

**ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY LOCATED AT
714-726 NORTH KEDZIE AVENUE FOR THE EXPANSION OF KELLS (GEORGE)
PARK #1040**

WHEREAS, the Chicago Park District (the “Park District”) is a body politic and corporate created pursuant to the Chicago Park District Act, 70 ILCS 1505/0.01, *et seq.*, as amended (the “Act”), and a unit of local government under Article VII, Section 1 of the 1970 Constitution of the State of Illinois, and as such, has the authority to establish, acquire, lease, complete, enlarge, ornament, build, rebuild, improve, operate and maintain public parks, playgrounds and recreational facilities within the corporate limits of the City of Chicago; and

WHEREAS, the City of Chicago (the “City”) is a home rule unit of government under Article VII, Section 6(a) of the Constitution of the State of Illinois, and as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City is the owner of certain real property commonly known as 714-726 North Kedzie Avenue, Chicago, Illinois as legally described on **Exhibit A** attached hereto (the “Property”); and

WHEREAS, the Park District District is interested in acquiring the Property for the expansion of Kells (George) Park #1040, which expansion shall address the open space needs of the community and will include the construction of a new fieldhouse that will serve the Humboldt Park Community Area (the “Park Expansion”); and

WHEREAS, the City desires to transfer for the Property, which is not currently utilized by the City, to the Park District; and

WHEREAS, the Department of Planning and Development has recommended that the Board of Commissioners of the Park District (the “Board of Commissioners”) approve the acquisition of the Property; and

WHEREAS, the Board of Commissioners finds and declares that it is necessary or convenient to acquire the Property for the public purpose of the Park Expansion; and

WHEREAS, Article VII, Section 10 of the 1970 Constitution of the State of Illinois, authorizes state and local governing bodies to cooperate in the performance of their responsibilities by contracts and other agreements; and

WHEREAS, the Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*, as amended, similarly authorizes public agencies, including units of local government and school districts, to contract with one another to perform any governmental service, activity or undertaking; and

WHEREAS, the Local Government Property Transfer Act, 50 ILCS 605/0.01, *et seq.*, as amended (the “Transfer Act”), authorizes and provides for municipalities to convey, grant or transfer real estate held by the municipality to any other municipality upon the agreement of the corporate authorities governing the respective parties; **now, therefore,**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CHICAGO PARK DISTRICT:

Section 1. The above recitals are expressly incorporated in and made part of this ordinance as though fully set forth herein.

Section 2. It is hereby determined and declared and found pursuant to the Act and the Transfer Act that it is useful, desirable, necessary and convenient that the Park District acquire the Property for the public purpose of the Park Expansion.

Section 3. It is hereby determined and declared and found that the Park District shall acquire title to and possession of the Property by transfer through deed, or, if found necessary and advisable by the General Superintendent of the Park District, that the Park District shall acquire possession of the Property through long-term lease (the “Transfer”).

Section 4. The General Superintendent of the Park District (the “General Superintendent”) or a designee the General Superintendent are each hereby authorized, empowered, and directed to negotiate, enter into and execute such agreements and instruments, and perform any and all acts as shall be necessary or advisable in connection with the Transfer, subject to the approval of the General Counsel, including, without limitation, the following:

- a. Negotiate, and accept a quitclaim deed conveying title of the Property to the Park District from the City;
- b. Execute and deliver various closing items and any other documents related to the Transfer, including indemnification, and any other instruments in connection with the transactions described herein; and
- c. Expend funds necessary to pay reasonable costs for the foregoing and any other reasonable costs related to the Transfer.

Section 5. The Secretary and any other appropriate officials of the Park District are hereby authorized, empowered, and directed to attest the execution of any documents necessary in connection with the Transfer and to take all action necessary or proper in order to effectuate the Transfer, subject to the approval of the General Counsel.

Section 6. To the extent that the Code of the Chicago Park District or any ordinance, resolution, rule, order or provision of the Park District, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall govern and control to the extent necessary to effectuate the Transfer. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provisions of this ordinance.

Section 7. This ordinance shall take effect immediately upon its passage and approval.

