

AMEND BOARD REPORT 08-0602-RS22
RESOLUTION DESIGNATING PROPERTY BOUNDED BY 86TH STREET ON THE NORTH, BURLEY AVENUE ON THE WEST, 87TH STREET ON THE SOUTH AND GREENBAY AVENUE AS EXTENDED ON THE EAST FOR THE CONSTRUCTION OF A NEW SOUTHEAST AREA HIGH SCHOOL AND REQUEST TO THE PUBLIC BUILDING COMMISSION TO ACQUIRE THE DESIGNATED SITE ON BEHALF OF THE BOARD OF EDUCATION OF THE CITY OF CHICAGO

WHEREAS, the Board of Education of the City of Chicago (the "Board") is a body corporate and politic organized and existing under and by virtue of the provisions of the School Code, 105 ILCS 5/34-1 *et seq.*, as amended (the "Code"); and

WHEREAS, the Board exercises general supervision and jurisdiction over the establishment and maintenance of public schools, educational and recreational facilities of the Board; and

WHEREAS, the Board has determined that the property described in Exhibit A ("Property") is required for school, educational and recreational purposes; and

WHEREAS, it is necessary, desirable, useful and advantageous, and in the best interests of the citizens of the City of Chicago, to acquire the Property more fully described in Exhibit A for school, educational and recreational purposes; and

WHEREAS, on July 12, 1956, the Board joined in the organization of the Public Building Commission of Chicago ("PBC"); and

WHEREAS, the PBC provides a means of facilitating the acquisition, construction and improvement of public buildings and facilities for use by various governmental agencies in the furnishing of essential governmental, educational, health, safety and welfare services; and

WHEREAS, the PBC has, at the request of the Board, previously acquired property for new schools and constructed new schools and other educational and recreational facilities for the Board; and

WHEREAS, on December 20, 2006, the Board adopted Resolution 06-1220-RS6, authorizing Intergovernmental Agreements between the Board, the City of Chicago and the PBC for the acquisition of property, the design and construction of new schools, the rehabilitation and renovation of existing schools and the financing thereof; and

WHEREAS, on February 1, 2007 the Board entered into an Intergovernmental Agreement with the PBC ("IGA") which provides for the PBC's acquisition of property designated by the Board for the construction of new schools; and

WHEREAS, the Board has determined that it is advisable, necessary and in the best interests of the Board and the residents of the School District to construct, acquire and equip a new high school, all in accordance with the estimates of cost, including the Board's Capital Improvement Program, approved by the Board and on file in the office of the Secretary of the Board. The Board has paid within 60 days prior to the date hereof and/or intends to pay on or after the date hereof certain project costs, as herein described (hereinafter sometimes called "Original Expenditures"), and to reimburse the payment of such Original Expenditures with the proceeds of bonds or other evidence of borrowing (the "Bonds") to be issued subsequent to the payment of such Original Expenditures. The Board has determined that the funds to be advanced to pay Original Expenditures will be available only on a temporary basis and that it is necessary and desirable to declare the "official intent" of the Board to reimburse Original Expenditures with the proceeds of Bonds and otherwise to meet the requirements of Treasury Regulations § 1.150-2 (or successor provisions) promulgated under the Internal Revenue Code of 1986, as amended.

NOW THEREFORE BE IT HEREBY RESOLVED by the members of the Board of Education of the City of Chicago as follows:

1. The preambles of this Resolution are hereby incorporated into this text as if set out in full herein.
2. The Board hereby designates the property described hereafter for the construction of a new high school.
3. The Board finds that it is necessary, desirable, useful and advantageous, and in the public interest to acquire fee simple title to, and possession of, the Property described in Exhibit A for school, educational and recreational purposes.
4. The Board hereby selects, designates and approves for acquisition, title to the Property described in Exhibit A for school, educational and recreational purposes.
5. The Board hereby requests the PBC designate for acquisition the Property described on Exhibit A for the construction of a new high school and to submit the site to the City Council for its approval.
6. The PBC is hereby authorized to acquire title to the Property in its name, by deed or by eminent domain, for the benefit of the Board.
7. The purchase price for the Property and the legal terms and conditions relating thereto shall be subject to approval by the Board.
8. The PBC shall convey the Property to the City of Chicago in Trust for Use of Schools at the Board's request or within thirty (30) days after substantial completion of construction of the school as defined in Article II, Section 6 of the IGA dated February 1, 2007, whichever event occurs first.
9. This resolution is effective immediately upon its adoption.

