

**RESOLUTION AUTHORIZING ABANDONMENT OF THE EMINENT DOMAIN PROCEEDINGS TO  
ACQUIRE 201 – 209 W. 103<sup>RD</sup> STREET**

**WHEREAS**, on November 15, 2000, the Board of Education of the City of Chicago (the "Board") designated for acquisition the property legally described on the attached Exhibit A, commonly known as 201 -209 W. 103<sup>rd</sup> Street, PIN 25-16-201-014 and 049 (the "Subject Property") for the construction of a new Langston Hughes School in Roseland; and

**WHEREAS**, the Board could not negotiate an agreed purchase price with the owner of the Subject Property and eminent domain proceedings were instituted by the Board to acquire the Subject Property under docket number 02 L 51341 in the Circuit Court of Cook County; and

**WHEREAS**, in preparation for jury trial, the appraisers for the Board valued the Subject Property at over \$700,000 and the appraisers for owners valued the Subject Property at over \$1,000,000; and

**WHEREAS**, the Board's environmental consultant conducted a limited Phase II environmental investigation of the Subject Property; and

**WHEREAS**, based upon the environmental investigation, it appears that the Board's cost to remediate the site would exceed \$500,000 because the Subject Property was a former gas station and dry cleaning establishment; and

**WHEREAS**, the Subject Property is located at the northeast corner of the project area and the new school can be constructed without acquiring the Subject property; and

**WHEREAS**, the Board has considered the potential acquisition, relocation and remediation costs that would be incurred to acquire the Subject Property and, in light of its budgeting priorities, has determined that it is in the best interests of the Board to terminate and dismiss the eminent domain proceeding to acquire the Subject Property; and

**WHEREAS**, Section 123 of the Eminent Domain Article of the Illinois Code of Civil Procedure, 735 ILCS 5/7-123, provides for the abandonment of a pending condemnation action subject to reimbursing the owners of the Subject Property for their costs, expenses and reasonable attorneys fees paid or incurred in defense of the eminent domain proceeding; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Chicago Board of Education:

1. Special counsel is hereby authorized and directed to take the necessary steps to abandon the eminent domain proceeding instituted in docket number 02 L 51341 for the acquisition of the Subject Property.
2. The abandonment and termination of the eminent domain proceedings is to be without prejudice.
3. Special counsel is hereby directed to submit the owners' and tenants petitions for reimbursement for their costs, expenses and attorneys fees incurred in this matter to the General Counsel for his review and recommendation to the Board.
4. This resolution is effective immediately upon its adoption.

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

LOTS 1 THROUGH 8, INCLUSIVE, IN BLOCK 1 IN FERNWOODS ADDITION TO PULLMAN, BEING A SUBDIVISION OF PART OF LOTS 2, 7 AND 10 IN THE SCHOOL TRUSTEES SUBDIVISION OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PROPERTY ADDRESS:**

201-209 West 103<sup>rd</sup> Street  
Chicago, Illinois

**PINs:**

25-16-201-014 and  
25-16-201-049