

September 24, 2003

**APPROVE ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE  
CHICAGO PARK DISTRICT FOR THE ACCEPTANCE OF AN OWNERSHIP OR LEASEHOLD INTEREST  
IN LAND FOR CONSTRUCTION OF THE TARKINGTON SCHOOL AND THE SHARED USE OF THE  
TARKINGTON SCHOOL ATHLETIC FACILITIES**

**THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:**

Approve the acceptance of an ownership or leasehold interest in land from the Chicago Park District (CPD) for the construction of the Tarkington School, and approve entering into an Intergovernmental Agreement with the CPD regarding this conveyance or leasehold and the shared use of the Tarkington School Athletic Facilities. The Board agrees, once the school is constructed, to share the use of the Athletic Facilities with the CPD, including the gymnasium and locker rooms as well as other facilities. A written Intergovernmental Agreement (IGA) regarding this conveyance or leasehold and the shared use of the facilities is currently being negotiated. The authority granted herein shall automatically rescind in the event an IGA is not executed within 120 days of the date of this Board Report. Information pertinent to this IGA is stated below:

<b>PARTIES:</b>	Board of Education 125 S. Clark Street Chicago, IL 60603 Contact: Chief Operating Officer Phone: 773-553-2900	Chicago Park District. 541 N. Fairbanks Chicago, IL 60611 Contact: General Superintendent Phone: 312-742-4500
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**BASIC TERMS OF CONVEYANCE OR LEASEHOLD:** Subject to final negotiations with the Chicago Park District, the property necessary for the construction of the Tarkington School (the "property") shall either be conveyed by the Chicago Park District to the Board or the Chicago Park District shall lease the Property to the Board for a period of 40 years (with the Board having 3 options to renew the lease for a additional 40 year period). The consideration for the conveyance or the leasehold shall be the Chicago Park District's exclusive and/or shared usage of various athletic facilities built by the Board upon the Property.

**BASIC TERMS OF THE IGA:** The IGA will provide for the use of the Athletic Facilities after construction by the Board. The CPD shall receive exclusive usage of certain of the facilities and shared usage of other facilities. The parties shall formulate a schedule as to the shared usage of the facilities. The Board reserves the right to make every determination with regard to the use of the Board's Athletic Facilities in the best interests of the Board. In no event shall the CPD have any right to change, alter or reconfigure the Athletic Facilities without the express written consent of the Board.

**AUTHORIZATION:** Authorize the General Counsel to confirm the final legal description of the Property. Authorize the General Counsel to execute any and all conveyance or leasehold documents required to effectuate the conveyance or leasing of the Property. Authorize the General Counsel to include other relevant terms and conditions in the IGA. Authorize the President and Secretary to execute the IGA.

**AFFIRMATIVE ACTION:** Exempt.

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

**FINANCIAL:** No cost to the Board.

**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.

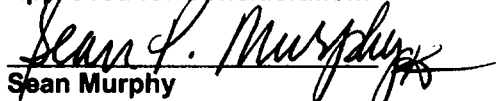
Conflicts - The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one year period following expiration or other termination of their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

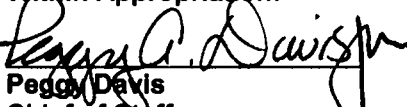
Approved for Consideration:

  
Sean Murphy  
Chief Operating Officer

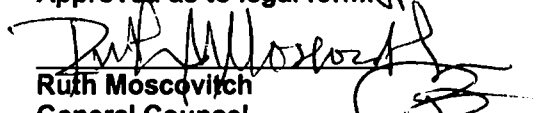
Approved:

  
Arne Duncan  
Chief Executive Officer

Within Appropriation:

  
Peggy Davis  
Chief of Staff

Approved as to legal form:

  
Ruth Moscovitch  
General Counsel