

AMEND BOARD REPORT 10-0825-OP1
APPROVE ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT TO EXCHANGE LAND SWAP, AN AMENDMENT TO THE LEASE BETWEEN THE PUBLIC BUILDING COMMISSION AND THE BOARD, AND A RECIPROCAL LICENSE A SHARED USE AND TEMPORARY LICENSE AGREEMENT WITH THE CHICAGO PARK DISTRICT EACH IN CONNECTION WITH AN ADDITION TO THE EDGEBROOK SCHOOL

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

The Public Building Commission ("PBC") holds title to the Edgebrook School property for the Board of Education. The Chicago Park District ("CPD") owns property adjacent to Edgebrook School. CPD also licenses property from the Board for ~~athletic facilities~~ a baseball field adjacent to Edgebrook School. The Board needs 15,337 square feet of CPD land described on Exhibit A for the construction of an addition to Edgebrook School ("Edgebrook Addition"). CPD has agreed to convey the 15,337 square feet of land described on Exhibit A to the Board for the Edgebrook Addition in exchange for the 15,337 square feet of Board property described on Exhibit B and a twenty (20) year non-revocable Reciprocal License Shared Use Agreement that will allow CPD and the Board to use and maintain ~~athletic facilities~~ the baseball field adjacent to Edgebrook School on property owned by CPD and the Board as shown on Exhibit GD.

The purpose of this Board Report is to authorize: (1.) PBC's conveyance of the 15,337 square feet of Board property described on Exhibit B to CPD in exchange for the 15,337 square feet of CPD Property described on Exhibit A to be conveyed to the City of Chicago in Trust for Use of Schools; (2.) An amendment to the Lease between the PBC and the Board removing the 15,337 square feet of land described on Exhibit B to be conveyed by the PBC to CPD ("Lease Amendment"); (3) A ~~reciprocal license~~ twenty (20) year non-revocable Shared Use aAgreement between the Board and CPD for the joint use of the ~~athletic facilities owned by PBC on behalf of the Board~~ baseball field immediately west of Edgebrook School ("Reciprocal License Shared Use Agreement") as ~~shown described~~ on Exhibit C and D; and (4.) A temporary license agreement between the Board and CPD for use of a portion of the CPD land ~~located immediately north of the CPD land described on Exhibit A~~ during the construction of the Edgebrook Addition ("Temporary License Agreement"). A Reciprocal License Shared Use Agreement between the Board and CPD for the joint use of the ~~athletic facilities~~ baseball field immediately west of the Edgebrook School is currently being negotiated. A Temporary License Agreement for the Board's use of CPD property during the construction of the Edgebrook Addition is also being negotiated. The authority granted herein shall automatically rescind in the event the conveyance from PBC to CPD of the land described in Exhibit B, the conveyance from CPD to the City of Chicago in Trust for the Use of Schools of the land described in Exhibit A, the Lease Amendment to delete the property to be conveyed by PBC to CPD as described on Exhibit B, and ~~Reciprocal the Shared Use and Temporary License Agreements~~ are not executed, and the conveyances have not been completed, within 120 days of the date of this Board Report. Information pertinent to the ~~IGA following Intergovernmental Agreements~~, Lease Amendment, Reciprocal Shared Use and Temporary License Agreements and conveyances is stated below.

PARTIES:	Board of Education of the City of Chicago	Chicago Park District
	125 S. Clark Street	541 N. Fairbanks
	Chicago, IL 60603	Chicago, IL 60611
	Contact: Chief Operating Officer	Contact: General Superintendant
	Phone: 773-553-2900	Phone: 312-742-4500

PROPERTY TO BE CONVEYED BY CPD TO THE CITY OF CHICAGO, IN TRUST FOR USE OF SCHOOLS: Approximately 15,337 square feet of land described on Exhibit A attached hereto.

PROPERTY TO BE RELEASED/REMOVED FROM THE PBC LEASE: Approximately 15,337 square feet of land described on Exhibit B attached hereto.

PROPERTY TO BE CONVEYED BY THE PBC (ON BEHALF OF THE BOARD) TO CPD: Approximately 15,337 square feet of land described on Exhibit B attached hereto.

DISPOSITION TYPE: The conveyances described above shall be in accordance with the Local Government Property Transfer Act. CPD will use the property described on Exhibit B for public park purposes upon

acceptance. The Board will use the property described on Exhibit A for public school purposes upon acceptance.

