

**AUTHORIZE THE PUBLIC BUILDING COMMISSION OF CHICAGO ACQUIRE BY CONDEMNATION
PROPERTY AT 10408 TO 10416 SOUTH INDIANAPOLIS BOULEVARD
FOR THE CONSTRUCTION OF A NEW SOUTHEAST AREA ELEMENTARY SCHOOL**

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

On April 22, 2009, the Board adopted Resolution Number 09-0422-RS24 requesting the Public Building Commission of Chicago ("PBC") acquire for the Chicago Board of Education approximately 3 acres of property at the southwest corner of 104th Street and South Indianapolis Boulevard ("Site") for the construction of a new elementary school to relieve overcrowding in the Southeast Area Community. On June 23, 2010, the Board adopted Resolution Number 10-0623-RS31 providing funding to the PBC to acquire land for the Southeast Area Elementary School ("Project").

The purpose of this Board Report is to authorize the PBC to acquire by condemnation one (1) of the properties for the Project for \$1,105,000 and to pay \$20,000 to reimburse the owners for their moving and relocation costs. The authorization granted herein will automatically rescind in the event the settlement agreement and the final judgment order are not executed and entered within 120 days of this Board Report. Information pertinent to the acquisition is as follows:

OWNERS: Barbara and Gary Dorigan
d/b/a Boulevard Carwash, Inc.
18561 Olde Farm Road
Lansing, Illinois 60438

PROPERTY: 30,517 square foot site zoned M-1 Limited Manufacturing Business District in the East Side Community. The property is legally described on Exhibit A and currently improved with a 5,000 square foot car wash constructed in 2001 and in good condition.

PIN: 26-08-404-062 and -066

USE: For the construction of the new Southeast Area Elementary School.

PURCHASER: Public Building Commission of Chicago for the Chicago Board of Education.

APPRAISALS: For BOE and PBC:
KMD Valuation: \$1,410,000
Gibbons & Gibbons: \$1,475,000

For Owner:
LaSalle Appraisal Group, Inc.: \$1,900,000

SETTLEMENT: \$1,105,000 for the Property "As Is." Settlement takes consideration cost to remove an existing underground storage tank and petroleum impacted soil. An additional \$20,000 will be paid to the Owners to reimburse them for their moving and relocation costs when they completely vacate property.

DUE DILIGENCE: PBC and the Board have performed substantial Phase I and Phase II environmental testing on the Site. One underground storage tank and petroleum impacted soil were discovered during the environmental testing. Settlement price takes into consideration the cost to remove the underground storage tank and related impacted soil.

INDEMNIFICATION: Authorize the General Counsel to negotiate and approve an indemnification provision in the Stipulation and Agreed Final Judgment Order as may be necessary.

AUTHORIZATION:

1. Authorize the PBC to proceed with the acquisition of the Property by condemnation proceedings on behalf of the Board of Education.
2. Authorize the General Counsel or his designee to negotiate and include other relevant terms and conditions in the Stipulation and Final Judgment Order as he deems necessary.
3. Authorize the General Counsel to execute all ancillary documents required to complete the land acquisition.
4. Authorize the Comptroller to issue a check to the PBC for a total of \$1,125,000 for the acquisition of the Property, including \$20,000 to reimburse the Owners for their moving and relocation costs.

AFFIRMATIVE ACTION: Exempt.

LSC REVIEW: None. Local School Council is not applicable to this report.

FINANCIAL: Charge to Operations Department: \$1,125,000
Budget Classification No.: 22631-479-56205-253534-620000-2010
Fiscal Year: 2010
Source of Funds: Capital Improvement

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 May 25, 2011 (11-0525-PO2), as amended from time to time, shall be incorporated into and made a part of the agreement.

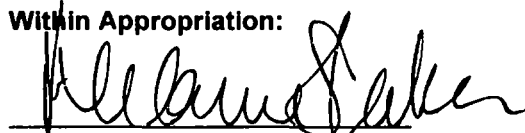
Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

Approved for Consideration:



Patricia L. Taylor
Chief Operating Officer

Within Appropriation:



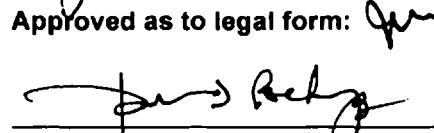
Melanie A. Shaker
Chief Financial Officer

Approved:



Jean-Claude Brizard
Chief Executive Officer

Approved as to legal form:



