

12-1024-OP1

**AUTHORIZE THE PUBLIC BUILDING COMMISSION OF CHICAGO ACQUIRE  
BY CONDEMNATION PROPERTY AT 10350 SOUTH INDIANAPOLIS BOULEVARD,  
FOR THE CONSTRUCTION OF A NEW SOUTHEAST AREA ELEMENTARY SCHOOL**

**THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:**

On March 23, 2011, the Board adopted Resolution Number 11-0323-RS12 requesting the Public Building Commission of Chicago ("PBC") acquire for the Chicago Board of Education 10350 S. Indianapolis Boulevard ("Site") for parking for the Southeast Area Elementary School Project ("Project"). The purpose of the Project is to relieve overcrowding of public schools in the Southeast Area Community. On August 22, 2012, the Board adopted Resolution Number 10-0623-RS31 providing funding to the PBC to acquire the Site for the Project.

There are eight (8) properties in the Project. The Board previously approved the acquisition of seven (7) of the eight (8) properties in the Project. The purpose of this Board Report is to authorize the PBC to acquire by condemnation the eighth (8th) and last property for \$730,000 and to reimburse the Owner \$81,869 for its 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:** DMB Partnership  
Partners: Barbara Dorigan, Gary Dorigan and John Botich  
10350 S. Indianapolis Boulevard  
Chicago, Illinois 60617

**PROPERTY:** 27,100 square foot site zoned C1-1, Neighborhood Commercial District located at the northwest corner of 104<sup>th</sup> Street and Indianapolis Boulevard. The subject property is improved with a 10,442 square foot building. The building is divided into a four bay auto-repair garage, a two bay carwash with retail area and an attached rear auto-garage. The building was constructed in stages and has an estimated average age of 50 years.

**PIN:** 26-08-402-027, -028, -029, -030, -031 and -036

**FUTURE USE:** Parking for the new Southeast Area Elementary School to be constructed at the southwest corner of 104<sup>th</sup> Street and Indianapolis Boulevard.

**PURCHASER:** Public Building Commission of Chicago for the Chicago Board of Education

**APPRAISALS:** For BOE and PBC:  
KMD Valuation Group, LLC \$625,000

For Owner:  
Mundie & Company, Inc. \$950,000

**SETTLEMENT:** \$730,000 for the Property plus \$81,869 to reimburse the Owner for its moving and relocation costs and expenses in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act.

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

**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 \$730,000, and to reimburse the Owner \$81,869 for its moving and relocation costs and expenses.
  2. Authorize the General Counsel or his designee to negotiate and include other relevant terms and conditions into 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 \$811,869 for the acquisition of the Property, including \$81,869 to reimburse the Owner for its moving and relocation costs in accordance with the Uniform Relocation Act.

**AFFIRMATIVE ACTION:** Exempt.

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

**FINANCIAL:** Charge to Operations Department: \$811,869  
 Unit: 22631  
 Fiscal Year: 2012  
 Source of Funds: QSCB Series 2010

**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.

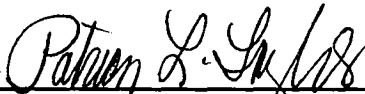
Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of or the letting of contracts to, former Board members during the one year period following expiration or other termination of their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

Indebtedness – The Board's Indebtedness Policy adopted June 26, 1996 (36-0626-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:**

  
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 Patricia L. Taylor  
 Chief Operating Officer

Approved:

  
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 Barbara Byrd-Bennett  
 Chief Executive Officer

Approved as to Legal Form:

  
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 James L. Bebley  
 General Counsel

**EXHIBIT A**

**INTEREST TO BE ACQUIRED: FEE SIMPLE**

**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.

**PIN NOS.:** 26-08-402-027, -028, -029, -030, -031 AND -036

**COMMON ADDRESS:** 10350 S. INDIANAPOLIS BOULEVARD, CHICAGO, IL

**OWNERS:** DMB Partnership  
Partners: Barbara Dorigan, Gary Dorigan and John Botich