Legislation Details (With Text)

File #:	O2019-9393		
Type:	Ordinance	**Status:**	Passed
File created:	12/18/2019	**In control:**	City Council
		Final action:	1/15/2020
Title:	Acquisition or purchase of property at 941-943 W Castlewood Terrace for expansion of John T. McCutcheon School with structure addition and ancillary improvements		
Sponsors:	Lightfoot, Lori E.		
Indexes:	Acquisition		
Attachments:	1. O2019-9393.pdf		

Date	Ver.	Action By	Action	Result
1/15/2020	1	City Council	Passed	Pass
12/18/2019	1	City Council	Referred	

OFFICE OF THE MAYOR

CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

December 18,2019

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 conferring acquisition authority on the Public Building Commission for property located at 941-43 West Castlewood Terrace.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours.

powered by Legistar™

Mayor

ORDINANCE

WHEREAS, the City of Chicago (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 governmental affairs; and

WHEREAS, pursuant to the provisions of Public Building Commission Act (50 ILCS 20/1 et seq.; the "Act"), which authorizes the creation of public building commissions and defines their rights, powers and duties,, the City Council (the "City Council") of 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, the Commission has heretofore undertaken a program involving the acquisition, construction, alteration, repair, renovation, rehabilitation, enlargement and improvement of public elementary schools and related ancillary facilities for use by various governmental agencies including, the Board of Education of the City of Chicago (the "Board of Education"); and

WHEREAS, on December 20, 2006, the Board of Education adopted Resolution 06-1220-RS6 authorizing intergovernmental agreements between the Board of Education, the City and the Commission for the acquisition of property, the design and construction of new public schools and the rehabilitation and renovation of existing schools by the Commission on behalf of the Board of Education; and

WHEREAS, on June 26, 2019, the Board of Education adopted Resolution 19-0626-RS17, which designated for acquisition certain property located in the vicinity of 941-943 W. Castlewood Terrace, Chicago, Illinois and legally described on Exhibit A hereof (the "Property"), for school, educational and recreational purposes, including the construction of a new annex for the use and benefit of the adjacent John T. McCutcheon School, located at 4865 N. Sheridan Road, Chicago, Illinois (the "Project") with funds fo be provided by or on behalf of the Board; and

WHEREAS, by resolution adopted on September 10, 2019, the Board of Commissioners of the Commission approved the request by the Board of Education to select, locate and designate the Property for acquisition, by deed or by the exercise of eminent domain, for the acquisition and construction thereon of the Project for the benefit and use of the Board of Education; and

WHEREAS, the Property, which 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, pursuant to the requirements of Section 14 of the Act, the Commission on behalf of the Board of Education has requested that the City Council approve the Property, so selected, located and designated by the Commission, as a site to be acquired for construction of an addition to the John T. McCutcheon School including ancillary and related 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; now, therefore,

powered by Legistar™

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 and are 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 Board of Education, to acquire the Property for the public purposes set forth in the Recitals. The City hereby approves the selection, location and designation of the Property, for acquisition, development and construction of an addition to the John T. McCutcheon School including ancillary and related improvements for use and benefit of the Board of Education.

SECTION 3. The City approves the Commission's authority to negotiate with the owner(s) for the purchase of the Property. If the Commission and the owner(s) agree on the terms of the purchase, the Commission is authorized to purchase the Property for the agreed price. If the Commission is unable to agree with the owner(s) of the Property on the terms of the purchase, or if the owner(s) is or are incapable of entering into such a transaction with the Commission, or if the owner(s) cannot be located, the Commission is hereby authorized to institute and prosecute condemnation proceedings for the purpose of acquiring fee simple title to the Property under the Commission's power of eminent domain.

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 be effective immediately upon its passage and approval.

EXHIBIT A

Designation of Real Property for the Acquisition and Construction of an Addition to the John T. McCutcheon School

powered by Legistar™

(subject to final title commitment and survey)

INTERESTS TO BE ACQUIRED: BY PURCHASE AND/OR CONDEMNATION FEE SIMPLE TITLE, A PERMANENT EASEMENT, OR OTHER INTEREST IN THE FOLLOWING PROPERTY, INCLUDING ANY AND ALL REVERSIONARY OR OTHER INTERESTS AND RIGHTS IN THE PROPERTY:

LEGAL DESCRIPTION:

THE NORTH 40 FEET OF LOTS 43, 44 AND 45 IN CASTLEWOOD, BEING A SUBDIVISION OF ALL THAT PART OF LOT 4 IN FUSSEY AND FENNIMORES SUBDIVISION OF THE SOUTHEAST FRACTIONAL V* OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE CENTER LINE OF SHERIDAN ROAD AND NORTH OF THE NORTH LINE OF THE SOUTH 5.20 CHAINS OF SAID SECTION 8, IN COOK COUNTY, ILLINOIS.

TEMPORARY CONSTRUCTION EASEMENT TO BE ACQUIRED: BY PURCHASE OR BY CONDEMNATION IN THE FOLLOWING PROPERTY:

LEGAL DESCRIPTION:

LOTS 43, 44 AND 45 IN CASTLEWOOD, BEING A SUBDIVISION OF ALL THAT PART OF LOT 4 IN FUSSEY AND FENNIMORES SUBDIVISION OF THE SOUTHEAST FRACTIONAL V* OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE CENTER LINE OF SHERIDAN ROAD AND NORTH OF THE NORTH LINE OF THE SOUTH 5.20 CHAINS OF SAID SECTION 8, IN COOK COUNTY, ILLINOIS.

PROPERTY INDEX NUMBERS:

14-08-418-001-0000 14-08-418-002-0000

COMMON ADDRESS:

941-943 W. CASTLEWOOD TERRACE, CHICAGO, ILLINOIS 60640

A-l

powered by Legistar™