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Legislation Text

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OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL
MAYOR

April 10, 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 ordinances authorizing the execution of right-of-entry agreements.

Your favorable consideration of these ordinances will be appreciated.

Very truly yours,

Mayor

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1: On behalf of the City of Chicago as Grantor, the Commissioner of the Department of Fleet and Facility Management is authorized to execute an Amendment to an existing Right of Entry agreement with the Chicago Park District, as Licensee, to extend the term of the agreement beyond the initial one hundred eighty (180) days, for continued access to City-owned property located at 3347-3357 West 55th Street, to permit the continued use of the property as a soccer pitch; such Amendment to the Right of Entry agreement is to be approved as to form and legality by the Corporation Counsel in the following form:

ROE NO. 3972

AMENDMENT TO RIGHT OF ENTRY AGREEMENT

THIS AMENDMENT TO RIGHT OF ENTRY AGREEMENT (the "Amendment") is made and effective as of _____, 2019 by and between CITY OF CHICAGO, an Illinois municipal corporation and home rule unit of government (the "City") and CHICAGO PARK DISTRICT, an Illinois municipal corporation (the "Licensee").

RECITALS

WHEREAS, on October 2, 2018, City and Licensee executed that certain Right of Entry Agreement (the "Agreement") governing Licensee's access to 3347-3357 West 55th Street, Chicago, Illinois (the "Property"); and

WHEREAS, the Term of the Agreement expires March 30, 2019, and Licensee seeks continued access to and use of the Property beyond March 30, 2019; and

WHEREAS, by ordinance adopted on _____, 2019, and published at pages _____ - _____ in the Journal of the Proceedings of the City Council of the City of such date, the City Council authorized the extension of the Term of the Agreement by ten (10) years.

NOW THEREFORE, in consideration of the above recitals, and the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The foregoing recitals are hereby incorporated into and made a part of this Amendment by this reference.
2. The Term of the Agreement is hereby extended by ten (10) years, with a retroactive commencement of then ten year extension beginning on March 31, 2019.
3. If any term, provision or condition of this Amendment is found to be or is rendered invalid or unenforceable, it shall not affect the remaining terms, provisions and conditions of this Amendment, and each and every other term, provision and condition of this Amendment shall be valid and enforceable to the fullest extent permitted by law.
4. This Amendment shall be governed, construed, applied and enforced in accordance with the laws of the State of Illinois.
5. This Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of such counterparts shall together constitute one Amendment.
6. City and Licensee further acknowledge and agree that, except to the extent hereinabove provided, the provisions of the Agreement remain unmodified and in full force and effect. This Amendment is hereby attached and made part of the Agreement and is specifically incorporated into the Agreement. To the extent any terms and provisions of this.

ROE NO. 3972

Amendment are inconsistent with the terms and provisions of the Agreement, the terms and provisions of this Amendment shall prevail.

IN WITNESS WHEREOF, the parties have executed this Amendment to the Agreement as of the day and year first above written.

CITY OF CHICAGO,
an Illinois municipal corporation and home rule unit of government

By:
Commissioner
Department of Fleet and Facility Management

Approved as to form and legality:

Lisa A. Misher
Deputy Corporation Counsel

CHICAGO PARK DISTRICT,
an Illinois municipal corporation

By:
Print Name:
Title:

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3347-57 W. 55th Street ROE # 3972

SECTION 2: This Ordinance shall be effective from and after the date of its passage and approval.