

October 25, 2017

**APPROVE ENTERING INTO A SHARED USE AGREEMENT AND
TEMPORARY CONSTRUCTION LICENSE AGREEMENT WITH THE INNER CITY EDUCATION AND
RECREATION FOUNDATION FOR ATHLETIC FACILITIES, IMPROVEMENTS
AND PROGRAMS AT SMYTH ELEMENTARY SCHOOL**

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

The purpose of this Board Report is to authorize the Board to enter into (1.) A Shared Use Agreement with the Inner City Education and Recreation Foundation (ICERF) an Illinois Not for Profit Corporation, for the construction and use of shared Athletic Facilities on the property described on Exhibits A and B ("Shared Use Agreement"); (2.) a Temporary Construction License Agreement ("TCLA") with ICERF for the construction of the Athletic Facilities shown on Exhibit B and proposed improvements to Smyth School identified on Exhibit C ("School Improvements"), and (3.) To authorize the Chief Administrative Officer ("CAO") to negotiate the final terms and conditions of the Shared Use Agreement and TCLA with ICERF. The authority granted herein shall automatically rescind in the event the Shared Use Agreement and TCLA are not executed within 120 days of the date of this Board Report. Information pertinent to the Shared Use Agreement and TCLA are stated as follows.

PARTIES:	Chicago Board of Education 42 W. Madison Chicago, IL 60602 Contact: Chief Operating Officer Phone: 773-553-2900	Inner City Education and Recreation Foundation 1019 S. May Street Chicago, IL. 60608 Contact: John Chandler Phone: 312-421-5900 X330
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CHICAGO BOARD OF EDUCATION PROPERTY TO BE SUBJECT TO THE THIRTY (30) YEAR NON-REVOCABLE SHARED USE AGREEMENT: Approximately 31,432 SF or .72 acres of land described on Exhibit A attached hereto.

INNER CITY EDUCATION AND RECREATION FOUNDATION PROPERTY TO BE SUBJECT TO THIRTY (30) YEAR SHARED USE AGREEMENT: Approximately 9.5 acres of land described on Exhibit A attached hereto.

SHARED USE AGREEMENT: The Shared Use Agreement shall cover the Athletic Facilities to be constructed by ICERF on the Board Property and ICERF property described on Exhibit A and as shown on Exhibit B. The shared Athletic Facilities shall include a new football field, 400 meter track, baseball and soccer field ("Athletic Facilities"). Under the Shared Use Agreement, Smyth School shall have first priority to use the Athletic Facilities, Monday through Friday 8:00 a.m. to 3:00 p.m. during the school year; ICERF shall have priority use at all other times. Smyth School may use the Athletic Facilities when they are not being used by ICERF. ICERF shall designate a scheduler and manager of the Athletic Facilities. ICERF will be responsible for construction, maintenance and all costs related to the use and operation of the Athletic Facilities. The Board shall not be required to pay any fees to use the Athletic Facilities. Smyth School shall also be able to use the St. Ignatius garden immediately north of the School on the east side of Blue Island Avenue.

TERM: The term of the Shared Use Agreement shall commence on the date the agreement is signed and shall end 30 years thereafter.

TEMPORARY CONSTRUCTION LICENSE AGREEMENT: The Board will grant ICERF a Temporary Construction License (TCL) over a portion of the Smyth School Property at 1059 W. 13th Street (Smyth) for the construction of the Athletic Facilities identified on Exhibit B and the School Improvements identified on Exhibit C. The location and timing for the construction of the improvements on the School Property shall be coordinated with the Chief of Capital Improvements, the Smyth School Principal and Engineer.

CONSIDERATION: ICERF will construct and install at its expense, the School Improvements identified on Exhibit C pursuant to the construction plans and design specifications submitted by the Board. All capital

improvements, construction plans, permits and programming are to be approved by the Board's Chief of Capital Improvements. The Board shall assist ICERF obtain the necessary permits for the improvements.

