

AUTHORIZATION FOR EXECUTION OF INTERGOVERNMENTAL AGREEMENT
WITH CHICAGO PARK DISTRICT AND FOREST PRESERVE DISTRICT OF
COOK COUNTY FOR ESTABLISHMENT OF “NEIGHBORSPLACE”

The Committee on Finance submitted the following report:

CHICAGO, March 26, 1996.

To the President and Members of the City Council:

Your Committee on Finance, having had under consideration a communication recommending a proposed ordinance concerning the authority for the City of Chicago to participate in the establishment of NeighborSpace, a not-for-profit corporation, having had the same under advisement, begs leave to report and recommend that Your Honorable Body Pass the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,

(Signed) EDWARD M. BURKE, Chairman.

On motion of Alderman Burke, the said proposed ordinance transmitted with the foregoing committee report was Passed by yeas and nays as follows:

Yeas—Aldermen Granato, Haithcock, Preckwinkle, Steele, Dixon, Shaw, Buchanan, Huels, Frias, Olivo, Burke, Jones, Coleman, Murphy, Troutman, Evans, Munoz, Zalewski, Chandler, Solis, Ocasio, Burnett, E. Smith, Burrell, Wojcik, Suarez, Gabinski, Mell, Austin, Banks, Giles, Allen, Laurino, O’Connor, Doherty, Natarus, Bernardini, Levar, Shiller, Schulter, M. Smith, Moore -- 42.

Nays—None.

Alderman Allen moved to reconsider the foregoing vote. The motion was lost.
The following is said ordinance as passed:

WHEREAS, The City of Chicago (“City”) is a home rule unit 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, There is a lack of sufficient open space in the City for recreational and aesthetic uses; and

WHEREAS, There is a need and desire to develop typically small, open spaces as pocket parks, gardens and natural areas for public use for the benefit of the citizens of the City; and

WHEREAS, It is in the interest of the City for the development and maintenance of such open spaces to be undertaken by private parties who reside in the neighborhoods in which such spaces are located; and

WHEREAS, Neighborhood community groups are often unable to develop and maintain such spaces for public use because of concerns over liability and/or lack of adequate funds; and

WHEREAS, The Department of Planning and Development (“Department”) has recommended the formation of a not- for-profit corporation to be known as “NeighborSpace” to own, lease, manage, or hold easements to typically small, open spaces in the City for development and maintenance by neighborhood community and business groups since such open space projects can be more efficiently managed by local groups than by governmental agencies; and

WHEREAS, NeighborSpace would be formed as a collaboration among the City, the Chicago Park District (“Park District”) and the Forest Preserve District of Cook County (“Forest Preserve District”); and

WHEREAS, The Mayor of the City, the President of the Park District Board of Commissioners and the President of the Forest Preserve District Board of Commissioners would each appoint a representative to serve as an incorporator of NeighborSpace; and

WHEREAS, The Mayor would appoint one Department Head and one City Council member to serve on the NeighborSpace Board of Directors; and

WHEREAS, The President of the Park District Board of Commissioners would appoint one Board member and the General Superintendent would appoint one Department Head to serve on the NeighborSpace Board of Directors; and

WHEREAS, The President of the Forest Preserve District Board of Commissioners would appoint one Commissioner who represents part of the City of Chicago and the General Superintendent would appoint one Department Head to serve on the NeighborSpace Board of Directors; and

WHEREAS, The Mayor, the President of the Park District Board of Commissioners and the President of the Forest Preserve District Board of Commissioners would jointly appoint one (1) member to the NeighborSpace Board of Directors; and

WHEREAS, A three (3) member nominating committee of the appointed board members would recommend three (3) non-governmental representatives to the NeighborSpace Board of Directors; and

WHEREAS, The three (3) non-governmental representatives must have a significant

amount of experience in open space and/or parks management, maintenance, planning or development; and

WHEREAS, The City, the Park District and the Forest Preserve District would enter into an intergovernmental agreement to define the commitment of each governmental entity to NeighborSpace; and

WHEREAS, The City, the Park District and the Forest Preserve District, subject to annual appropriation, would each donate Ninety-three Thousand Seven Hundred Fifty and no/100 Dollars (\$93,750.00) per year for three (3) years to NeighborSpace; and

WHEREAS, The Department has already allocated Ninety-three Thousand Seven Hundred Fifty and no/100 Dollars (\$93,750.00) in its 1996 budget for NeighborSpace; and

WHEREAS, NeighborSpace will have the powers to buy, accept donations of, own, lease, hold easements to, and sell real property; and

WHEREAS, The City would donate, sell or lease typically small parcels to NeighborSpace for use as open space benefiting the Citizens of the City, subject to the approval of the City Council for each parcel for the purpose of creating open public spaces; and

WHEREAS, NeighborSpace will have the power to acquire tax delinquent parcels including applying therefor through the City's Tax Reactivation Program where appropriate and applicable, and easements, or title to river edges dedicated for open space purposes as part of planned developments; and

WHEREAS, NeighborSpace would enter into agreements with local groups for the use and maintenance of open spaces; 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 establishment of NeighborSpace is a valid exercise of the home rule powers of the City and will facilitate the development of open spaces for the use and benefit of the citizens of the City of Chicago.

