



City of Chicago



O2014-7940

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	9/10/2014
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	Intergovernmental agreement with Board of Education to convey City-owned property at 4027 W Grenshaw St for construction of play area for Frazier International Baccalaureate Magnet School
Committee(s) Assignment:	Committee on Housing and Real Estate



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

September 10, 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 authorizing the execution of an intergovernmental agreement with the Board of Education to convey city-owned property for a play area for Frazier Magnet School.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor



ORDINANCE

WHEREAS, the City of Chicago (the "City") is a municipal corporation and home rule unit of government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City has established the Community Development Commission ("CDC") to, among other things, designate redevelopment areas, approve redevelopment plans, and recommend the sale or lease of parcels located in redevelopment areas, subject to the approval of the City Council of the City ("City Council"); and

WHEREAS, pursuant to ordinances adopted by the City Council on May 17, 2000, and published at pages 30775 through 30925 in the *Journal of the Proceedings of the City Council of the City of Chicago* ("Journal") of such date, the City Council: (i) approved and adopted a redevelopment plan and project (as amended, the "Redevelopment Plan") for a portion of the City known as the Midwest Tax Increment Financing Redevelopment Project Area (as amended, the "Redevelopment Area"); (ii) designated the Redevelopment Area as a redevelopment project area; and (iii) adopted tax increment allocation financing for the Redevelopment Area, all in accordance with the Illinois Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1, *et seq.*); and

WHEREAS, pursuant to an ordinance adopted by the City Council on May 9, 2012, the City Council approved an amendment to the Redevelopment Plan; and

WHEREAS, the City is the owner of the vacant land located at the northeast intersection of South Pulaski Road and West Grenshaw Street, which is legally described on Exhibit A attached hereto and depicted on Exhibit B attached hereto (the "Property"); and

WHEREAS, the Property is comprised of approximately 11,400 square feet (.26 acres), and is located in the Redevelopment Area; and

WHEREAS, the Board of Education of the City of Chicago (the "Board") is a body corporate and politic, organized under and existing pursuant to Article 34 of the School Code of the State of Illinois, 105 ILCS 5/1-1, *et seq.*; and

WHEREAS, the Board is interested in acquiring the Property from the City for the purpose of constructing a turf field and playground (the "Play Area") for Frazier International Baccalaureate Magnet School ("Frazier School"), a Chicago Public School serving approximately 268 students in grades K-8, which is located kitty-corner from the Property at 4027 West Grenshaw Street; and

WHEREAS, the Board authorized the acceptance of title to the Property from the City at its meeting on April 23, 2014, for the public purpose of constructing the Play Area; and

WHEREAS, the City and the Board agree that Frazier School lacks sufficient recreational space to serve the physical education needs of its students; and

WHEREAS, the City has determined that the Board is the appropriate entity to own the Property; and

WHEREAS, Article 7, Section 10 of the 1970 Constitution of the State of Illinois authorizes units of local government and school districts to contract among themselves to share services and to exercise, combine and transfer functions in any manner not prohibited by law or by ordinance; and

WHEREAS, the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, similarly authorizes public agencies, including units of local government and school districts, to contract with one another to perform any governmental service, activity or undertaking; and

WHEREAS, the City is authorized to convey title to or other interests in City-owned real estate to other municipalities in accordance with the provisions of the Local Government Property Transfer Act, 50 ILCS 605/0.01 *et seq.*; and

WHEREAS, the Chicago Plan Commission approved the transfer of the Property to the Board at its meeting on August 21, 2014; and

WHEREAS, by Resolution No. 14-CDC-34, adopted on August 12, 2014, the CDC approved the transfer of the Property to the Board; and

WHEREAS, public notices advertising the proposed transfer of the Property to the Board and requesting alternative proposals appeared in the *Chicago Sun-Times* on August 16 and 30, 2014, and will appear again on September 13, 2014; and

