

**AUTHORIZE THE PUBLIC BUILDING COMMISSION OF CHICAGO TO ACQUIRE
THE PROPERTY AT 10438 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. The site consists of seven (7) separate parcels. 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 the property with the approximate address of 10438 S. Indianapolis Boulevard for \$2,500. The authorization granted herein will automatically rescind in the event the final judgment order is not entered within 120 days of this Board Report. Information pertinent to the acquisition is as follows:

| | | |
|----------------------------|---|--|
| POTENTIAL OWNERS: | Norfolk Southern Railroad Company 4600 Deer Path Road, Suite 202 Harrisburg, PA 17110 | American Premier Underwriting Successor to the Penn Central Corp. 600 Vine Street Suite 1900 Cincinnati, OH 45202 |
| PROPERTY: | Vacant 1,037 square foot interior parcel zoned M-1-1 Limited Manufacturing Business District. Property is located within the block bounded by Indianapolis Boulevard on the east, 104 th Street on the north and 105 th Street on the south and the Burnham Bike Trail on the west. Approximate common address 10438 S. Indianapolis Boulevard, Chicago. | |
| PIN: | Property has no PIN number. Property is located between PIN 26-08-404-033 and 067. | |
| USE: | For the construction of the new Southeast Area Elementary School. | |
| PURCHASER: | Public Building Commission of Chicago for the Chicago Board of Education. | |
| APPRAISALS: | <u>For BOE and PBC:</u> KMD Valuation: \$2,500 | |
| JUDGMENT: | \$2,500. | |
| DUE DILIGENCE: | PBC and the Board performed Phase I and Phase II environmental testing on the Property. No underground storage tanks or hazardous materials were found. | |
| AUTHORIZATION: | <ol style="list-style-type: none"> 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 include 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 \$2,500 for the acquisition of the Property by condemnation. | |
| AFFIRMATIVE ACTION: | Exempt. | |
| LSC REVIEW: | None. Local School Council is not applicable to this report. | |

FINANCIAL: Charge to Operations Department: \$2,500
Budget Classification No.: 22631-480-56205-253534-620000-2010
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.

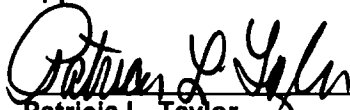
Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of or the letting of contracts to, former Board members during the one year period following expiration or other termination of their 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 (05-0525-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

Approved:


Jean Claude Brizard
Chief Executive Officer

Within Appropriation:


Melanie A. Shaker
Interim Chief Financial Officer


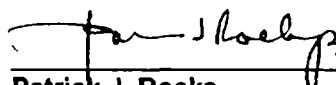
Approved as to legal form: 

Patrick J. Rocks
General Counsel

EXHIBIT A

LEGAL DESCRIPTION:

THAT PART OF LOT 10 (EXCEPT THAT PART LYING NORTHWESTERLY OF THE SOUTHEASTERLY RAILROAD RIGHT OF WAY LINE) IN BLOCK 22 IN IRONWORKER'S ADDITION TO SOUTH CHICAGO IN PARTS OF SECTION 8 AND 17, TOWNSHIP 37 NORTH RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS (EXCEPT RAILROAD)

PIN NOS.: NO PIN, BETWEEN PINS; 26-08-404-067 AND 033

COMMON ADDRESS: 10438 S. INDIANAPOLIS BLVD., CHICAGO, IL, (PARTIAL)
(INTERIOR PARCEL-APPROXIMATE ADDRESS)