EXHIBIT A

LEGAL DESCRIPTION:

THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32 TOWNSHIP 38 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE WEST 297 FEET, THE SOUTH 40 FEET AND BURLEY AVENUE.

ALSO DESCRIBED AS:

SURVEYOR'S LEGAL DESCRIPTION

THAT PART OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPLE MERIDIAN, LYING EAST OF THE EAST LINE OF BURLEY AVE. AND LYING WEST OF THE EAST LINE OF GREEN BAY AVE., EXTENDED SOUTH TO THE NORTH LINE OF 87TH STREET EXTENDED EAST, AND LYING SOUTH OF THE SOUTH LINE OF 86TH STREET AND NORTH OF THE NORTH LINE OF 87TH STREET AND ITS EASTERLY EXTENSION, COMMENCING AT THE INTERSECTION OF THE EAST LINE OF BURLEY AVE. AND THE CENTERLINE OF 86TH STREET; THENCE SOUTH 00 DEGREES, 57 MINUTES, 12 SECONDS EAST, A DISTANCE OF 31.23 FT. TO THE POINT OF BEGINNING; THENCE NORTH 89°58'26" EAST, A DISTANCE OF 940', THENCE SOUTH 0°12'19" WEST A DISTANCE OF 604.844 FT., THENCE SOUTH 89°58'26" WEST A DISTANCE OF 900 FT., THENCE NORTH 44°54'37" WEST, A DISTANCE OF 56.454 FT., THENCE NORTH 0°12'20" EAST, A DISTANCE OF 564.84 FT., TO THE POINT OF BEGINNING.

TITLE COMMITMENT LEGAL DESCRIPTION

PARCEL 1:

THAT PART OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE EAST LINE OF BURLEY AVENUE AND LYING WEST OF THE EAST LINE OF GREEN BAY AVENUE, EXTENDED SOUTH TO THE NORTH LINE OF 87TH STREET EXTENDED EAST, AND LYING SOUTH OF THE SOUTH LINE OF 86TH STREET AND NORTH OF THE NORTH LINE OF 87TH STREET AND ITS EASTERLY EXTENSION, EXCEPTING THEREFROM THAT PART THEREOF RECORDED SEPTEMBER 19, 1972 AS DOCUMENT 22055116, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF BURLEY AVENUE AND THE CENTERLINE OF 86TH STREET; THENCE SOUTH 00 DEGREE, 57 MINUTES, 12 SECONDS EAST, A DISTANCE OF 31.23 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES, 52 MINUTES, 52 SECONDS EAST, A DISTANCE OF 606.40 FEET; THENCE SOUTH 00 DEGREE, 13 MINUTES, 24 SECONDS WEST, A DISTANCE OF 412.71 FEET; THENCE NORTH 68 DEGREES, 24 MINUTES, 08 SECONDS WEST, A DISTANCE OF 216.61 FEET; THENCE NORTH 01 DEGREE, 01 MINUTE, 40 SECONDS WEST, A DISTANCE OF 59.74 FEET; THENCE NORTH 51 DEGREES, 27 MINUTES, 39 SECONDS WEST, A DISTANCE OF 195.12 FEET; THENCE SOUTH 88 DEGREES, 40 MINUTES, 22 SECONDS WEST, A DISTANCE OF 87.12 FEET; THENCE SOUTH 01 DEGREE, 19 MINUTES, 38 SECONDS EAST, A DISTANCE OF 165.80 FEET; THENCE SOUTH 88 DEGREES, 40 MINUTES, 23 SECONDS WEST, A DISTANCE OF 88.78 FEET; THENCE NORTH 01 DEGREE, 19 MINUTES, 38 SECONDS WEST, A DISTANCE OF 45.35 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 52 SECONDS WEST, A DISTANCE OF 68.12 FEET; THENCE NORTH 00 DEGREE, 57 MINUTES, 08 SECONDS WEST, A DISTANCE OF 265.00 FEET TO THE POINT OF BEGINNING

