

August 22, 2018

**AMEND BOARD REPORT 17-1025-OP1
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 Operating Officer ("CAO") ("COO") and Chief of Capital Improvements 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.

This August 2018 Amendment is to (1) change the size and dimensions of the Smyth School property to be used for the Shared Athletic Facilities described below and on Exhibits A and B and (2) to authorize the Chief Operating Officer and the Chief of Capital Improvements to negotiate the terms and conditions of the Shared Use Agreement, School Improvements and Temporary Construction License Agreement. 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.

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
-----------------	---	--

CHICAGO BOARD OF EDUCATION PROPERTY TO BE SUBJECT TO THE THIRTY (30) YEAR NON-REVOCABLE SHARED USE AGREEMENT: Approximately ~~31,432 SF~~ or ~~.72~~ 41,360 SF or .95 acres of land generally described on Exhibit A attached hereto. Exact legal description to be inserted upon receipt of survey.

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. Exact legal description to be inserted upon receipt of survey.

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 Operating 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 or to obtain permits for the construction of the improvements.

AFFIRMATIVE ACTION: Exempt.

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

FINANCIAL: \$50,000 for Preliminary Conceptual Engineering, Conceptual Architectural Design, Peer Review and Permit fees only

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:




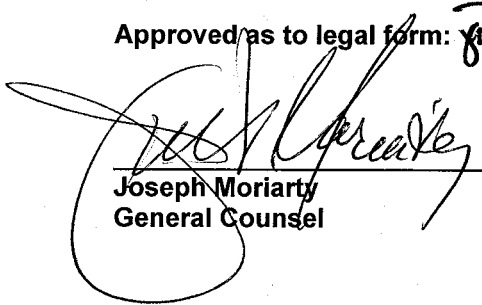
Arnaldo Rivera
Chief Operating Officer

Approved:



Janice K. Jackson
Chief Executive Officer

Approved as to legal form: 



Joseph Moriarty
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:~~

AN IRREGULAR SHAPED PARCEL OF LAND LOCATED AT THE FAR EAST END OF SMYTH
SCHOOL GENERALLY DESCRIBED AND DEPICTED AS FOLLOWS:

THAT PART OF BLOCK 3 IN HENRY WALLER'S SUBDIVISION OF THE NORTHEAST QUARTER OF
THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH RANGE 14 EAST OF THE
THIRD PRINCIPAL MERIDIAN ALONG WITH THAT PART OF THE VACATED ALLEYS IN SAID
BLOCK 3 AND THAT PART OF THE VACATED 13TH STREET AND VACATED MILLER STREET
DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF
VACATED MILLER STREET AND THE NORTH RIGHT OF WAY LINE OF MAXWELL STREET;
THENCE NORTH 0 DEGREES 37 MINUTES 49 SECONDS WEST ON THE CENTER LINE OF SAID
VACATED MILLER STREET 262.00 FEET TO THE CENTER LINE OF VACATED 13TH STREET;
THENCE SOUTH 88 DEGREES 19 MINUTES 14 SECONDS WEST ON THE CENTER LINE OF SAID
VACATED 13TH STREET 187.62 FEET; THENCE SOUTH 0 DEGREES 45 MINUTES 02 SECONDS
EAST A DISTANCE OF 65 FEET, THENCE EAST ALONG A LINE PARALLEL TO THE SOUTH LINE
OF VACATED 13TH STREET A DISTANCE OF 38.79 FEET; THENCE SOUTH ALONG A LINE
PARALELL TO THE CENTERLINE OF VACATED MILLER STREET A DISTANCE OF 197 FEET TO
THE NORTH RIGHT OF WAY LINE OF WEST MAXWELL STREET; THENCE EAST
APPROXIMATELY 148.24 FEET TO THE POINT OF BEGINNING ALL IN COOK COUNTY, ILLINOIS
SAID PARCEL CONTAINING APPROXIMATELY .95 ACRES MORE OR LESS OF WHICH 0.198
ACRES LIES WITHIN VACATED MILLER STREET.