RECIPROCAL LICENSE SHARED USE AGREEMENT: Shall cover the ~~athletic facilities~~ baseball field immediately west of Edgebrook School, identified as Parcels B and C and on Exhibit ~~CD~~ attached hereto. Under the ~~Reciprocal License~~ Shared Use Agreement, CPD and Edgebrook School will have joint use of the ~~athletic facilities~~baseball field for twenty (20) years. The exact hours and terms of operation will be coordinated between Edgebrook School and the CPD's site manager. CPD will be responsible for ~~construction,~~ maintenance and all costs related to the use and operation of the ~~athletic facilities~~baseball field.

TERM: The term of the ~~Reciprocal License~~non-revocable Shared Use Agreement shall commence on the date the agreement is signed and shall end ~~10~~20 years thereafter. ~~It shall be renewable for a second term of 10 years by agreement of the Board and the CPD.~~

TEMPORARY LICENSE AGREEMENT: Shall pertain to CPD land that may be needed temporarily by the Board or the PBC for the construction of the Edgebrook Addition that is located north of the CPD land described on Exhibit A. The Board shall repair, or cause to be repaired by the PBC, any damage it causes to the Temporary License Area, including equipment, and return the Temporary License Area to CPD in the same condition as it was received.

AUTHORIZATION: Authorize the President and the Secretary to execute the Lease Amendment and any and all conveyance documents required to effectuate the conveyance of the property described on Exhibit B to CPD and to accept the Property described on Exhibit A from CPD. Authorize the Chief Operating Officer to execute the ~~Reciprocal IGA, Shared Use~~ and Temporary License Agreements with CPD. Authorize the General Counsel to include other relevant terms and conditions, including indemnification in the ~~Reciprocal IGA, Shared Use~~ and Temporary License Agreements. Authorize the PBC to convey the Board's interest in the property shown in Exhibit B directly to CPD. Authorize the Chief Operating Officer to execute all ancillary documents required to administer or effectuate the landswaps and the ~~Reciprocal IGA, Shared Use~~ and Temporary License Agreements.

AFFIRMATIVE ACTION: Exempt.

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

FINANCIAL: Credit to General Fund: \$1.

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.

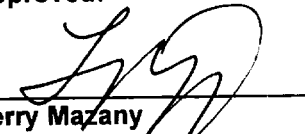
Indebtedness – The Board's Indebtedness Policy adopted June 26, 1996 (96-0626-PO3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Ethics – The Board's Ethics Code adopted June 23, 2004 (04-0623-PO4), as amended from time to time, shall be incorporated into and made a part of the agreement.

Approved for Consideration:


Patricia L. Taylor
Chief Operating Officer

Approved:


Terry Mazany
Chief Executive Officer

Within Appropriation:


Diana S. Ferguson
Chief Financial Officer

Approved as to legal form:


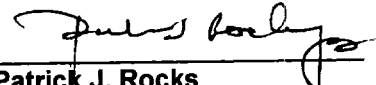


Patrick J. Rocks
General Counsel

EXHIBIT A

LEGAL DESCRIPTION OF THE LAND TO BE CONVEYED BY THE CHICAGO PARK DISTRICT TO THE CITY OF CHICAGO IN TRUST FROM USE OF SCHOOLS FOR THE CONSTRUCTION OF THE EDGEBROOK SCHOOL ADDITION, APPROXIMATELY 15,337 SQUARE FEET

PARCEL A

THAT PART OF LOTS 36 AND 39, IN OGDEN AND JONES SUBDIVISION OF BRONSON'S PART OF CALDWELL'S RESERVATION, LYING EASTERLY OF THE CENTERLINE OF NORTH CENTRAL AVENUE, IN SECTION 33, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT PARTS OPENED FOR STREETS), DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WESTERLY LINE OF N. MINNEHAHA AVE. (AS OCCUPIED) DISTANT SOUTHWESTERLY 157.35 FEET FROM THE INTERSECTION OF SAID WESTERLY LINE OF N. MINNEHAHA AVE. AND THE SOUTHERLY LINE OF W. IONIA AVE. (AS OCCUPIED); THENCE NORTHWESTERLY ALONG A LINE 436.75 FEET NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF W. HIAWATHA AVE. (AS OCCUPIED), A DISTANCE OF 143.67 FEET TO A POINT; THENCE SOUTHWESTERLY ALONG A LINE 143.67 FEET WESTERLY OF AND PARALLEL WITH SAID WESTERLY LINE OF N. MINNEHAHA, A DISTANCE OF 106.75 FEET TO A POINT 330.00 FEET NORTHERLY OF SAID NORTHERLY LINE OF W. HIAWATHA AVE.; THENCE SOUTHEASTERLY ALONG A LINE 330.00 FEET NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF W. HIAWATHA AVE., A DISTANCE OF 143.67 FEET TO A POINT ON SAID WESTERLY LINE OF N. MINNEHAHA AVE. (SAID POINT DISTANT 330.00 FEET NORTHEASTERLY FROM THE INTERSECTION OF SAID WESTERLY LINE OF N. MINNEHAHA AVE. AND SAID NORTHERLY LINE OF W. HIAWATHA AVE. ; THENCE NORTHEASTERLY ALONG SAID WESTERLY LINE OF N. MINNEHAHA A DISTANCE OF 106.75 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PIN #: 10-33-318-001