Patrick J. Rocks
General Counsel

EXHIBIT A**PARCEL 1:**

ALL THAT PARCEL OF LAND SITUATED IN THE CITY OF CHICAGO BEING PART OF THE SOUTHEAST 1/4 OF FRACTIONAL SECTION 8, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND BEING PART OF BLOCK 22 IN IRON WORKER'S ADDITION TO SOUTH CHICAGO BEING A SUBDIVISION OF THE SOUTH FRACTIONAL 1/2 OF FRACTIONAL SECTION 8 AFORESAID BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHERE THE WESTERLY LINE OF THE ALLEY 14 FEET WIDE NOT OPEN IN SAID BLOCK 22 MEETS THE SOUTHWESTERLY LINE OF INDIANAPOLIS BOULEVARD 100 FEET WIDE AT A DISTANCE OF 33 FEET EASTWARDLY AT RIGHT ANGLES FROM THE LINE ESTABLISHED AS THE ORIGINAL CENTER LINE OF RAILROAD OF PENNDEL COMPANY, EXTENDING FROM SAID BEGINNING POINT THE FOLLOWING 3 COURSES AND DISTANCES, (1) SOUTHEASTWARDLY ALONG SAID SOUTHWESTERLY LINE OF INDIANAPOLIS BOULEVARD MAKING AN INTERIOR ANGLE OF 38 DEGREES 53 MINUTES 10 SECONDS WITH THE THIRD OR CLOSING COURSE HEREIN 262.33 FEET THE FOLLOWING 2 COURSES AND DISTANCES BEING REMAINING LAND OF SAID PENNDEL COMPANY; (2) SOUTHWESTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 527.45 FEET THE CHORD OF WHICH FORMS AN INTERIOR ANGLE OF 92 DEGREES 35 MINUTES 54 SECONDS WITH THE LAST DESCRIBED COURSE THE CHORD LENGTH OF 219.91 FEET AND THE ARC DISTANCE OF 221.53 FEET OF THE POINT DISTANT 33 FEET EASTERLY AT RIGHT ANGLES FROM SAID ORIGINAL CENTER LINE OF RAILROAD AND (3) NORTHERLY PARALLEL WITH AND 33 FEET EASTERLY AT RIGHT ANGLES FROM SAID ORIGINAL CENTER LINE OF RAILROAD MAKING AN INTERIOR ANGLE OF 48 DEGREES 30 MINUTES 56 SECONDS WITH SAID CHORD OF THE LAST DESCRIBED COURSE 349.94 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF BLOCK 22 (CONSISTING OF PARTS OF LOTS 6, 7, 8, 9, 29, 30, 31 AND PARTS OF THE 14 FOOT AND 20 FOOT ALLEYS LYING WITHIN OR ADJACENT TO BLOCK 22) IN IRON WORKERS ADDITION TO SOUTH CHICAGO, BEING A SUBDIVISION OF THE SOUTH FRACTIONAL 1/2 OF FRACTIONAL SECTION 8, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE AFORESAID 14 FOOT ALLEY, BEING THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF INDIANAPOLIS BOULEVARD WITH A LINE 33 FEET EASTWARDLY OF (MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE ORIGINAL CENTER LINE OF THE PENNELL RAILROAD COMPANY RIGHT OF WAY; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF INDIANAPOLIS BOULEVARD (BEING THE NORTHEASTERLY LINE OF SAID BLOCK 22) 262.33 FEET TO THE POINT OF BEGINNING OF LAND HEREIN DESCRIBED; THENCE CONTINUING SOUTHEASTERLY ALONG SAID DESCRIBED LINE 45.67 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY LINE OF THE 50 FOOT RIGHT OF WAY OF THE PENNDEL RAILROAD COMPANY, BEING A CURVED LINE, CONVEX NORTHWESTERLY HAVING A RADIUS OF 482.45 FEET; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE AN ARC DISTANCE OF 277.61 FEET TO ITS INTERSECTION WITH THE AFOREMENTIONED LINE 33 FEET EASTWARDLY OF (MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE ORIGINAL CENTER LINE OF SAID RAILROAD COMPANY (BEING ALSO THE WEST LINE OF THE AFOREMENTIONED 14 FOOT ALLEY; THENCE NORTHERLY ALONG LAST DESCRIBED LINE 83.66 FEET TO A POINT ON A CURVED LINE, CONVEX NORTHWESTERLY, HAVING A RADIUS OF 527.45 FEET, AND BEING 45 FEET NORTHWESTERLY OF (MEASURED AT RIGHT ANGLES) AND CONCENTRIC WITH THE NORTHWESTERLY LINE OF SAID RAILROAD RIGHT OF WAY, SAID POINT BEING 349.94 FEET SOUTHERLY OF THE POINT OF COMMENCEMENT; THENCE NORTHEASTERLY ALONG LAST DESCRIBED CURVED LINE AN ARC DISTANCE OF 221.53 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

LEGAL DESCRIPTION INCLUDES PUBLIC ALLEY TO BE VACATED.

PIN NOS.: 26-08-404-062 AND -066

COMMON ADDRESS: 10408 TO 10416 S. INDIANAPOLIS BLVD., CHICAGO, IL, SOUTHWEST CORNER OF 104TH STREET AND INDIANAPOLIS BOULEVARD