



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Text

File #: O2016-3931, **Version:** 1

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 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, the Commission has previously agreed to undertake the demolition and environmental remediation of the old Malcolm X College Campus facilities (the "Project") generally located at 1900 West Van Buren Street, Chicago, Illinois (the "Site"); and

WHEREAS, pursuant to an ordinance adopted by the City Council on December 19, 2015 (the "Ordinance"), on February 29, 2016, the City and the Commission entered into that certain Intergovernmental Agreement between the City of Chicago and the Public Building Commission of Chicago (Malcolm X Campus Project) (the "Agreement") for the Commission to undertake the Project on behalf of the City; and

WHEREAS, pursuant to the Agreement, the City wished to provide the Commission funds in an estimated amount of not to exceed \$10,000,000 (available pursuant to that certain Revolving Line of Credit Agreement dated September 24, 2015 among the City, JPMorgan Chase Bank, Bank of China and BMO Harris Bank) for the Project; and

WHEREAS, pursuant to Section 2.2 of the Agreement, the Commission and the City agreed upon an Undertaking Budget reflecting the total costs required for the Project; and

WHEREAS, pursuant to the Intergovernmental Cooperation Act of the State of Illinois and Section 12.1 of the Agreement, the City has determined that it is necessary, desirable and in the public interest to enter into an amendment to the Agreement in substantially the form attached hereto as Exhibit 1 (the "Amendment"), in order to increase the amount of funds available to the Commission for the Project to \$15,044,225.

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 2FM (the "2FM Commissioner") is 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 2FM Commissioner, the Budget Director and their respective designees, 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.

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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 1 AMENDMENT (see attached)

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FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CHICAGO AND
THE PUBLIC BUILDING COMMISSION OF CHICAGO
(MALCOLM X CAMPUS)

This First Amendment to Intergovernmental Agreement (the "Amendment"), dated as of
, 2016 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 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 "Board"), the Chicago Park District, and the Board of Trustees of Community College District No. 508, County of Cook and State of Illinois; and

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WHEREAS, the Commission has previously agreed to undertake the demolition and environmental remediation of the old Malcolm X College Campus facilities (the "Project") generally located at 1900 West Van Buren Street, Chicago, Illinois (the "Site"); and

WHEREAS, pursuant to an ordinance adopted by the City Council on December 19, 2015 (the "Ordinance"), on February 29, 2016, the City and the Commission entered into that certain Intergovernmental Agreement between the City of Chicago and the Public Building Commission of Chicago (Malcolm X Campus Project) (the "Agreement") for the Commission to undertake the Project on behalf of the City; and

WHEREAS, pursuant to the Agreement, the City wished to provide the Commission funds in an estimated amount of not to exceed \$10,000,000 (available pursuant to that certain Revolving Line of Credit Agreement dated September 24, 2015 among the City, JPMorgan Chase Bank, Bank of China and BMO Harris Bank) for the Project; and

WHEREAS, pursuant to Section 2.2 of the Agreement, the Commission and the City agreed upon an Undertaking Budget reflecting the total costs required for the Project; and

WHEREAS, pursuant to the Intergovernmental Cooperation Act of the State of Illinois and Section 12.1 of the Agreement, the City has determined that it is necessary, desirable and in the public interest to enter into this Amendment in order to increase the amount of funds available to the Commission for the Project to \$15,044,225.

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

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

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2.1. The amount of funds available to the Commission for the Project is hereby increased by \$5,044,225, from not to exceed \$10,000,000 to not to exceed \$15,044,225. The source of such funds continues to be those available pursuant to that certain Revolving Line of Credit Agreement dated September 24, 2015 among the City, JPMorgan Chase Bank, Bank of China and BMO Harris Bank.

2 Exhibit B to the Agreement is hereby deleted in its entirety and replaced with Amended Exhibit B attached hereto and hereby incorporated herein.

3 Except as amended hereby the Agreement remains in full force and effect.

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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 Malcolm X Campus Project to be executed, all as of the date first written above. CITY OF CHICAGO

By:
Commissioner
Department of Fleet and Facility Management

PUBLIC BUILDING COMMISSION OF CHICAGO

By:
Executive Director

Approved as to form and legality for the Public Building Commission of Chicago:

Neal & Leroy, LLC

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AMENDED EXHIBIT B AMENDED PROJECT BUDGET (MALCOLM X CAMPUS)

(See Attachment)

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Revised Undertaking Budget.

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Rnvisad Undertaking Budget

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OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

May 18,2016

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 an amendment to an intergovernmental agreement with the Public Building Commission regarding demolition and underground storage tank removal.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

JOSEPH A. MOORE

Alderman, 49th Ward 7356 North Greenview Avenue Chicago, Illinois 60626 telephone 773-338-5796 ward49@cityofchicago.org <mailto:ward49@cityofchicago.org> www.ward49.com

CITY COUNCIL

CITY OF CHICAGO COUNCIL CHAMBER

City Hall, Room 200 121 North LaSalle Street Chicago, Illinois 60602 Telephone 312-744-3067

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June 22, 2016

To the President and Members of the City Council:

Your Committee on Housing and Real Estate, for which a meeting was held on June 21, 2016, having had under consideration the ordinance introduced by Mayor Rahm Emanuel on May 18, 2016, this being the intergovernmental agreement with Public Building Commission for demolition of Old Malcolm X College at 1900 W. Van Buren Street, begs leave to recommend that Your Honorable Body Approve said ordinance transmitted herewith.

This recommendation was concurred in by a voice vote of all committee members present with no dissenting votes.

Joseph A. Moore, Chairman Committee on Housing and Real Estate

Respectfully submitted,