AREA: 15,337 SQ. FT. = 0.35 ACRES

LEGAL DESCRIPTION SUBJECT TO MODIFICATION UPON RECEIPT OF FINAL SURVEY

EXHIBIT B

LEGAL DESCRIPTION OF THE LAND TO BE CONVEYED BY THE PUBLIC BUILDING OF COMMISSION OF CHICAGO TO THE CHICAGO PARK DISTRICT IN EXCHANGE FOR THE LAND DESCRIBED ON EXHIBIT A. THE PROPERTY DESCRIBED BELOW SHALL ALSO BE REMOVED/RELEASED FROM THE LEASE AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION OF CHICAGO AND THE BOARD OF EDUCATION. ~~THE SIZE OF THE LAND IS APPROXIMATELY 15,337 SQUARE FEET~~

PARCEL B

THAT PART OF LOTS 36 AND 39, IN OGDEN AND JONES SUBDIVISION OF BRONSON'S PART OF CALDWELL'S RESERVATION, LYING EASTERLY OF THE CENTERLINE OF NORTH CENTRAL AVENUE, IN SECTION 33, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT PARTS OPENED FOR STREETS), DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EASTERLY LINE OF N. CENTRAL AVE. (AS OCCUPIED) DISTANT NORTHEASTERLY 187.32 FEET FROM THE INTERSECTION OF SAID EASTERLY LINE OF N. CENTRAL AVE. AND THE NORTHERLY LINE OF W. HIAWATHA AVE. (AS OCCUPIED); THENCE NORTHEASTERLY ALONG SAID EASTERLY LINE OF N. CENTRAL AVE. A DISTANCE OF 49.47 FEET TO A POINT (SAID POINT DISTANT 386.13 FEET SOUTHWESTERLY FROM THE INTERSECTION OF SAID EASTERLY LINE OF N. CENTRAL AVE. AND THE SOUTHERLY LINE OF W. IONIA AVE. (AS OCCUPIED); THENCE SOUTHEASTERLY ALONG A LINE 225.86 FEET NORTHERLY OF AND PARALLEL WITH SAID NORTHERLY LINE OF W. HIAWATHA AVE., A DISTANCE OF 362.89 FEET TO A POINT 300.00 FEET WESTERLY OF THE WESTERLY LINE OF N. MINNEHAHA AVE.; THENCE WESTERLY 77.09 FEET TO A POINT 178.67 FEET NORTHERLY OF SAID NORTHERLY LINE OF W. HIAWATHA AVE. AND 361.11 FEET WESTERLY OF THE WESTERLY LINE OF N. MINNEHAHA AVE.; THENCE NORTHWESTERLY ALONG A LINE 178.67 FEET NORTHERLY OF AND PARALLEL WITH SAID NORTHERLY LINE OF W. HIAWATHA AVE., A DISTANCE OF 287.08 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PIN #: 10-33-318-001

AREA: 15,336 SQ. FT. = 0.35 ACRES

LEGAL DESCRIPTION SUBJECT TO MODIFICATION UPON RECEIPT OF FINAL SURVEY

THIS PROPERTY IS SUBJECT TO THE 20 YEAR NON-REVOCABLE SHARED USE AGREEMENT BETWEEN THE BOARD AND THE CHICAGO PARK DISTRICT

EXHIBIT C

**BOARD OF EDUCATION PROPERTY SUBJECT TO A TWENTY (20) YEAR SHARED USE AGREEMENT
BETWEEN THE BOARD AND THE DISTRICT FOR JOINT USE OF THE BASEBALL FIELD ADJACENT TO
EDGEBROOK SCHOOL**




