

ORDINANCE NO. 003-123

AUTHORIZING PAYMENT OF DESIGN  
COSTS FOR THE RELOCATION OF THE  
HEATING SYSTEM CURRENTLY  
OPERATING ON PARCEL 3 OF THE  
BROWN LINE CAPACITY EXPANSION  
PROJECT AND SERVING VARIOUS  
BUILDINGS AT DEPAUL UNIVERSITY

WHEREAS, The Metropolitan Transit Authority Act, at 70 ILCS 3605/6, established the Chicago Transit Authority ("Authority") to acquire, construct, own, operate and maintain a public service transportation system in the Metropolitan Area of Cook County; and

WHEREAS, The Metropolitan Transit Authority Act, at 70 ILCS 3605/10, empowers the Authority with the right of eminent domain to acquire private property and property devoted to any public use which is necessary for the purposes of the Chicago Transit Authority; and

WHEREAS, The Authority has undertaken a project to rehabilitate and renovate the Brown Line, including construction of platforms to accommodate the operation of eight-car rapid transit service and extensive repair and renovation of many of the stations ("Brown Line Capacity Expansion Project"); and

WHEREAS, On July 11, 2001, the Chicago Transit Board passed Ordinance No. 001-116, whereby the Board found and determined that it is necessary, desirable and convenient for the Authority to acquire rights including, but not limited to, fee simple title to and possession of the various parcels of property that abut or lie near, adjacent or in close proximity to the Brown Line rapid transit line and that will be required and necessary to complete the scheduled construction and renovation of the Brown Line rapid transit line. Such rights include land at grade, air and/or subterranean levels; and

WHEREAS, Ordinance No. 001-116 designated 62 parcels of real estate as required for the Brown Line Capacity Expansion Project, which properties were listed on Exhibit A attached hereto, including Parcels 3, 4 and 5 which are owned by DePaul University; and

WHEREAS, Pursuant to Ordinance No. 001-116, as amended, negotiations to acquire Parcels 3, 4 and 5 of the Brown Line Capacity Expansion Project are ongoing with DePaul University; and

WHEREAS, Staff has concluded that successful completion of negotiations to acquire Parcel 3 of the Brown Line Capacity Expansion Project hinges on the development and implementation of a detailed plan and budget to relocate the heating system currently operating on Parcel 3 and serving various buildings within DePaul University's Lincoln Park Campus; and

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WHEREAS, The Authority's consultants have worked with consultants acting on behalf of DePaul University to begin the development of such a plan and budget, and recommend that the Authority pay a nonrefundable sum not to exceed two hundred forty-six thousand dollars (\$246,000), plus the design consultant's actual reimbursable expenditures in an amount not to exceed twenty-four thousand six hundred dollars (\$24,600), for the design of a replacement heating system to facilitate the replacement of the heating system currently operating on Parcel 3 and serving various buildings within DePaul University's Lincoln Park Campus; and

WHEREAS, Staff has concluded that it will be necessary and would be in the best interest of the Authority to pay the recommended sum to cover the design costs for a replacement heating system to facilitate the replacement of the heating system currently operating on Parcel 3 and serving various buildings within DePaul University's Lincoln Park Campus; now, therefore:

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

SECTION 1. That the Chicago Transit Board of the Chicago Transit Authority hereby authorizes the Vice Chairman, or his designee, to enter into a letter agreement with DePaul University to pay a non-refundable sum not to exceed two hundred forty-six thousand dollars (\$246,000), plus the design consultant's actual reimbursable expenditures in an amount not to exceed twenty-four thousand six hundred dollars (\$24,600), to cover the design costs for a replacement heating system to facilitate the replacement of the heating system currently operating on Parcel 3 of the Brown Line Capacity Expansion Project and serving various buildings within DePaul University's Lincoln Park Campus.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

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Vice Chairman

September 4, 2003

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Assistant Secretary

September 4, 2003