AND ALSO EXCEPTING THEREFROM THAT PART LYING EASTERLY AND SOUTHERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT POINT ON THE SOUTH LINE OF 86TH STREET, SAID POINT BEING 82.86 FEET WESTERLY OF, AS MEASURED ALONG SAID SOUTH LINE, THE EAST LINE OF GREEN BAY AVENUE; THENCE SOUTHWESTERLY ALONG A CURVE BEING CONCAVE WESTERLY, HAVING A RADIUS OF 766.00 FEET, A CHORD BEARING SOUTH 16 DEGREES 35 MINUTES 36 SECONDS WEST AND AN ARC DISTANCE OF 350.57 FEET TO A POINT OF TANGENCY; THENCE SOUTH 30 DEGREES 26 MINUTES 09 SECONDS WEST, A DISTANCE OF 282.50 FEET TO A POINT ON A LINE BEING 20 FEET NORTHERLY OF, AS MEASURED PERPENDICULAR TO, AND PARALLEL WITH THE NORTH LINE OF 87TH STREET; THENCE SOUTH 88 DEGREES 31 MINUTES 20 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 138.56 FEET; THENCE SOUTH 1 DEGREE 28 MINUTES 40 SECONDS EAST, A DISTANCE OF 20 FEET TO SAID NORTH LINE OF 87TH STREET.

PARCEL 2:

A PARCEL DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF BURLEY AVENUE AND THE CENTERLINE OF 86TH STREET: THENCE SOUTH 00 DEGREE, 57 MINUTES, 12 SECONDS EAST, A DISTANCE OF 31.23 FEET TO THE POINT OF BEGINNING. THENCE NORTH 88 DEGREES, 52 MINUTES, 52 SECONDS EAST, A DISTANCE OF 602.40 FEET; THENCE SOUTH 00 DEGREE, 13 MINUTES, 24 SECONDS WEST, A DISTANCE OF 412.71 FEET; THENCE NORTH 68 DEGREES, 24 MINUTES, 08 SECONDS WEST, A DISTANCE OF 216.61 FEET; THENCE NORTH 01 DEGREE, 01 MINUTE, 40 SECONDS WEST, A DISTANCE OF 59.74 FEET; THENCE NORTH 51 DEGREES, 27 MINUTES, 39 SECONDS WEST, A DISTANCE OF 195.12 FEET; THENCE SOUTH 88 DEGREES, 40 MINUTES, 22 SECONDS WEST, A DISTANCE OF 87.12 FEET; THENCE SOUTH 01 DEGREE, 19 MINUTES, 38 SECONDS EAST, A DISTANCE OF 165.80 FEET; THENCE SOUTH 88 DEGREES, 40 MINUTES, 23 SECONDS WEST, A DISTANCE OF 88.78 FEET; THENCE NORTH 01 DEGREE, 19 MINUTES, 38 SECONDS WEST, A DISTANCE OF 45.35 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 52 SECONDS WEST, A DISTANCE OF 68.12 FEET; THENCE NORTH 00 DEGREE, 57 MINUTES, 08 SECONDS WEST, A DISTANCE OF 265.00 FEET TO THE POINT OF BEGINNING.

PIN NUMBER:

21-32-212-002-0000 AND 21-32-500-002 (PARTIAL-EAST SIDE OF BURLEY PORTION)

ADDRESS:

8615 S. BURLEY, CHICAGO, IL

GENERAL BOUNDARIES:

86TH STREET ON THE NORTH, BURLEY AVENUE ON THE WEST, 87TH STREET ON THE SOUTH AND GREENBAY AVENUE, AS EXTENDED ON THE EAST.

THE PURPOSE OF THIS AMENDMENT IS TO INCLUDE A LEGAL DESCRIPTION FOR THE PROPERTY AS DESCRIBED BY SURVEY AND TITLE COMMITMENT.