PARCEL C

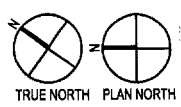
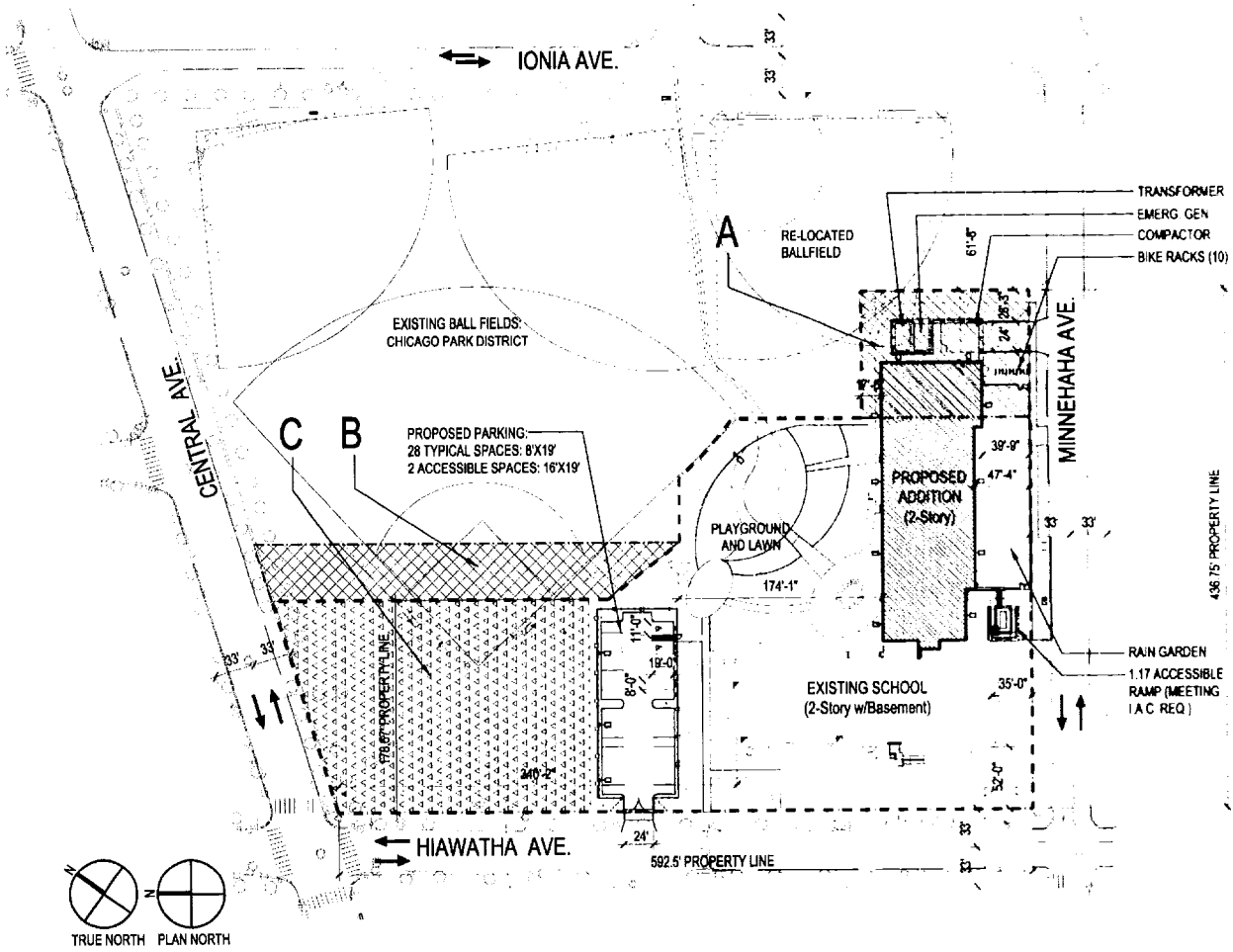
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PIN NO. 10-33-318-001 (Part of)
AREA: 43,567 SQ. FT. = 1 ACRE

EXHIBIT D

Landswap and Shared Use Agreement Exhibit for Edgebrook School Project

LEGEND		
	Parcel A: Property to be conveyed to BOE; 15,337 SF	
		Parcel B: BOE Property to be conveyed to CPD; 15,337 SF Subject to twenty (20) year Shared Use Agreement
		
		Parcel C: BOE and CPD to use jointly pursuant to twenty (20) year Shared Use Agreement; 43,567 SF



NOVEMBER 17, 2010

LANDSWAP SITE PLAN

NOT TO SCALE