(Final Legal Description to be inserted upon receipt of survey)

AREA: APPROXIMATELY .95 ACRES OR 41,360 SF ~~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

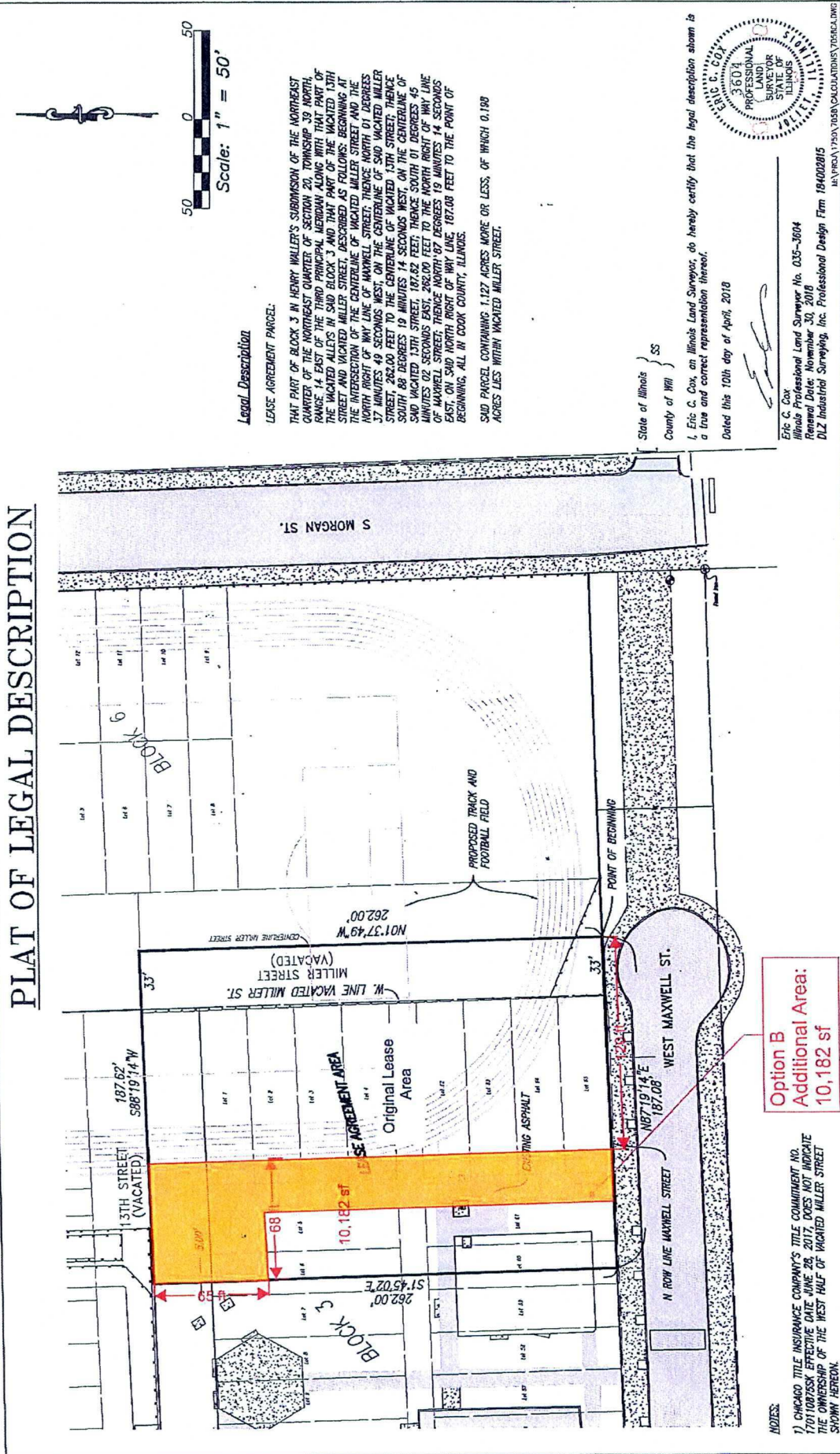
AREA: APPROXIMATELY 9.5 ACRES

BOUNDARY DESCRIPTIONS 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**

PLAT OF LEGAL DESCRIPTION



Legal Description

LEASE AGREEMENT PARCEL:

THAT PART OF BLOCK 3 IN HENRY WALLER'S SUBDIVISION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN ALONG WITH THAT PART OF THE VACATED ALLEYS IN SAID BLOCK 3 AND THAT PART OF THE VACATED 13TH STREET AND VACATED MILLER STREET, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF VACATED MILLER STREET AND THE NORTH RIGHT OF WAY LINE OF MAXWELL STREET, THENCE NORTH 01 DEGREES 37 MINUTES 49 SECONDS WEST, ON THE CENTERLINE OF SAID VACATED MILLER STREET, 282.00 FEET TO THE CENTERLINE OF VACATED 13TH STREET; THENCE SOUTH 88 DEGREES 19 MINUTES 14 SECONDS WEST, ON THE CENTERLINE OF SAID VACATED 13TH STREET, 187.82 FEET; THENCE SOUTH 01 DEGREES 45 MINUTES 02 SECONDS EAST, 262.00 FEET TO THE NORTH RIGHT OF WAY LINE OF MAXWELL STREET, THENCE NORTH 01 DEGREES 19 MINUTES 14 SECONDS EAST, ON SAID NORTH RIGHT OF WAY LINE, 187.08 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

SAID PARCEL CONTAINING 1.127 ACRES MORE OR LESS, OF WHICH 0.188 ACRES LIES WITHIN VACATED MILLER STREET.

State of Illinois }
County of Will } SS

I, Eric C. Cox, an Illinois Land Surveyor, do hereby certify that the legal description shown is a true and correct representation thereof.

Dated this 10th day of April, 2018



NOTES:
1) CHICAGO TITLE INSURANCE COMPANY'S TITLE COMMITMENT NO. 1701108755K EFFECTIVE DATE JUNE 28, 2017, DOES NOT INDICATE THE OWNERSHIP OF THE WEST HALF OF VACATED MILLER STREET SHOWN HEREON.

**Option B
Additional Area:
10,182 sf**

Eric C. Cox
Illinois Professional Land Surveyor No. 035-3604
Renewed Date: November 30, 2018

DLZ Industrial Surveying, Inc. Professional Design Firm 184002815

IN:PIECA 175017638/CALCULATION/DYDICALA.DWG

ILLINOIS		DRAWING	CSH	CHK'D	EGC	DATE	DESIGNED	APPROVAL	EGC
CHICAGO		BURLING BUILDERS INC				APRIL 10, 2018			
ST IGNATIUS ATHLETIC FIELDS									
CHICAGO, ILLINOIS									
PLAT OF LEGAL DESCRIPTION									
PROJECT NUMBER	1750-7058	SCALE	1" = 50'	DATE	APRIL 10, 2018	DESIGNED		APPROVAL	
REVISION		DATE		DATE		DATE		DATE	
BY		BY		BY		BY		BY	
DATE		DATE		DATE		DATE		DATE	
SHEET	1	OF	1	DRAWING NUMBER	7058PLD				



BURLING BUILDERS INC
ST IGNATIUS ATHLETIC FIELDS
CHICAGO, ILLINOIS
PLAT OF LEGAL DESCRIPTION

DLZ
INDUSTRIAL SURVEYING, INC.
1401 WASHINGTON STREET, SUITE 2, CHICAGO, ILLINOIS 60607
TELEPHONE (312) 722-8888 • FAX (312) 722-8880

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 from Blue Island to Smyth School
New Smyth School playground
New fencing around Smyth School site
New Smyth School Marquee**