

April 23, 2014

AMEND BOARD REPORT 11-0323-RS2
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") 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 ~~February 8, 2011~~, 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 ("Windermere Project")~~ ("Solstice 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, pursuant to the Local Government Property Transfer Act (50 ILCS 605/2), the Board shall 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;

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 6 covered parking spaces for a total of 38 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 ("School Project"); 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 Windermere House building owned by Windermere House, LLC. Project at such place within the Project and on such other terms and conditions as are agreed to by the Chief Executive Officer or his designee (CEO);

WHEREAS, the City of Chicago in Trust for Use of Schools holds title to the School for the benefit of the Board;

WHEREAS, "Project" as used herein shall mean the School Project and the Solstice Project;
 and

WHEREAS, this amendment is necessary to authorize the City of Chicago to grant non-exclusive easements to utilities for the construction of the exterior improvements at Bret Harte School.

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 Executive Officer or his designee, 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 Executive 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 that currently divides the School site~~; (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 six (6) covered-parking spaces to be located at-grade ~~under an overhang on the western edge of the new condominium to be constructed by Antheus~~ on the property adjacent to the School; (g) the transfer of a 952 square foot strip of land (legal title held by the ~~the~~ City of Chicago in Trust for Use of Schools) to the City for consideration for 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 ~~C~~construction of the Project; (i) negotiating and entering into the Use Agreement; and (j) negotiating and entering into the Intergovernmental Agreement with the City and authorizing the City to grant non-exclusive easements or reservations to utilities required to relocate their facilities due to the vacation and relocation of the alley for the School Project.
4. 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 and final architectural plans and drawings for the Improvements to be constructed on the School and for the Project and to include indemnification provisions in the construction, operation and reciprocal easement and use agreements with Antheus, in the Intergovernmental Agreement with the City and in the non-exclusive easements or reservations for utility relocation.
5. 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 for Trust of Use of Schools for the Board's benefit and use at no cost to the Board in exchange for the 952 square feet to be conveyed to the City.
6. To authorize Antheus to file for permits from the City for the construction of the Improvements by the Antheus on Board Property at no cost to the Board.
7. In all instances where necessary and as so directed by the General Counsel, the Board hereby authorizes the City to execute any and all documents to effectuate the School Project and the transactions described above.
- ~~7~~8. This Resolution is effective immediately upon its adoption.