Legislation Details (With Text)

File #:	O2019-297		
Type:	Ordinance	**Status:**	Failed to Pass
File created:	1/23/2019	**In control:**	City Council
		Final action:	
Title:	Reconveyance of Park No. 386 (Mahalia Jackson Park) at 8385 S Birkhoff Ave to Chicago Park District on behalf of Chicago Board of Education		
Sponsors:	Emanuel, Rahm		
Indexes:	Chicago Park District		
Attachments:	1. O2019-297.pdf		

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
3/5/2019	1	Committee on Housing and Real Estate	Held in Committee	
1/23/2019	1	City Council	Referred	

OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL
MAYOR

January 23, 2019

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 an ordinance authorizing a conveyance of property at 8385 South Birkhoff on behalf of the Board of Education.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

ORDINANCE

WHEREAS, the City of Chicago (the "City"), is a home rule unit of government under Article VII, Section 6(a) of the 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 Board of Education of the City of Chicago (the "Board"), is a body corporate and politic, created pursuant to Article 34 of the School Code of the State of Illinois, 105 ILCS 5/1-1, et seq. (the "School Code"); and

WHEREAS, the Board is the beneficial owner of the real estate located at 8385 South Birkhoff Avenue, Chicago, which is commonly known as Mahalia Jackson Park ("Park") legally described on Exhibit A attached hereto (the "Property"); and

WHEREAS, pursuant to Section 34-21 (b)(1) of the School Code, by vote of no less than two-thirds (2/3) of its full membership, the Board determined that the Property has become unnecessary, unsuitable, and unprofitable for use as a school or for the purposes of school administration, and that the transfer of the Property to the Chicago Park District constitutes the best available use of such real estate; and

WHEREAS, title to the Property, identified by PINS: 20-33-302-002-0000 and 20-33-303-004-0000 is held by the City, as Trustee, in Trust for the Use of Schools; and

WHEREAS, the Chicago Park District has authorized and will accept the reconveyance of title to the Park also known as Park #386; and

WHEREAS, The Park District will use the Park for Park District programs and recreational uses; and

WHEREAS, the Property is being conveyed pursuant to the Local Government Property Act; and

WHEREAS, on December 5, 2018 the Board Pursuant to Resolution No. 18-1215-RS1 ("Resolution") voted by more than two thirds of its members to reconvey Mahalia Jackson Park, the Property, to the Chicago Park District; and

WHEREAS, the Resolution includes a request to the City to convey the Property to the Chicago Park District in accordance with Section 34-21 (d)(1) of the School Code; now, therefore,

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Be It Ordained by the City Council of the City of Chicago:

Section 1. That the foregoing recitals are hereby adopted as the findings of the City Council.

Section 2. That the City of Chicago hereby approves the reconveyance of Mahalia Jackson Park to the Chicago Park District for Park District programs and recreational purposes pursuant to Local Government Property Transfer Act.

Section 3. The interest of Board and the City, as Trustee, in Trust for the Use of Schools, in and to the Property shall be conveyed in its "AS IS-WHERE IS" condition, and the deed conveying such interest shall provide that the City and the Board are to be released and discharged from any and all responsibility or liability with respect to the Property's physical, structural and environmental condition.

Section 4. The Mayor, the City Clerk, and the Commissioner of the Department of Fleet and Facility Management (the "Commissioner"), or a designee of the Commissioner, are each authorized to execute and deliver on behalf of the City such supporting documents and certificates and to do such other things consistent with the terms of this Ordinance as such officers and employees shall deem necessary or appropriate in order to implement the provisions of this Ordinance.

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 take effect upon its passage and approval.

Attachments: **Exhibit A - Legal Description of Property**

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

THE BOARD RESERVES THE RIGHT TO MAKE CHANGES AS NECESSARY SUBJECT TO FINAL SURVEY AND TITLE COMMITMENT.

LOT "C" IN THE CONSOLIDATION OF LOTS 61 TO 64, 71 TO 75 AND 79 TOGETHER WITH THAT PART OF THE STREET LYING SOUTH OF AND ADJOINING LOTS 71, 72 AND 73 AND WEST OF THE EAST LINE OF SAID LOT 71 PRODUCED SOUTH AND THE EAST AND WEST ALLEY, 16 FEET WIDE, LYING SOUTH OF AND ADJOINING SAID LOTS 61 TO 64, ALSO THE EAST AND WEST ALLEY, 16 FEET WIDE, LYING SOUTH OF AND ADJOINING SAID LOTS 74 AND 75;. ALL IN SUTHERLAND'S SUBDIVISION OF PART OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO

LOTS 76, 77 AND 78 TOGETHER WITH ALL THE VACATED ALLEY, 16 FEET WIDE, LYING EASTERLY OF AND ADJOINING LOTS 77 AND 78 AND ALSO ALL OF THE VACATED ALLEY, 16 FEET WIDE, LYING SOUTH OF AND ADJOINING LOTS 76 AND 77; ALL IN SAID SUTHERLAND'S SUBDIVISION OF PART OF SECTION 33, AFORESAID.

ALSO

THAT PART OF VACATED W. 83rd PLACE, 66 FEET WIDE, LYING EAST OF THE EAST LINE OF VACATED S. WALLACE STREET AND LYING WEST OF STRAIGHT LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 69 TO THE NORTHWESTERLY CORNER OF LOT 87 AND LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOTS 69 AND 70; ALL IN SAID SUTHERLAND'S SUBDIVISION OF PART OF SECTION 33, AFORESAID.

ALSO

THAT PART OF VACATED S. WALLACE STREET, 66.00 FEET WIDE, WHICH LIES NORTH OF THE NORTH LINE OF W. 84™ STREET AND SOUTH OF A LINE WHICH IS 163.50 FEET SOUTH OF THE SOUTH LINE OF W. 83rd STREET, IN SUTHERLAND'S SUBDIVISION OF SECTION 33, AFORESAID.

PIN NOS. 20-33-302-002-0000 AND 20-33-303-004-0000 ADDRESS: 8385 SOUTH BIRKHOFF AVENUE, CHICAGO, IL 60620

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