

AMEND BOARD REPORT 09-0923-RS13
RESOLUTION AUTHORIZING THE CONVEYANCE OF LAND, AND THE ACCEPTANCE OF AN EASEMENT REGARDING THE DEVELOPMENT OF THE LAND ADJACENT TO AND UPON THE DONOGHUE SCHOOL, A SHARED PARKING LOT EASEMENT AGREEMENT AND TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF CHICAGO TO RECEIVE FUNDING FOR IMPROVEMENTS TO THE DONOGHUE SCHOOL

WHEREAS, the Board of Education of the City of Chicago (the "Board") desires to cooperate with the City of Chicago (the "City") and a private development team consisting of Granite Development and The Community Builders (collectively, the "Developer"), in the development of the land adjacent to and upon the Donoghue School (the "School"), such development resulting in ownership and improvements as detailed herein; and

WHEREAS, The Developer proposes to develop the land adjacent to the School with a medical building and 48 ~~replacement~~ public housing units (the "Project"), and in so doing, various transfers of property ownership must occur and certain consents regarding zoning and other legal matters pertinent to such Project will be required; and

WHEREAS, pursuant to the Local Government Property Transfer Tax Act (50 ILCS 605/2), the Board shall transfer certain property (the "Property") consisting of approximately 10,199 square feet (as more fully described on Exhibit A attached hereto) to the City subject to the City's prior passage of an ordinance declaring that it is necessary or convenient for the City to acquire such property for a public use and the City and/or Developer shall grant to the Board an easement for ingress and egress (as more fully described in Exhibit B attached hereto) to ~~the a newly constructed shared parking lot; to be constructed by the Developer on Donoghue School Property at no cost to the Board;~~ and

WHEREAS, at no cost to the Board, the Board shall receive an easement from the City and/or Developer, which easement shall provide the Board with ingress and egress to the shared parking lot to be used by the Board to provide additional parking for the School staff and by the occupants in the Project, and the Board shall also receive from the Developer and the City ~~improvements to the School totaling approximately \$350,000 for improvements to be made to Donoghue School after payment of the \$350,000 (the "Improvements"); The Board and the Developer shall agree to the types of Improvements prior to the Board's transfer of the Property;~~ and

WHEREAS, the \$350,000 for the Shared Parking Lot Easement shall be paid to the Board as follows: \$150,000 from the Developer upon the transfer of the deed to the City for the Property described on Exhibit A attached hereto and \$200,000 from the City pursuant to an Intergovernmental Agreement with the City to be negotiated by the Chief Administrative Officer or Chief Operating Officer with review and approval by General Counsel; and

WHEREAS, the Board-controlled Property involved in this Project is legally held in the name of the PBC for the Board's benefit.

NOW THEREFORE BE IT HEREBY RESOLVED BY CHICAGO BOARD OF EDUCATION:

1. The preambles of this Resolution are hereby incorporated into this section as if fully set forth herein.
2. It is desirable, useful, advantageous, and in the best interests of the Board to cooperate with the City and the Developer to develop the land adjacent to and upon the School.
3. The Chief Administrative Officer or the Chief Operating Officer, with review and approval of the General Counsel, is are authorized and directed to negotiate with the City, on behalf of the Board, all agreements and documents in furtherance of this Board Report. The Board hereby authorizes the Chief Administrative Officer to

~~execute such agreements and execute any~~ and all documents required for the development of the Project which are, in the opinion of the Chief Administrative Officer and the Chief Operating Officer, in the best interest of the Board, specifically including, but not limited to, the following: (a) the consent to any zoning changes necessary for the Project; (b) the establishment of a permanent easement to allow School staff ingress and egress to a portion of the newly constructed shared parking lot; (c) the transfer of 10,199 square feet of land (legal title held by the PBC) to the City; (d) determining what improvements the School shall receive; ~~(e) entering into a construction agreement with the Developer for the improvements upon the School land; and~~ (e) negotiating and entering into a construction and shared use agreement of for the Shared Parking Lot with the to be constructed by the Developer on Donoghue School Property; and (f) an Intergovernmental Agreement with the City securing \$200,000 in TIF funding to pay for the improvements to be made to Donoghue School after receipt of said funds.

