

AMEND BOARD REPORT 05-0126-OP7
AUTHORIZATION TO EXECUTE AND ASSIGN A CONTRACT FOR THE PURCHASE OF
1.94 ACRES OF LAND AT THE SOUTHWEST CORNER OF CANAL AND 14TH PLACE
FOR THE RELOCATION OF PACIFIC GARDEN MISSION AND THE
FUTURE EXPANSION OF JONES COLLEGE PREP

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Authorize the execution and assignment of a contract to secure 1.94 acres at the southwest corner of Canal and 14th Place for the relocation of Pacific Garden Mission and the future expansion of Jones College Prep. The authority granted herein shall automatically rescind in the event a written agreement is not executed within 120 days of the date of this Board Report. Information pertinent to the purchase is as follows:

- SELLER:** Envirotest Illinois, Inc.
Environmental Systems Products Holdings Inc.
11 Kripes Road
East Granby, CT 06036
C/o Gary Auerbach, Esq.
Weinberg Richmond LLP
- DESCRIPTION:** 84,812 square foot (1.94 acres) site located at the southwest corner of Canal and 14th Place. The property is improved with an 8,800 square foot building.
PIN: 17-21-127-024
- PURCHASE PRICE:** \$2,750,000
- PURPOSE/USE:** The Board is currently condemning Pacific Garden Mission's property at 646 S. State Street for the expansion of Jones College Prep. To expedite the relocation of Pacific Garden Mission and settlement of the pending condemnation action, the Board is seeking to secure and rezone 1.94 acres of land at the southwest corner of 14th Place and Canal for the relocation of the Mission. This Board Report authorizes the execution of a contract to secure the site for the relocation of Pacific Garden Mission. The Board Report also authorizes the assignment of the contract to Pacific Garden Mission as part of the condemnation settlement. Further, this Board Report clarifies the General Counsel's authority to enter into a letter agreement with the Seller wherein the Board, in exchange for an agreement by the Seller to extend the closing date to August 31, 2005, has agreed that: (a) the \$50,000.00 of earnest money which has been deposited shall be paid to Envirotest Illinois, Inc. (and credited to the Purchase Price on the closing of the transaction); (b) the Board has the option to pay \$25,000.00 per month to further extend the closing date for a period of up to 120 days after August 31, 2005 (which sums are non-refundable and not credited against the purchase price); and (c) that all contingencies in Paragraph 5 of the agreement are waived. Further, within 15 business days after the Seller notifies the Board that it has received a third party offer to purchase the property that the Seller intends to accept, the Board or Pacific Garden Mission must either close the transaction and pay the balance of the purchase price or lose the right to purchase the property.
- AUTHORIZATION:** Authorize the General Counsel to include other relevant terms and conditions in the written agreement. Authorize the President and Secretary to execute Agreement and the assignment of the Agreement to Pacific Garden Mission. Authorize the General Counsel to execute all ancillary documents required to administer or effectuate the agreement and relocation of Pacific Garden Mission.
- AFFIRMATIVE ACTION:** Exempt.
- LSC REVIEW:** Local School Council review is not applicable to this report.

FINANCIAL:

Charge to Operations Department:
Budget Classification No:
Fiscal Year:
Source of Funds:

\$2,750,000
1060-476-000-9531-5400
2005 2006
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.

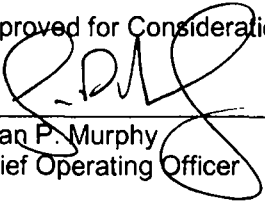
Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one-year period following expiration or other termination of their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

Indebtedness – The Board's Indebtedness Policy adopted July 26, 1995 (95-0726-EX3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Ethics – The Board's Ethics Code adopted September 27, 1995 (95-0927-RU3), as amended from time to time, shall be incorporated into and made a part of the agreement.

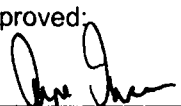
Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

Approved for Consideration:



Sean P. Murphy
Chief Operating Officer

Approved:



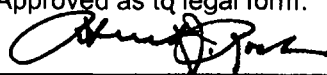
Arne Duncan
Chief Executive Officer

Within Appropriation:



John Maiorca
Chief Financial Officer

Approved as to legal form:



Patrick J. Rocks
General Counsel