

**AUTHORIZE A PARTIAL REFUND OF THE LICENSE FEE TO THE CHICAGO NATIONAL LEAGUE
BALL CLUB, INC. FOR USE OF THE LEMOYNE SCHOOL PARKING LOT**

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Authorize a partial refund of the license fee to the Chicago National League Ball Club, Inc. for use of the parking lot at LeMoyne School to provide parking for patrons attending the Chicago Cubs ball games, in the amount of \$36,200. A written license agreement for such use was approved by Board Report 00-0126-OP5 and subsequently executed. However, the parking lot was only utilized for eight (8) days due to no fault of the Licensee. Information pertinent to this refund is stated below.

LICENSEE: Chicago National League Ball Club, Inc.
(Chicago Cubs)
1060 West Addison Street
Chicago, IL 60613-4397
Contact Person: Paul Rathje, Director of Stadiums
Phone: 773/404-4076

LICENSOR: Board of Education of the City of Chicago

PREMISES: LeMoyne School Parking Lot
851 W. Waveland Avenue
Contact Person: Guadalupe Shields, Interim Principal
Phone: 773/534-5736

DESCRIPTION: The License Agreement was approved by Board Report 00-0126-OP5, adopted January 26, 2000. The term of the license agreement commenced April 1, 2000 and ended October 31, 2000. The License fee was to be equal to the net gross revenue realized during the term (approximately \$100,000). However, the LeMoyne Parking lot was utilized by the Licensee for eight days only because the lot was closed due to zoning and permit issues, which were never resolved.

REFUND: An initial pre-payment of \$46,000 was paid by Licensee to the Board of Education in early April 2000 and credited to LeMoyne School in various budget classifications. The parties have agreed that the Licensee only owes the Board the amount of \$9,800.00 for the 8 days of use.

AUTHORIZATION: Authorize the Comptroller to issue a refund check to Licensee in the amount of \$36,200.

AFFIRMATIVE ACTION: Exempt.

LSC REVIEW: Local School Council approval is not applicable to this report.

FINANCIAL: Charge \$36,200 to the following budget lines:
Budget Classification: 4440-552-404-0352-5990 - \$29,200
4440-552-404-0352-5430 - \$ 4,500
4440-552-404-0352-5730 - \$ 2,500

GENERAL CONDITIONS:

Inspector General – Each party to the agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Chicago Board of Education has the authority to conduct certain investigations and that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.

Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one year period following expiration or other termination of their terms of office.

Indebtedness – The Board’s Indebtedness Policy adopted July 26, 1995 (95-0726-EX3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Ethics – The Board’s Ethics Code adopted September 27, 1995 (95-0927-RU3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

Approved for Consideration:



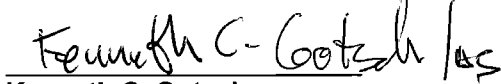
Timothy Martin
Chief Operating Officer

Approved:



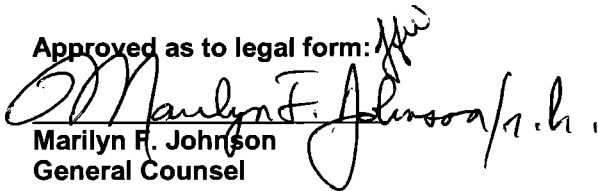
Paul G. Vallas
Chief Executive Officer

Within Appropriation:



Kenneth C. Gotsch
Chief Fiscal Officer

Approved as to legal form:



Marilyn F. Johnson
General Counsel