WHEREAS, the use of the Property for the Play Area is consistent with the purposes and objectives of the Redevelopment Plan for the Redevelopment Area; ***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. The City's conveyance of the Property to the City of Chicago in Trust for the Use of Schools for \$1.00 per parcel is hereby approved. The Mayor or his proxy is authorized to execute, and the City Clerk or the Deputy City Clerk is authorized to attest, a quitclaim deed conveying all right, title and interest of the City in and to the Property to the City of Chicago in Trust for the Use of Schools. The quitclaim deed shall contain language substantially in the following form:

This conveyance is subject to the express condition that the Property is to be used solely for school purposes or another public purpose. In the event that the above condition is not met, the City of Chicago may re-enter the Property and revest title in the City of Chicago.

The Board, on behalf of itself and its officers, directors, employees, successors and assigns, shall release, relinquish and forever discharge the City and its officers, employees, agencies, departments and officials, from and against any and all claims, causes of action, demands, legal or administrative proceedings, losses, damages, liabilities, judgments, amounts paid in settlement, interest, fines, penalties, costs and expenses

(including, without limitation, reasonable attorney's fees and expenses and court costs) based upon, arising out of or in any way connected with, directly or indirectly, the structural, physical or environmental condition of the Property or any improvements thereon. The Board acknowledges and agrees that the Property and improvements are being conveyed in their "as is," "where is" and "with all faults" condition without any covenant, representation or warranty, express or implied, of any kind, as to the structural, physical or environmental condition of the Property or improvements or the suitability of the Property or improvements for any purpose whatsoever. The Board acknowledges and agrees that it is the Board's sole responsibility and obligation to perform any environmental remediation work and take such other action, as either such work or action is necessary, to put the Property and improvements in a condition which are suitable for their intended use as a turf field and playground.

SECTION 3. The Commissioner of the Department of Planning and Development (the "Department"), or a designee of the Commissioner, is each hereby authorized to negotiate, execute and deliver such documents as may be necessary or appropriate to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel. Such documents may contain terms and provisions that the Commissioner or his designee deem appropriate.

SECTION 4. 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 5. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. This ordinance shall take effect immediately upon its passage and approval.

Attachments: Exhibit A – Legal Description of Property
Exhibit B – Depiction of Property

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

(SUBJECT TO FINAL SURVEY AND TITLE COMMITMENT)

LOT 6 IN ALONZO G. FISHER'S SUBDIVISION OF LOT 1 IN BLOCK 8 OF CIRCUIT COURT PARTITION, BEING A SUBDIVISION OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ADDRESS: 1115 SOUTH PULASKI ROAD
CHICAGO, ILLINOIS 60624

PIN: 16-14-323-006

LOT 7 IN ALONZO G. FISHER'S SUBDIVISION OF LOT 1 IN BLOCK 8 IN CIRCUIT COURT PARTITION, BEING A SUBDIVISION OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ADDRESS: 1117 SOUTH PULASKI ROAD
CHICAGO, ILLINOIS 60624

PIN: 16-14-323-007

LOT 8 IN ALONZO G. FISHER'S SUBDIVISION OF LOT 1 IN BLOCK 8 IN CIRCUIT COURT PARTITION, BEING A SUBDIVISION OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ADDRESS: 1121 SOUTH PULASKI ROAD
CHICAGO, ILLINOIS 60624

