

6/15/95

65-O-95

AN ORDINANCE

Allowing the Metropolitan Water  
Reclamation District of Chicago to  
Rehabilitate Northside Intercepting Sewer No. 1  
within the City's Territorial Limits

WHEREAS, the Metropolitan Water Reclamation District ("District") of Greater Chicago operated a sewer system, located in part under the territorial limits of the City of Evanston; and

WHEREAS, said Northside Intercepting Sewer no. 1 serves the citizens of Evanston;  
and

WHEREAS, the District is desirous of rehabilitating said Sewer System; and

WHEREAS, this rehabilitation is in the best interests of the citizens of Evanston; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That subject always to the conditions herein stated, the perpetual easement, right and authority be and the same is hereby granted and given to the District to construct, reconstruct, repair, maintain, and operate the Northside Intercepting Sewer No. 1 (94-073-2S) together with the appurtenances thereto, hereinafter designed as "System", upon, under and through all the streets, highways, public lands, public right-of-way, and public easements of the City of Evanston (hereinafter referred to as "City") within the

territorial limits of the City traversed by the right-of-way of said System.

SECTION 2: That the location, size, and manner of construction of the System shall be in accordance with plans and specifications prepared by the District.

SECTION 3: That the rights hereby granted to the District are so granted upon the following conditions:

(a) That the District shall, at its own expense, make such changes in the location of the police and fire alarms and street lighting, electrical wires of the City as may be rendered necessary by the construction of the System of the District.

(b) That the District shall, at its cost and expense, install all such safety devices and traffic control signals or signs as may become necessary and required by the City for the public convenience, health and safety, as a result of any lane closures, routing or rerouting of traffic caused by the construction contemplated in this ordinance.

(c) That the System of the District shall be constructed, reconstructed, repaired, and efficiently maintained and operated solely by the District at its sole expense and cost; and the City shall not be held responsible in any manner for the location or manner of construction, reconstruction, repair, maintenance or operation of the same.

(d) That the District shall indemnify, save, and keep harmless the City from any and all claims for damage to real and personal property and injuries to or death suffered by persons from any and all claims of whatsoever kind or nature arising by reason of the construction, reconstruction, repair, maintenance or operation by the District of the System within the corporate limits of the City.

(e) That the District shall, at its sole cost and expense, restore to their former condition of usefulness the pavements of all streets, public alleys and highways, as well as all other structures, shrubs, trees and sod which may be disturbed or interfered with or damaged by the construction, reconstruction, maintenance, repair, or operation of the System as well as all walks, crosswalks, curbs, gutters, catch basins, and ditches as soon as practicable, and shall thereafter maintain such restoration from time to time as may be necessary, but not to exceed two (2) years. All surplus excavation and other spoil shall be removed from the paved streets, public alleys, and highways by the District.

(f) That the City does hereby order and direct all persons, partnerships, or corporations which shall at the time of the construction of the System own, operate, or maintain any conduits, wires, poles, pipes, gas mains, cables, and equipment or

other structures within any portion of the streets, public alleys and highways to be excavated in the construction of the System as his, its, or their own expense, to make such changes in the location of such conduits, wires, polices, pipes, gas mains, cables, and equipment or other structures as may be rendered necessary by the construction for the System.

(g) That the District and its contractors are hereby given and granted the right to use in the construction of the System such motor trucks, excavators, hoisting engines, and other equipment as may be necessary for the complete construction of said work.

(h) That the District shall, at its own expense and costs, make such alterations in the location of the water mains of the City may be rendered necessary by the construction of the System of the District, and in all such cases, where it shall become and be necessary that water service pipes be removed, cut off, or damaged in any way on account of the construction of the System, the District is hereby authorized to remove, alter, repair, and replace such water service pipes at its own cost and expense, providing any water services pipes disturbed shall be replaced by the District; provided, however, that all work done on the said water mains and water service pipes shall be subject to the approval of the City Engineer.

(i) The City, in consideration of the passage of this ordinance and the mutual benefits thereby give, grant, and issue without fees or other cost therefor, to the District or to any contractor to whom this work or any part thereof specified in this ordinance shall be awarded, all permits or licenses required for doing said work upon application and shall not require the District or its contractors to deposit any sum of money required under any ordinance of the City for similar work, except if the District or its contractors connects to or modified the sewers and water mains of The City, then the District or its contractor will be required to be licensed by the City by posting a bond and providing a certificate of insurance. The City shall furnish to the District or any contractors to whom said work or any part thereof shall be awarded, at any existing water connection or hydrant or such suitable water connection as may be installed, all water needed in the performance of said work (provided that the water so furnished will not interfere with the necessary water supply for the City), at the then regular rate charged by the City to its consumers, all said water to be used will be measured through meters provided by the City. The City shall not require the payment by the District of any fees or salaries for inspectors employed by the City on said work.

(j) That the District shall notify the City of any interruption in utility services to residents of the City to be caused by the construction program. Such notice shall be made at least twenty-four hours before the interruption is to occur. In the case of an emergency interruption in utility services caused by the District's construction process, the City shall be immediately notified of the interruption of services caused by the District's actions. The District shall earnestly endeavor to promptly restore any

utility services. The utility services herein included shall comprise those of the City and those furnished by any public utility.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced June 26, 1995

Adopted: July 10, 1995

Approved: July 11, 1995

Lorraine H. Norton  
Mayor

ATTEST:

Kristen Davis  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel

City Limits



**LEGEND:**

54" INTERCEPTING SEWER



**METROPOLITAN WATER RECLAMATION  
 DISTRICT OF GREATER CHICAGO  
 54" INTERCEPTING SEWER REHABILITATION  
 CONTRACT 94-073-2S**

