



# Office of Chicago City Clerk



O2011-3722

Office of the City Clerk

Tracking Sheet

<b>Meeting Date:</b>	5/4/2011
<b>Sponsor(s):</b>	Mayor Daley
<b>Type:</b>	Ordinance
<b>Title:</b>	Acquisition of property at 10350 S. Indianapolis Ave
<b>Committee(s) Assignment:</b>	Committee on Housing and Real Estate



BUDG.



OFFICE OF THE MAYOR  
CITY OF CHICAGO

RICHARD M. DALRY  
MAYOR

May 4, 2011

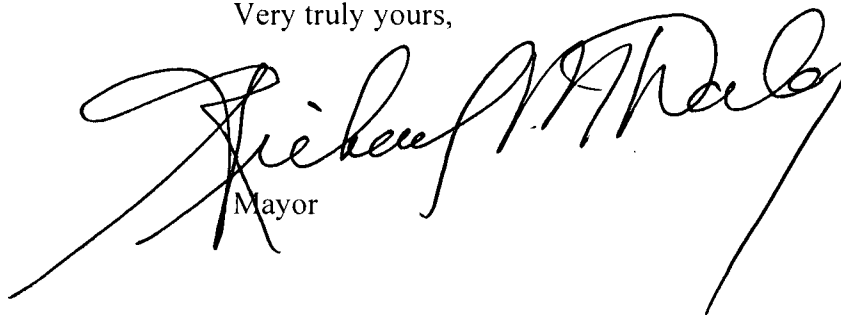
TO THE HONORABLE, THE CITY COUNCIL  
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Public Building Commission, I transmit herewith an ordinance authorizing an acquisition of property at 10350 South Indianapolis.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

  
Mayor

## ORDINANCE

WHEREAS, pursuant to the provisions of an Act to authorize the creation of Public Building Commissions and to define their rights, powers and duties (50 ILCS 20), as amended (the "Act"), the City Council (the "City Council") of the City of Chicago (the "City") created the Public Building Commission of Chicago (the "Commission") for the purpose of facilitating the construction of public buildings and improvements; and

WHEREAS, at the request of the City, the Commission has heretofore undertaken a program involving the acquisition, construction, alteration, repair, renovation, rehabilitation, enlargement and improvement of public high schools and related ancillary facilities for use by the Board of Education of the City of Chicago (the "Board"); and

WHEREAS, on December 20, 2006, the members of the Board adopted Resolution 06-1220-RS6 authorizing Intergovernmental Agreements between the Board, the City and the Commission for the acquisition of property, the design and construction of new public schools and the rehabilitation and renovation of existing schools by the Commission on behalf of the Board; and

WHEREAS, on April 22, 2009, the members of the Board requested that the Commission designate and acquire certain property bounded by E. 104<sup>th</sup> Street on the north, S. Indianapolis Boulevard on the east, E. 105<sup>th</sup> Street on the south and the former Penn Central Railroad Right of Way on the west, in Chicago, Illinois (the "Original Site"), with funds to be provided by or on behalf of the Board, for acquisition, development and construction of a new public elementary school and ancillary improvements in the south east area of the City (the "Project"); and

WHEREAS, by resolution adopted on May 12, 2009, the Board of Commissioners of the Commission, at the request of the Board, selected, located and designated the Original Site for acquisition, development and construction of the Project for the benefit and use of the Board; and

WHEREAS, the selection, location and designation of the Original Site was approved by the City Council pursuant to an ordinance (the "Site Designation Ordinance") which was adopted by the City Council on June 30, 2009, and published in the Journal of Proceedings of the City Council for such date at pages 65517-65520; and

WHEREAS, subsequent to the designation of the Original Site by the Commission and approval of the Site Designation Ordinance by the City Council, the Board, by Board Report 11-0323-RS12 approved on March 23, 2011, amended the Original Site to include an additional parcel of land located northwesterly of the Original Site at 10350 to 10360 South Indianapolis Boulevard, Chicago, as legally described on Exhibit A hereof (the "Additional Site"), to provide off-site parking that will be used in conjunction with the Project; and

WHEREAS, by resolution adopted on April 12, 2011, the Board of Commissioners of the Commission at the request of the Board selected, located and designated the

Additional Site for acquisition and development of off-site parking and related improvements; and

WHEREAS, the Additional Site lies wholly within the territorial limits of the City, is conveniently located and of sufficient size to accomplish and effectuate the aforesaid purposes and provide appropriate architectural settings and adequate landscaping for such purposes; and

WHEREAS, pursuant to the requirements of Section 14 of the Act, the Board of Commissioners of the Commission has requested that the City Council approve the Additional Site, so selected, located and designated by the Commission, as a site to be acquired for development of off-site parking to be used in conjunction with the Project; and

WHEREAS, the City of Chicago is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970 and, as such, may exercise any power and perform any function pertaining to its governmental affairs; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

**SECTION 1.** The foregoing recitals are hereby adopted as the findings of the City Council and are incorporated herein by reference.

**SECTION 2.** It is hereby determined and declared that it is useful, desirable and necessary for the Commission, on behalf of the Board, to acquire the Property legally described on Exhibit A for the public purposes set forth in the Recitals. The City hereby approves the selection, location and designation of the Additional Site by the Commission, for acquisition, development and construction of off-site parking and related and ancillary improvements for the Project.

**SECTION 3.** The City approves the Commission's authority to negotiate with the owner(s) for the purchase of the Additional Site. If the Commission and the owner(s) are able to agree on the terms of the purchase, the Commission is authorized to purchase the Additional Site on behalf of the Board for the agreed price. If the Commission is unable to agree with the owner(s) of the Additional Site on the terms of the purchase, or if the owner(s) is or are incapable of entering into such a transaction with the Commission, or if the owner(s) cannot be located, the City consents to the Commission's institution and prosecution of condemnation proceedings for the purpose of acquiring fee simple title to the Additional Site, or any portion thereof, under the Commission's power of eminent domain.

**SECTION 4.** If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

**SECTION 5.** All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 6.** This ordinance shall be effective immediately upon its passage.

**EXHIBIT A**  
**AMENDED SITE DESIGNATION**

**ADDITIONAL SITE LOCATED AT**  
**10350 THROUGH 10360 SOUTH INDIANAPOLIS BOULEVARD,**  
**CHICAGO, ILLINOIS 60617**

**LEGAL DESCRIPTION:**

Lots 15 through 21, inclusive, in Block 18 in Ironworker's Addition to South Chicago, being a subdivision in Section 8, Township 37 North, Range 15, east of the Third Principal Meridian, in Cook County, Illinois.

Permanent Index Numbers:

26-08-402-036

26-08-402-027

26-08-402-028

26-08-402-029

26-08-402-030

26-08-402-031

**COMMON ADDRESS:** 10350 to 10360 South Indianapolis Boulevard, Chicago, IL 60617