

ORDINANCE NO. 006-5

AN ORDINANCE CONSENTING TO INDEMNIFY GP2, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, FOR CLAIMS ARISING FROM THE OPERATION AND MAINTENANCE OF AN ELEVATOR AT THE GRAND AND STATE SUBWAY STATION (RED LINE) \_\_\_\_\_

WHEREAS, The Metropolitan Transit Authority Act authorizes the Authority to operate and maintain a public service transportation system in the metropolitan area of Cook County, Illinois; and

WHEREAS, The City of Chicago ("City"), by Ordinance passed by the City Council on April 23, 1945, granted the Authority the exclusive right to acquire, construct, maintain and operate facilities for local transportation within the City of Chicago; and

WHEREAS, The City and the Authority entered into an Agreement, dated May 17, 1995, for the operation and maintenance of the Howard-Dan Ryan (Red Line) rapid transit facility; and

WHEREAS, The City is the owner in fee of the Grand and State subway station ("Station") and the Authority is responsible for the operation and maintenance of the Station; and

WHEREAS, The City is engaged in the Grand/State Red Line Project ("Project") to renovate the Authority's Station, including certain underground improvements and the installation of an elevator; and

WHEREAS, The Grand and State subway station right-of-way is inadequate to accommodate the Project improvements; and

WHEREAS, City staff has identified the owner of a parcel of property located at the northwest corner of West Grand Avenue and North State Street, commonly known as 540 North State Street, Chicago, Illinois ("Property"), as GP2, L.L.C. ("Owner"); and

WHEREAS, The Property, located immediately adjacent to the Station, is available and would permit the installation of the elevator and related equipment required for the Project; and

WHEREAS, The City has negotiated an easement agreement with the Owner for permanent use of the Property; and

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WHEREAS, Upon completion of the construction and installation of the elevator and certain other improvements, the Authority shall be responsible for operation and maintenance of said improvements; and

WHEREAS, The City has requested the Authority's consent to an indemnification of GP2, L.L.C., following completion of construction and installation activities, for claims arising from the operation and maintenance of the elevator and related equipment in the easement area; now, therefore:

BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD  
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1. The Chicago Transit Board hereby consents to an indemnification by the Authority of GP2, L.L.C., for claims resulting from the operation and maintenance of an elevator and related elevator equipment located at the northwest corner of Grand and State, Chicago, Illinois, and which is required for the Authority's Grand and State subway station (Red Line), such indemnification to take effect following completion of elevator construction and installation activities.

SECTION 2. The Chairman of the Chicago Transit Authority, or her designee, is hereby authorized to enter into a Consent to Indemnification Agreement between GP2, L.L.C., the City of Chicago and the Authority, attached hereto as Exhibit A, and all additional documents required to effectuate the transaction contemplated herein.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

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Chairman

January 11, 2006

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Assistant Secretary

January 11, 2006