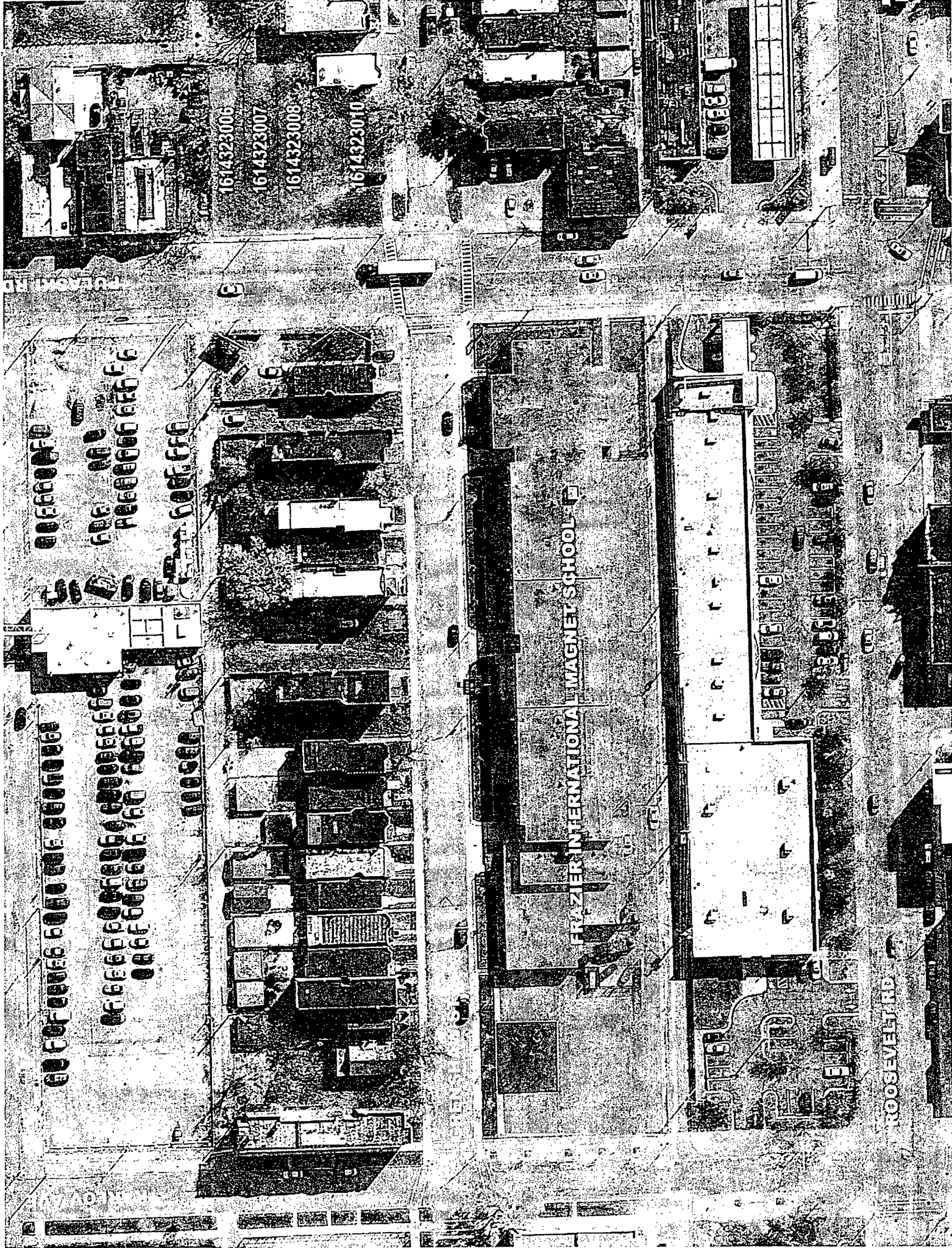
PIN: 16-14-323-008

LOT 2 IN THE SUBDIVISION OF LOTS 9 & 10 IN ALONZO G. FISHER'S SUBDIVISION OF LOT 1 IN BLOCK 8 IN CIRCUIT COURT PARTITION, BEING A SUBDIVISION OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ADDRESS: 3950 WEST GRENSHAW STREET
CHICAGO, ILLINOIS 60624

PIN: 16-14-323-010

EXHIBIT B
DEPICTION OF PROPERTY
(ATTACHED)



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ROOSEVELT RD

FRAZIER INTERNATIONAL MAGNET SCHOOL

CROSSLAND

TULSA RD