

**AMEND BOARD REPORT 11-0525-OP5
APPROVE ENTERING INTO A LEASE AGREEMENT WITH
MESSIAH LUTHERAN CHURCH AND SCHOOL
TO RELIEVE OVERCROWDING AT SMYSER ELEMENTARY**

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve entering into a lease agreement with Messiah Lutheran Church and School for a school building to relieve overcrowding at Smyser Elementary School, located at 4310 North Melvina Avenue. The proposed leased premises are located at 6200 West Patterson Avenue. The Board shall not take

possession of the premises prior to execution of the agreement. The authority granted herein shall automatically rescind in the event a written agreement is not executed within 90 days of the date of this amended Board Report. Information pertinent to the lease agreement is stated below.

This July 2011 amendment is necessary to: (1) change the commencement date from July 1, 2011, to August 1, 2011, to accommodate the Landlord's schedule, (2) clarify the number of parking spaces the school shall be allowed to use, (3) clarify that the initial deposit is a lump sum rent payment toward the first year's rent, and (4) revise the General Conditions' Ethics language.

LANDLORD: Messiah Lutheran Church and School
6200 West Patterson Avenue
Chicago, Illinois 60634
Contact: Barbara Lettich

AUTHORIZATION: Authorize the General Counsel to include other relevant terms and conditions in the written lease agreement. Authorize the President and Secretary to execute the lease agreement. Authorize the General Counsel to execute all ancillary documents required to administer or effectuate the

AFFIRMATIVE ACTION: Exempt.

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

FINANCIAL: The total amount of rent to be paid over the 5-year term is \$950,500.00, with estimated additional rent not to exceed \$350,000.00.

Chicago Operations: \$300,000.00

Fiscal Year: 2010

Budget Classification: 11910-230-57705-254903-000000-2012

Source of Funds: Operating

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 September 27, 1995 (95-0927-RI13) May 25, 2011 (11-0525-

Approved for Consideration:

Patricia L. Yu 6/29/11

Approved:

[Signature]