

**AUTHORIZE THE PUBLIC BUILDING COMMISSION OF CHICAGO TO ACQUIRE BY CONDEMNATION
PROPERTY AT 10440-68 AND 10476 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 \$1,552,660 and to pay a maximum of \$397,340 to reimburse the owner Jorge Albarran, and the tenants American Tower Asset Sub II, LLC ("ATC") and AT&T Mobility ("AT&T") for their moving and relocation costs. ATC operates and maintains a cell tower on the Property and AT&T operates and maintains six antennae on the cell tower. 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:

OWNER: Jorge Albarran
2558 North Halsted
Chicago, Illinois 60614

TENANT: American Tower Asset Sub II, LLC ("ATC") AT&T Mobility
116 Huntington Avenue 225 W. Randolph 25th Floor
Boston, MA 02116 Chicago, Illinois 60606

PROPERTY: 43,932 square foot site (1 acre) zoned C-1 Neighborhood Commercial District in the East Side Community. The Property is located at the northwest corner of Indianapolis Boulevard and 105th Street. The site is improved with a 10,500 square foot, one story masonry constructed restaurant and day care center. ATC operates and maintains a cell tower at the southeast corner of the site. AT&T operates and maintains six antennae on the cell tower. The address for the Property is 10440-68 and 10476 S. Indianapolis Blvd.

PIN: 26-08-404-033 through 043, 068 and 069

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: \$1,450,000
Gibbons & Sidhu: \$1,500,000

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

SETTLEMENT: \$1,552,660 for the Property and a maximum of \$397,340 for the Owner's, ATC's and AT&T's relocation and moving costs for a total of \$1,950,000. Settlement includes AT&T's actual relocation and moving costs, not to exceed a maximum of \$225,000, for six antennae located on the cell tower.

DUE DILIGENCE: PBC and the Board have performed substantial Phase I and Phase II environmental testing on the Site. No underground storage tanks or hazardous soils were discovered during the environmental testing.

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 \$1,950,000 for the acquisition of the Property, and to reimburse the Owner Jorge Albarran, ATC and AT&T for their moving and relocation costs.

AFFIRMATIVE ACTION: Exempt.

LSC REVIEW: Exempt.

FINANCIAL: Charge to Operations Department: \$1,950,000
Budget Classification No.: 22631-480-56205-253534-620000-2010
Fiscal Year: 2012
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.

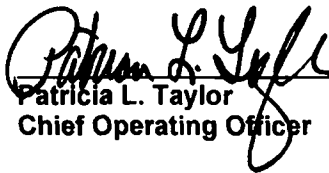
Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to former Board members during the one year period following expiration or other termination of their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

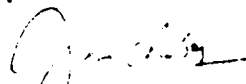
Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

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

11-1026-OP3

EXHIBIT A

LEGAL DESCRIPTION:

LOTS 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 AND 22 IN BLOCK 22 IN IRON WORKERS ADDITION TO SOUTH CHICAGO A SUBDIVISION OF SOUTH FRACTIONAL 1/2 OF SECTION 8, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN NOS.:

26-08-404-033 THROUGH 043, -068, -069

COMMON ADDRESS:

10440-68 AND 10476 S. INDIANAPOLIS BLVD., CHICAGO, IL