

AMEND BOARD REPORT 10-1215-OP1
AMEND BOARD REPORT 10-0825-OP1

APPROVE ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT TO EXCHANGE LAND, AN AMENDMENT TO THE LEASE BETWEEN THE PUBLIC BUILDING COMMISSION AND THE BOARD, 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 of Chicago ("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 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 as Parcel B-1 on Exhibit B and a twenty (20) year non-revocable Shared Use Agreement that will allow CPD and the Board to use and maintain the baseball field and soccer field adjacent to Edgebrook School on property owned by CPD and the Board as shown on Exhibit D. The Board and CPD also desire to correct a discrepancy in the legal description in the 1991 deed from the Board to CPD for Edgebrook Park.

The purpose of this amended Board Report is to authorize: (1.) PBC's conveyance of the 15,337 square feet of Board property described as Parcel B-1 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 and the 8,665 square feet of land described as Parcel B-2 on Exhibit B to CPD to correct a discrepancy in the 1991 deed from the Board to CPD for Edgebrook Park; (2.) An amendment to the Lease between the PBC and the Board removing the 15,337 square feet of land described as Parcel B-1 and the 8,665 square feet of land described as Parcel B-2 on Exhibit B to be conveyed by the PBC to CPD ("Lease Amendment"); (3) A twenty (20) year non-revocable Shared Use Agreement between the Board and CPD for the joint use of the baseball field and soccer field immediately west of Edgebrook School ("Shared Use Agreement") as described on Exhibits B, C and D; and (4.) A temporary license agreement between the PBC, Board and CPD for use of a portion of the CPD land during the construction of the Edgebrook Addition ("Temporary License Agreement"). A Shared Use Agreement between the Board and CPD for the joint use of the baseball field immediately west of the Edgebrook School is currently being negotiated. A Temporary License Agreement for the PBC's and 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, 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 following Intergovernmental Agreements, Lease Amendment, Shared Use and Temporary License Agreements and conveyances is stated below.

PARTIES:

Board of Education of
the City of Chicago
125 S. Clark Street
Chicago, IL 60603
Contact: Chief Operating Officer
Phone: 773-553-2900

Chicago Park District
541 N. Fairbanks
Chicago, IL 60611
Contact: General Superintendent
Phone: 312-742-4500

Public Building Commission
of Chicago
Richard J. Daley Center, Room 200
50 W. Washington
Chicago, IL 60602
Contact: Executive Director
Phone: 312-744-3090

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 as Parcel B-1 and 8,665 square feet of land described as Parcel B-2 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 as Parcel B-1 and 8,665 square feet of land described as Parcel B-2 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.

SHARED USE AGREEMENT: Shall cover the baseball field and soccer field immediately west of Edgebrook School, identified on Exhibits as Parcels B, and C and on Exhibit D attached hereto. Under the Shared Use Agreement, CPD and Edgebrook School will have joint use of the baseball field and soccer 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 maintenance and all costs related to the use and operation of the baseball field and soccer field.

TERM: The term of the non-revocable Shared Use Agreement shall commence on the date the agreement is signed and shall end 20 years thereafter.

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 IGA, Shared Use and Temporary License Agreements with CPD. Authorize the General Counsel to include other relevant terms and conditions, including indemnification in the IGA, Shared Use and Temporary License Agreements. Authorize the PBC to convey the Board's interest in the property ~~shown~~ described 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 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)~~ May 25, 2011 (11-0525-P02), 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:


David G. Watkins
Interim 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 FOR USE OF SCHOOLS FOR THE CONSTRUCTION OF THE EDGEBROOK SCHOOL ADDITION

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 PBC 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 PBC AND THE BOARD OF EDUCATION.

LEGAL DESCRIPTION: PARCEL B-1:

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.

AREA: 15,336 SQ. FT. = 0.35 ACRES; PIN NO.:10-33-318-001 (Part of)

LEGAL DESCRIPTION OF THE 8,665 SQUARE FEET OF LAND TO BE CONVEYED BY THE PBC TO THE CHICAGO PARK DISTRICT TO CORRECT A DISCREPANCY IN 1991 DEED FROM THE BOARD OF EDUCATION TO CHICAGO PARK DISTRICT FOR EDGEBROOK PARK

PARCEL B-2:

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 236.79 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 50.07 FEET TO A POINT; THENCE SOUTHEASTERLY TO A POINT 300.00 FEET WESTERLY OF THE WESTERLY LINE OF N. MINNEHAHA AVE. AND ALSO 225.86 NORTHERLY OF THE NORTHERLY LINE OF W. HIAWATHA AVE. A DISTANCE OF 380.93 FEET; THENCE NORTHWESTERLY ALONG A LINE PARALLEL WITH SAID NORTHERLY LINE OF W. HIAWATHA AVE., A DISTANCE OF 362.89 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

AREA: 8,665 SQ. FT. = 0.20 ACRE; PIN NO.:10-33-318-001 (Part of)