4. In all instances where necessary and as so directed by the General Counsel, the Board hereby authorizes the PBC to execute any and all documents to effectuate these matters.
5. The General Counsel is authorized to attach any and all legal descriptions for all properties involved in these transactions pursuant to professionally generated title reports and surveys.
6. The Board hereby approves accepting that certain easement from the City and/or Developer in the name of the PBC for the Board's benefit and use at no cost to the Board.
7. This Resolution is effective immediately upon its adoption.

EXHIBIT A
PROPERTY TO BE CONVEYED BY THE PBC TO THE CITY
(Subject to final survey and title)

That part of lots 6, 13 and 14, in assessor's division of lots 63, 64 and 65 in Ellis' east addition to Chicago, taken as a tract, in the southeast quarter of section 34 and fractional section 35 township 39 north, range 14 east of the third principal meridian, described as follows: commencing at the point of intersection of the north line of east 38th street, being also the north line of Madden Wells subdivision, with the east line of the 80 foot wide South Cottage Grove Avenue; thence north 69°56'33" east, along the north line of east 38th Street, aforesaid, 169.28 feet to the easterly line of the westerly half of said lot 66 in Ellis' east addition to Chicago, aforesaid; thence north 21°01'32" west, along the last mentioned easterly line, 82.40 feet to the north line of said lot 66; thence north 21°47'27" west, along the easterly line of lots 10, 11 and in assessor's division of lots 63, 64 and 65, aforesaid, 82.21 feet to the southeasterly corner of said lot being also the point of beginning; thence south 69°07'52" west, along the southerly line of said lot 13, a distance of 165.16 feet to the east line of South Cottage Grove Avenue, aforesaid; thence north 19°58'00" west, along the last mentioned east line, 58.35 feet; thence north 69°56'33" east, 337.50 feet to the west line of the 66 foot wide South Ellis Avenue; thence south 22°04'47" east, 3.36 feet to the southeasterly corner of said lot 6; thence south 69°06'12" west, along the southerly line of lot 6, aforesaid, 174.10 feet to the northeast corner of said lot 13; thence south 21°47'27" east, 50.13 feet to the point of beginning, in Cook County, Illinois.

Containing 10,199 square feet or 0.2341 acres, more or less.

EXHIBIT B

**EASEMENT TO BE GRANTED TO THE PBC, FOR THE BENEFIT OF THE BOARD, FROM THE CITY
(Subject to final survey and title)**

That part of lot 66 in Ellis' east addition to Chicago together with that part of lots 6, 7, 13 and 14, in assessor's division of lots 63, 64 and 65 in Ellis' east addition to Chicago, taken as a tract, in the southeast quarter of section 34 and fractional section 35 township 39 north, range 14 east of the third principal meridian, described as follows: commencing at the point of intersection of the north line of east 38th Street, being also the north line of Madden Wells subdivision, with the east line of the 80 foot wide South Cottage Grove Avenue; thence north 69°56'33" east, along the north line of east 38th Street, aforesaid, 260.00 feet, thence north 19°58'00" west, 196.58 Feet to the point of beginning; thence north 69°56'33" east, 78.39 feet to the west line of the 66 foot wide South Ellis Avenue; thence north 22°04'47" west, along the west line of South Ellis Avenue, aforesaid, 20.66 feet to the bend therein, being the southeast corner of said lot 6; thence north 22°04'47" west, along the west line of South Ellis Avenue, aforesaid, 3.36 feet; thence south 69°56'33" west, 337.50 feet to the east line of South Cottage Grove Avenue, aforesaid; thence south 19°58'00" east, 24.00 feet; thence north 69°56'33" east, 260.00 feet to the point of beginning, in Cook County, Illinois.