



# Chicago Park District

## Legislation Text

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### **AUTHORITY FOR THE ADOPTION OF A RESOLUTION TO TRANSFER PROPERTY WITHIN DURKIN (MARTIN) PARK (PARK#268) AND ENTER INTO A LONG-TERM LEASE AND INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF CHICAGO FOR THE CONSTRUCTION OF AN UNDERGROUND WATER PUMPING FACILITY AND NEW PARK IMPROVEMENTS**

**To the Honorable Board of Commissioners of the Chicago Park District**

#### **I. Recommendation**

It is recommended that the Board of Commissioners of the Chicago Park District adopt an ordinance and a resolution to authorize the General Superintendent, or his designee, to take all action necessary to enter into agreements with the City of Chicago to transfer ownership of approximately two (2) acres of Durkin Park to the City of Chicago for the construction of an underground water reservoir facility to serve Joliet, IL with Lake Michigan Water Supply, in conjunction with the adjacent Southwest Pumping Station. Upon completion of the underground work, the surface of the property will be restored to its original condition and will be re-opened for public use.

#### **III. Agreement Information**

Grantors/Grantees: Chicago Park District  
541 N. Fairbanks Ct.  
Chicago, Illinois 60611

City of Chicago  
121 North LaSalle Street  
Chicago, Illinois 60602

Transfer: Intergovernmental Property Transfer in accordance with the Local Government Property Transfer Act, 50 ILCS 605/0.01 *et seq.*

Granting Instruments: Quit-Claim deed transferring any and all interest that the parties have in the respective parcel and a long-term lease agreement.

Authorization: Authorize the General Counsel to include other relevant terms and conditions in the written agreements and transfer instruments. Authorize the General Superintendent to execute the agreements and transfer instruments. Authorize the Secretary to attest as to the signing of the agreements and transfer instruments and keep an original of the

documents on file.

### **III. Explanation**

The Chicago Park District owns property bounded by 84<sup>th</sup> Street to the north, 85<sup>th</sup> Street to the south, Chicago Public School property to the west at approximately Kildare Avenue, and City of Chicago property to the east at approximately Keeler Avenue, more commonly referred to as Durkin (Martin) Park (#268) located in the Ashburn Community.

The Park District proposes to transfer a portion of this park property, approximately 2-acres, to the City of Chicago, for the purposes of constructing an underground water reservoir facility to serve the City of Joliet, IL with Lake Michigan Water Supply, in conjunction with the adjacent Southwest Pumping Station. Upon completion of the underground work, the surface of the approximately 2-acres of park property will be restored to its original condition and will be re-opened for public use.

Upon transfer of the property to the City of Chicago, the City shall immediately lease back the top layer of the parkland to the Park District for a term mirroring that of the long-term agreement between the City of Chicago and the City of Joliet. The Park District will not have use or occupancy of the property during the construction of the underground water pumping facility, which is expected to last 24-36 months. The lease will also prohibit any activities on the property that would interfere with the underground pumping station or interfere with Joliet's provision of water to the Joliet Customers.

The City agrees to accept the parkland in its "as is" condition and subject to a reversionary clause, providing that the parkland is subject to reversion to the Park District in the event that Joliet elects to not construct a portion of the project or to otherwise use Durkin Park for water supply purposes.

Upon transfer of the property to the City of Chicago, the City shall grant to Joliet a permanent easement under, in, and upon the approximately 2-acres of Durkin Park to facilitate the construction of the underground water pumping stations. As a part of the project, the City will require Joliet to restore, at its sole cost and expense, the surface of the parkland and construct a new athletic field and support facilities thereon (currently anticipated to be a junior-sized soccer field with accompanying necessary improvements), based on a combination of consideration of community input and Park District specifications.

In an effort to compensate Park District for the loss of park space during the construction of the underground water pumping facility, the City will provide funding at the request of the Park District which shall be used generally for park improvements in nearby local parks to accommodate the additional use and demand on those facilities and to support additional Park District operations.

### **IV. General Conditions**

1) *Conflicts*: The Agreement shall not be legally binding on the Chicago Park District if entered into in violation of the provisions of 50 ILCS 105, the Public Officer Prohibited Activities Act.

2) *Ethics*: The Chicago Park District's Ethics Code, Chapter III of the Code of the Chicago Park District, shall be incorporated into and made part of the agreement.

3) *Contingent Liability*: Any agreement lawfully entered into for a period of more than one year shall be executory only for the amounts for which the Park District may become liable in succeeding fiscal years pursuant to Section 17(i) of the Chicago Park District Act, 70 ILCS 1505/17(i). All agreements authorized herein shall contain a clause that any expenditure beyond the current fiscal year is subject to appropriation in the subsequent fiscal year budget.