SECTION 3. The establishment of NeighborSpace, an Illinois not-for profit corporation is approved.

SECTION 4. The Mayor, on behalf of the City of Chicago, is authorized to:

a) appoint a representative to serve as an incorporator of NeighborSpace;

- b) enter into an intergovernmental agreement with the Park District and Forest Preserve District consistent with the above findings of the City Council and upon the approval of the corporation Counsel as to form and legality;
- c) appoint one Department Head and one (1) City Council member to the NeighborSpace Board of Directors; and
- d) jointly with the President of the Park District Board of Commissioners and the President of the Forest Preserve District Board of Commissioners, appoint one (1) member to the NeighborSpace Board of Directors.

SECTION 5. This ordinance shall become effective immediately upon its passage.

Intergovernmental Agreement referred to in this ordinance reads as follows:

Intergovernmental Agreement.

This Intergovernmental Agreement (“Agreement”) is entered into this 26th day of March 1996, by and among the City of Chicago (“City”), an Illinois municipal corporation, the Chicago Park District (“Park District”), an Illinois municipal corporation, and the Forest Preserve District of Cook County (“Forest Preserve District”), an Illinois special district and pertains to the formation-of a not-for-profit corporation to be known as “NeighborSpace.”

Witnesseth:

Whereas, There is a lack of open space in the City for recreational and aesthetic uses; and

Whereas, The City, the Park District, and the Forest Preserve District wish to develop typically small open spaces as public pocket parks and gardens and to preserve river edges and natural areas for public use; and

Whereas, It is in the interest of the City, the Park District, and the Forest Preserve District, for the development and maintenance of such spaces to be undertaken by private parties who reside in the neighborhoods in which such places are located; and

Whereas, Neighborhood community groups are often unable to develop and maintain such spaces for public use because of concerns over liability and/or lack of adequate funds; and

Whereas, The City, the Park District, and the Forest Preserve District wish to support the formation of a not-for-profit corporation to be known as “NeighborSpace”; and

Whereas, NeighborSpace would own, lease, manage, or hold easements to typically small, open spaces, in the City for development and maintenance by neighborhood community groups since such open space projects can be more efficiently managed by local groups than by governmental agencies; and

Whereas, NeighborSpace will have the power to buy, accept donations of, own, lease, hold easements to, and sell real property; and

Whereas, NeighborSpace will also have the power to acquire tax delinquent parcels including applying therefor through the City's Tax Reactivation Program where appropriate and applicable, and to acquire easements, or title to river edges dedicated for open space purposes as part of planned developments; and

Whereas, NeighborSpace would enter into agreements with local groups for the use and maintenance of open spaces; and

Whereas, The City, the Park District and the Forest Preserve District are entering into this Agreement to facilitate the formation of NeighborSpace;

Now Therefore, In consideration of the covenants and agreements contained herein, the parties agree as follows:

Section 1 - Incorporation Of Recitals.

The foregoing recitals are expressly incorporated in and made a part of this Agreement as if fully set forth therein.

Section 2.

Obligations Of The City And The Park District.

The City and the Park District each agree to donate, sell or lease typically small parcels to NeighborSpace subject, respectively, to the approval of the City Council and the Park District Board of Commissioners for each parcel for the purpose of creating open public spaces.

Section 3.

Obligations Of The City, The Park District And The Forest Preserve District.

The City, the Park District and the Forest Preserve District each agrees to do the following:

- A. Appoint one representative to serve as an incorporator of NeighborSpace.
- B. Subject to annual appropriations, each provide Ninety-three Thousand Seven Hundred Fifty and no/100 Dollars (\$93,750.00) per year to NeighborSpace in Fiscal years 1996, 1997 and 1998.
Funds for fiscal year 1996 shall be provided upon the signing of this Agreement.
Subsequent funds shall be provided by February 1, 1997, and February 1, 1998.

C. Make appointments to the NeighborSpace Board of Directors as follows :

- 1) The City, acting through its Mayor, agrees to appoint one Department Head and one City Council member.
- 2) The Park District, acting through the President of its Board of Commissioners, agrees to appoint one member of the Board of Commissioners, and acting through its General Superintendent, agrees to appoint one Department Head.
- 3) The Forest Preserve District, acting through the President of its Board of Commissioners, agrees to appoint one member of the Board of Commissioners who represents part of the City, and acting through its General Superintendent, agrees to appoint one Department Head.
- 4) The Mayor, the President of the Park District Board of Commissioners, and the President of the Forest Preserve District Board of Commissioners agree to jointly appoint one (1) member to the NeighborSpace Board of Directors.

Section 4. –

Composition Of The NeighborSpace Board Of Directors.

In addition to the members of the Board of Directors provided for in Section 3© of this Agreement, the Board shall also include three (3) non-governmental representatives who shall serve upon approval of the full Board. The non- governmental representatives shall have a significant amount of experience in open space and/or parks management, maintenance, planning or development.

Note: The Chicago City Council passed an authorization to extend the intergovernmental agreement and increase the funding to One hundred thousand dollars (\$100,000) each from the City, Park District and the Forest Park Preserve. The extensions for both the agreement and funding is for 20 years to expire December 31, 2018.