

**AUTHORIZE THE PUBLIC BUILDING COMMISSION OF CHICAGO TO ACQUIRE  
BY CONDEMNATION PROPERTY AT 3930 TO 3940 EAST 105<sup>TH</sup> STREET  
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 on the west side of Indianapolis Boulevard between 104<sup>th</sup> Street on the north and 105<sup>th</sup> Street on the south ("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 the Site for the Southeast Area Elementary School ("Project").

There are eight (8) properties in the Project. The Board previously approved the acquisition of six (6) of the eight (8) properties in the Project. The purpose of this Board Report is to authorize the PBC to acquire by condemnation the seventh (7th) property for \$412,500 and to reimburse the Owner \$80,500 for his 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:

**OWNER:** Vuk Tadic  
d/b/a Eastside Window Tinting  
3940 East 105<sup>th</sup> Street  
Chicago, Illinois 60617

**PROPERTY:** 21,784 square foot Site (.50 acre) zoned M-1 Limited Manufacturing/Business District located on the north side of 105th Street west of Indianapolis Boulevard. The subject property is improved with a 4,452 square foot masonry constructed building. The building contains six units including three drive in bays. The six units are: an auto tint shop, auto repair shop, audio stereo shop and three separate offices located on the second floor. The building was constructed in 1977 and is in good condition.

**PIN:** 26-08-404-027, 028, 029, 030 and 031.

**FUTURE 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: \$320,000  
Gibbons & Sidhu: \$335,000

For Owner:  
MaRous & Company: \$600,000

**SETTLEMENT:** \$412,500 for the property plus \$80,500 to reimburse the Owner for his moving and relocation costs and expenses in accordance with the Uniform Relocation Act.

**DUE DILIGENCE:** PBC and the Board have performed substantial Phase I and Phase II environmental testing on the Site. No underground storage tanks, hazardous materials or other adverse environmental conditions were found on the Site.

**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 acquire the Property by condemnation for \$412,500 and to reimburse the Owner \$80,500 for his moving and relocation costs and expenses.
  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 \$493,000 for the acquisition of the Property, including \$80,500 to reimburse the Owner for his moving and relocation costs in accordance with Uniform Relocation Act.

**AFFIRMATIVE ACTION:** Exempt.

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

**FINANCIAL:** Charge to Operations Department: \$493,000  
 Budget Classification No.: 22631-480-56205-253534-62000-2010  
 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

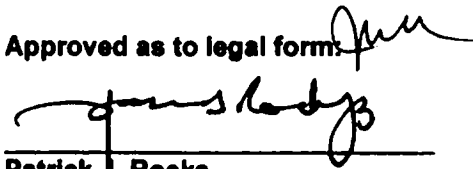
**Approved:**

  
 Jean-Claude Brizard  
 Chief Executive Officer

**Within Appropriation:**

  
 David G. Watkins  
 Chief Financial Officer

**Approved as to legal form:**

  
 Patrick J. Rocks  
 General Counsel

**EXHIBIT A**

**INTEREST TO BE ACQUIRED: FEE SIMPLE**

**LEGAL DESCRIPTION:**

LOTS 23, 24, 25, 26, 27 AND 28 (EXCEPT THAT PART OF LOTS 27 AND 28 AFORESAID) LYING NORTHWESTERLY OF THE SOUTHEASTERLY LINE OF THE RIGHT OF WAY OF THE PITTSBURGH, FT. WAYNE AND CHICAGO RAILROAD Y TRACKS) IN BLOCK 22 IN IRONWORKERS ADDITION TO SOUTH CHICAGO, IN THE SOUTH FRACTIONAL SECTION ½ OF SECTION 8, TOWNSHIP 37 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PIN NOS.:** 26-08-404-027, -028, -029, -030, -031

**COMMON ADDRESS:** 3930-3940 E. 105<sup>TH</sup> STREET, CHICAGO, IL

**OWNER:** VUK TADIC DBA EAST SIDE WINDOW TINTING