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

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 THE INTERSECTION OF THE NORTHERLY LINE OF W. HIAWATHA AVE.(AS OCCUPIED) WITH THE EASTERLY LINE OF N. CENTRAL AVENUE (AS OCCUPIED); THENCE NORTHEASTERLY ALONG SAID EASTERLY LINE OF N. CENTRAL AVE. A DISTANCE OF 187.32 FEET TO A POINT (SAID POINT DISTANT 435.60 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 178.67 FEET NORTHERLY OF AND PARALLEL WITH SAID NORTHERLY LINE OF W. HIAWATHA AVE. A DISTANCE OF 271.68 FEET TO A POINT, SAID POINT BEING ALSO 376.50 FEET WESTERLY OF THE WESTERLY LINE OF N. MINNEHAHA AVE. (AS OCCUPIED); HENCE SOUTHWESTERLY ALONG A LINE 376.50 FEET WESTERLY OF AND PARALLEL WITH SAID WESTERLY LINE OF N. MINNEHAHA AVE. A DISTANCE OF 178.67 FEET TO A PONT ON SAID NORTHERLY LINE OF W. HIAWATHA AVE.; THENCE NORTHWESTERLY ALONG SAID NORTHERLY LINE OF W. HIAWATHA AVE. A DISTANCE OF 216.00 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

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

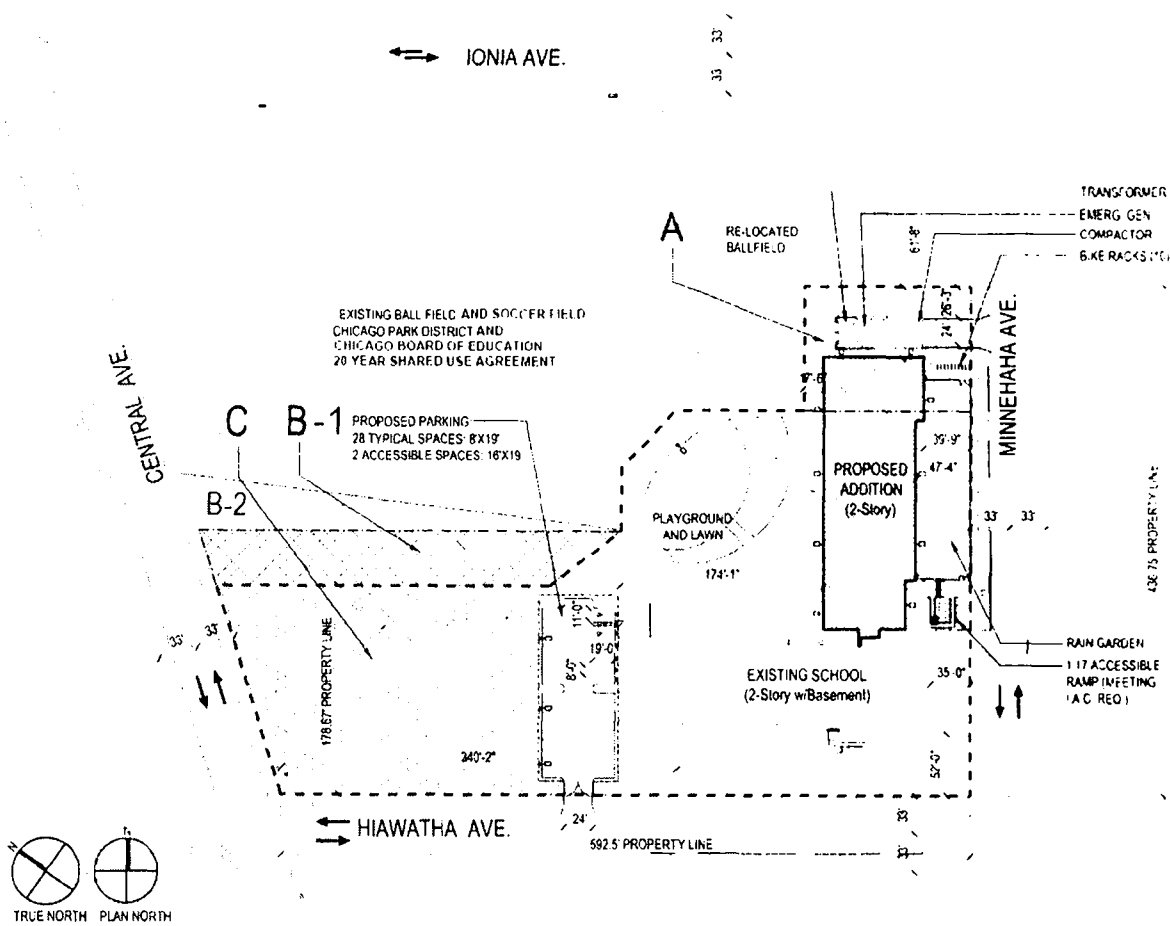
LEGEND

Parcel A
Property to be
conveyed to BOE.
15,337 SF

Parcel B-1
BOE Property to be
conveyed to CPD
15,337 SF
Subject to twenty
(20) year Shared Use
Agreement

Parcel B-2
8,060 sq. ft. to be
conveyed by PBC to
CPD to correct 1991
deed for Edgebrook
Park

Parcel C
BOE and CPD to use
jointly pursuant to
twenty (20) year
Shared Use
Agreement
43,567 SF



DECEMBER 14, 2011

LANDSWAP SITE PLAN
NOT TO SCALE