12,000,000
TOTAL PBC BUDGET	\$ 15,600,001	\$ 18,800,000

SOURCES:

Original TIF	\$ 15,600,000	\$ 15,600,000
Additional TIF	\$ 1	\$ 3,200,000
TOTAL TIF	\$ 15,600,001	\$ 18,800,000