AUTHORIZATION: Authorize the President and the Secretary to execute the thirty (30) year Shared Use Agreement with ICERF. Authorize the Chief Administrative Officer and Chief of Capital Improvements to: (1.) negotiate the final terms and conditions in the Shared Use Agreement, (2.) negotiate and approve the construction plans and design for the school improvements to be made by ICERF at Smyth School, (3.) execute the Temporary Construction License Agreement for the Shared Athletic Facilities and School Improvements and (4.) obtain or authorize construction permits for the improvements to be made at or on Smyth School property. Authorize the General Counsel to include other relevant terms and conditions, including indemnification, in the Shared Use Agreement and Temporary Construction License Agreements as may be required. Authorize and request the PBC, as title holder, to execute any documents required for the Board to enter into the Shared Use and Temporary Construction License Agreements with ICERF.

AFFIRMATIVE ACTION: Exempt.

LSC REVIEW: Local School Council approval is not applicable to this report.

FINANCIAL: \$50,000 for Engineering, Architectural Design, Review and Permit fees

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.

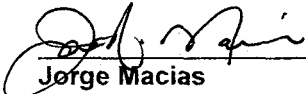
Indebtedness – The Board's Indebtedness Policy adopted June 26, 1996 (96-0626-PO3), as amended from time to time, shall be incorporated into and made a part of the agreement.

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:

Approved:



Jorge Macias
Chief Administrative Officer



Forrest Claypool
Chief Executive Officer

Approved as to legal form 



Ronald L. Marmer
General Counsel

EXHIBIT A

**BOUNDARY DESCRIPTION OF THE CHICAGO BOARD OF EDUCATION'S PROPERTY
TO BE SUBJECT TO THE 30 YEAR SHARED USE AGREEMENT WITH
THE INNER CITY EDUCATION AND RECREATION FOUNDATION**

**A RECTANGULAR PARCEL OF LAND APPROXIMATELY 120 FEET BY 261 FEET LOCATED AT
THE FAR EAST END OF SMYTH SCHOOL AND DESCRIBED AS FOLLOWS:**

(Legal Description to be inserted upon receipt of survey)

AREA: APPROXIMATELY .72 ACRES OR 31,432 SF

**BOUNDARY DESCRIPTION OF THE INNER CITY EDUCATION AND RECREATION FOUNDATION
PROPERTY TO BE SUBJECT TO THE 30 YEAR SHARED USE AGREEMENT WITH
THE CHICAGO BOARD OF EDUCATION (SMYTH SCHOOL)**

**IRREGULAR SHAPED PARCEL OF LAND GENERALLY LOCATED BETWEEN ROOSEVELT ROAD
ON THE NORTH, SOUTH BLUE ISLAND AVENUE ON THE WEST,
MAXWELL STREET ON THE SOUTH AND MORGAN STREET ON THE EAST
(EXCLUDING THE LAKESIDE BANK AND SMYTH SCHOOL PROPERTIES)**

Legal Description to be inserted upon receipt of survey

AREA: APPROXIMATELY 9.5 ACRES

**BOUNDARY DESCRIPTION AND ACREAGE TO BE MODIFIED
UPON RECEIPT OF FINAL SURVEY AND SITE PLANS**

EXHIBIT B

**PROPOSED SITE/CONCEPT PLAN FOR THE SHARED ATHLETIC FACILITIES
TO BE CONSTRUCTED ON THE PROPERTY DESCRIBED ON EXHIBIT A**

EXHIBIT C

PROPOSED SMYTH SCHOOL IMPROVEMENTS

**CONSTRUCTION PLANS, DESIGN SPECIFICATIONS and PERMIT APPLICATIONS
TO BE APPROVED BY THE BOARD'S CHIEF OF CAPITAL IMPROVEMENTS**

**Demolition of the Joyner CPC Building
Construction and landscaping of a new driveway Blue Island to Smyth School
New Smyth School playground
New fencing around Smyth School site
New Smyth School Marquee**