

EXHIBIT A
FIRST AMENDMENT

(see attached)

**FIRST AMENDMENT
TO INTERGOVERNMENTAL AGREEMENT
(Kenwood Academy High School)**

This amendment (the "First Amendment") to that certain Intergovernmental Agreement by and between the City of Chicago ("City"), an Illinois municipal corporation, by and through its Department of Planning and Development ("DPD"), and the Board of Education of the City of Chicago (the "Board"), a body politic and corporate, organized under and existing pursuant to Article 34 of the School Code of the State of Illinois, dated as of September 23, 2021 (the "Agreement"), is made and entered into as of _____, 2023 by and between the City and the Board.

RECITALS

WHEREAS, an ordinance approved by the City Council of the City (the "City Council") on April 21, 2021, and published at pages 29470-29490 of the Journal of the Proceedings of the City Council of the City of Chicago (the "Journal") of that date, authorized the Commissioner of DPD, to execute an intergovernmental agreement with the Board, to undertake improvements to Kenwood Academy High School (the "School"), generally located at 5015 South Blackstone Avenue in Chicago, Illinois (the "Property"); and

WHEREAS, the City is authorized under the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.*, as amended from time to time (the "Act"), to finance projects that eradicate blighted conditions and conservation area factors through the use of tax increment allocation financing for redevelopment projects; and

WHEREAS, in accordance with the provisions of the Act, and pursuant to ordinances adopted on January 10, 2001, the City Council: (i) approved and adopted a Tax Increment Redevelopment Project and Plan (the "Plan") for a portion of the City known as the "53rd Street Redevelopment Project Area" (the "53rd Street Redevelopment Area"); (ii) designated the 53rd Street Redevelopment Area as a "redevelopment project area" and a Tax Increment Financing District; and (iii) adopted tax increment allocation financing for the 53rd Street Redevelopment Area; and

WHEREAS, under 65 ILCS 5/11-74.4-3(q)(7), such incremental ad valorem taxes which pursuant to the Act have been collected and are allocated to pay redevelopment project costs and obligations incurred in the payment thereof ("Increment") may be used to pay all or a portion of a taxing district's capital costs resulting from a redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs (Increment collected from the 53rd Street Redevelopment Area shall be known as the "City Increment"); and

WHEREAS, pursuant to the Agreement and in accordance with the Act, DPD agreed to provide to the Board a portion of the City Increment in an amount not to exceed \$9,200,000 for the purpose of funding certain TIF-eligible improvements at the School to the extent and in the manner provided in the Agreement (the "Project"); and

WHEREAS, DPD and the Board have determined that it is in the best interests of both parties to provide additional funding for the Project; and

WHEREAS, the City wishes to make available to the Board an additional portion of the City Increment in an amount not to exceed \$4,750,000 for the purpose of paying for or reimbursing the Board for certain Project costs; and

WHEREAS, the City and the Board wish to amend the Agreement to increase the amount of City Increment available to the Board from an amount not to exceed \$9,200,000 to an amount not to exceed \$13,950,000; and

WHEREAS, execution of this First Amendment by the Board is authorized by Board Resolution 01-0725-RS2; and

WHEREAS, on _____, 2023, the City Council passed an ordinance, which is published at pages ____ to ____ of the Journal of said date, authorizing the making of this First Amendment; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

SECTION 1. RECITALS

The foregoing recitals are hereby incorporated into this Amendment by reference.

SECTION 2. AMENDMENTS TO THE AGREEMENT

1. Exhibit A to the Agreement is hereby replaced in its entirety with the “Amended Exhibit A” included in Exhibit 1 attached to this First Amendment.

2. Add to the end of Subsection 2 of Article Three, the following language:

“Notwithstanding anything to the contrary in this Article Three, Subsection 2 or elsewhere in this Agreement, the Board's funding obligations under this Agreement are contingent on the securing of available funding either through Board-approved capital plan(s) or third-party sources and shall not exceed \$450,000 without written agreement of the parties. The Board shall have no obligation to utilize Board funds to fund any obligations hereunder other than as set forth in the preceding sentence.”

3. If any of the provisions of the Agreement conflict with the provisions of this First Amendment, the provisions of this First Amendment shall prevail.

4. Except as modified by this First Amendment, the Agreement shall remain in full force and effect.

[Remainder of page intentionally left blank; signature page follows]

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed and delivered as of the date first above written.

City of Chicago, Illinois

By: _____
Patrick Murphey,
Acting Commissioner of Planning and Development

The Board of Education of the City of Chicago
By: _____ Jianan Shi, President
Attest: _____ Susan J. Narrajos, Secretary
By: _____ Pedro Martinez Chief Executive Officer
Board Report No. 01-0725-RS2
Approved as to legal form: _____ Ruchi Verma, General Counsel

EXHIBIT 1 TO THE FIRST AMENDMENT

Amended Exhibit A

1. School: Kenwood Academy High School

2. Property:

a. Common Address: 5015 S. Blackstone Avenue, Chicago, IL 60615

b. Permanent Index Numbers ("PINS"):

20-11-211-014	20-11-214-006	20-11-214-013	20-11-215-003	20-11-215-052
20-11-211-012	20-11-214-007	20-11-214-014	20-11-215-004	20-11-215-059
20-11-214-001	20-11-214-008	20-11-214-015	20-11-215-005	20-11-216-061
20-11-214-002	20-11-214-009	20-11-214-016	20-11-215-006	20-11-216-062
20-11-214-003	20-11-214-010	20-11-214-017	20-11-215-007	20-11-216-066
20-11-214-004	20-11-214-011	20-11-215-001	20-11-214-050	
20-11-214-005	20-11-214-012	20-11-215-002	20-11-215-051	

3. Project Description:

a. Construct an enclosed connection (link) between the main Kenwood Academy campus and the former Canter building with associated electrical, mechanical and site improvement work.

b. Replace the existing heating-only air handling units (AHUs) in the gym wing with new packaged heating and cooling rooftop units (RTUs). Includes interior repair and renovation following MEP replacement.

4. Estimated Project Cost: \$14,400,000

5. City Funds: Not to exceed \$13,950,000

6. Project Budget:

Scope	MEP + Link	TIF Request
Design	\$875,000	
Construction	\$12,096,995	
Environmental	\$84,005	
Project Implementation	\$1,344,000	

Total	\$14,400,000	\$13,950,000
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Sources	Amount
53 rd Street TIF	\$13,950,000
CPS Funding or Other Sources	\$450,000
Total	\$14,400,000

7. TIF-Funded improvements:

- a. Construct an enclosed connection (link) between the main Kenwood Academy campus and the former Canter building with associated electrical, mechanical and site improvement work.
- b. Replace the existing heating-only air handling units (AHUs) in the gym wing with new packaged heating and cooling roof top units (RTUs). Includes interior repair and renovation following MEP replacement.

The Board's Project funding and other obligations hereunder shall not exceed the limits of and are subject to the contingencies set forth in Article Three, Subsection 2 of the Agreement.

8. Redevelopment Area: 53rd Street

9. TIF Ordinances (including any amendments): Under ordinances adopted on January 10, 2001, the City Council: (i) approved a redevelopment plan and project (the "Plan") for the Redevelopment Area; (ii) designated the Redevelopment Area as a "redevelopment project area" within the requirements of the Act; and (iii) adopted tax increment financing for the Redevelopment Area. The Plan was amended by an ordinance adopted on October 31, 2012.