

SUBSTITUTE ORDINANCE

WHEREAS, the City of Chicago (the “City”) is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, 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 the property located at 1325 W. 119th Street, Chicago, IL 60643 (PINs 25-29-101-025-0000 & 25-29-101-027-0000), as legally described in Exhibit A attached hereto (the “Original Property”); and

WHEREAS, the City is the owner of former railroad property located in the vicinity of the Original Property (PIN 25-29-200-001-0000), as legally described in Exhibit B attached hereto (the “Additional Property”); and

WHEREAS, together the Original Property and the Additional Property constitute the “Property”; and

WHEREAS, West Pullman Development Partners, LLC, an Illinois limited liability company (“Licensee”), proposes to remediate and redevelop the Property and certain adjacent non-City-owned land as an industrial warehouse facility; and

WHEREAS, the City, through its Department of Assets, Information and Services, as predecessor to the Department of Fleet and Facility Management (“2FM”), and Licensee previously entered into a Right of Entry Agreement dated July 6, 2023, and attached hereto as Exhibit C (the “ROE”), pursuant to which the City gave Licensee access to the Original Property to assess its condition and perform other due diligence work; and

WHEREAS, the Commissioner of 2FM (the “Commissioner”) has the authority to enter into leases and other temporary occupancy agreements for up to 180 days under Section 2-51-050 (12) of the Municipal Code of Chicago; and

WHEREAS, after 180 days, City Council approval is required to extend such temporary occupancy agreements; and

WHEREAS, the 180-day period allowed under Section 2-51-050 (12) for the ROE expired on January 6, 2024; and

WHEREAS, the City has determined that it is necessary to expand the ROE to include the Additional Property and to extend the ROE in order for Licensee to continue its due diligence work in preparation for the closing of the land sale; *now, therefore*,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. The Commissioner and a designee of the Commissioner are each hereby

authorized, with the approval of the City's Corporation Counsel as to form and legality, to negotiate, execute and deliver an amendment to the ROE with retroactive effect to January 6, 2024, in substantially the form attached hereto as Exhibit D (the "First Amendment"), and such other documents as may be necessary or appropriate to carry out and comply with the provisions of the First Amendment and this ordinance, with such changes, deletions and insertions as shall be approved by the persons executing the First Amendment.

SECTION 3. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 4. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall take effect immediately upon its passage and approval.

Attachments: Exhibit A – Legal Description of Original Property
Exhibit B – Legal Description of Additional Property
Exhibit C – Right of Entry Agreement
Exhibit D – First Amendment to Right of Entry Agreement