

AMEND BOARD REPORT 08-0602-RS23
**RESOLUTION AUTHORIZING VARIOUS TRANSACTIONS REGARDING THE DEVELOPMENT OF
THE LAND ADJACENT TO AND UPON THE BRET HARTE SCHOOL**

WHEREAS, the Board of Education of the City of Chicago (the "Board") desires to cooperate with the City of Chicago (the "City") the Public Building Commission ("PBC") and a private developer known as Antheus Capital, LLC, and its affiliates, Windermere House, LLC, Solstice on the Park, LLC, and 5528 S. Cornell Avenue, LLC (collectively, "Antheus"), in the development of the land adjacent to and upon the Bret Harte School (the "School"), such development resulting in ownership and improvements in substantial accordance with the diagrams dated May 21, 2008, on deposit with the Real Estate Department of the Board (the "Diagrams");

WHEREAS, Antheus proposes to develop the land adjacent to the School with an approximately 142-unit condominium ("Project") and in so doing, various transfers of property ownership must occur and certain consents regarding zoning and other legal matters pertinent to such development will be required;

WHEREAS, the School site, including certain portions thereof which are properties involved in the development are legally held in the name of the PBC for the Board's benefit;

WHEREAS, the Board has the right and authority to direct and does so direct the PBC to convey these certain School properties, as further described below, to the City to be held in Trust for the Board;

WHEREAS, pursuant to the Local Government Property Transfer Act (50 ILCS 605/2), the Board shall direct the City as trustee for the Board to transfer certain property consisting of approximately 952 square feet to the City subject to the City's prior passage of an ordinance declaring that it is necessary or convenient for the City to acquire such property for a public use and the City's transferring to the Board certain property consisting of approximately 4,205 square feet pursuant to an intergovernmental agreement (the "Intergovernmental Agreement") between the City; and the Board; and the Public Building Commission of the City of Chicago (the "PBC");

WHEREAS, at no cost to the Board, the Board shall: (a) receive certain property consisting of approximately 4,205 square feet from the City pursuant to the Intergovernmental Agreement, which property is to be used by the Board to provide parking for the School staff and additional improvements to the School; such improvements to include, but not be limited to, a new surface parking area with 32 parking spaces and 7 covered parking spaces for a total of 39 parking spaces (which exceeds the current 34 parking spaces), a newly created and installed private pick-up/drop-off lane, an enlarged playground, and the re-location of existing playground equipment to a new location; and (b) enter into a long-term use/license agreement (the "Use Agreement") for the sole purpose of holding teacher conferences with disabled parents and guardians of Bret Harte School students in ADA accessible meeting space in the Project at such place within the Project and on such other terms and conditions as are agreed to by the Chief Administrative Officer; and

WHEREAS, ~~certain Board-controlled properties involved in the development are legally held in the name of the PBC for the Board's benefit.~~

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY CHICAGO BOARD OF EDUCATION:

1. The preambles of this Resolution are incorporated into this section as if fully set forth herein.
2. It is desirable, useful, advantageous, and in the best interests of the Board to cooperate with the City and Antheus to develop the land adjacent to and upon the School.
3. The Chief Administrative Officer, with review and approval of the General Counsel, is authorized and directed to negotiate and execute any and all documents required for the development of the Project which are, in the opinion of the Chief Administrative Officer, in the best interest of the Board, specifically including, but not limited to, the following: (a) the closure and vacation of an alley north of the School; (b) the opening and dedication of a new alley north of the School; (c) the consent to the adoption and approval of a zoning map amendment, planned development, an application under the Lake Michigan and Chicago Lakefront Protection Ordinance and any minor

changes or amendments thereto; (d) the consent to the introduction and adoption of an ordinance changing the direction of traffic flow on a portion of South Cornell Ave.; (e) the establishment of a permanent 12-foot setback on the eastern property line of the School adjacent to the Project; (f) the establishment of a permanent easement to allow School staff the use of seven (7) covered parking spaces to be located at grade under an overhang on the western edge of the parking structure for the Project; (g) the transfer of a 952 square foot strip of land (legal title held by the PBC) to the City for consideration in the form of an approximately 4,205 square foot parcel of property to be given by the City to the Board; (h) entering into a construction, operation and reciprocal easement agreement with Antheus for, among other matters, the improvements upon the School land and the Construction of the Project; (i) negotiating and entering into the Use Agreement; and (j) negotiating and entering into the Intergovernmental Agreement.

~~4. In all instances where necessary and as so directed by the General Counsel, the Board hereby authorizes the PBC to execute any and all documents to effectuate these transactions.~~

4. ~~5.~~ The General Counsel is authorized to attach any and all legal descriptions for all properties involved in these transactions pursuant to professionally generated title reports and surveys.

5. ~~6.~~ The Board hereby approves accepting title to that certain strip of land from the City and a portion of the alley to be vacated in the name of the City of Chicago in Trust for the Use of Schools PBC for the Board's benefit and use at no cost to the Board.

6. ~~7.~~ This Resolution is effective immediately upon its adoption.