

12/9/97

124-O-97

AN ORDINANCE

Authorizing City Manager to
Enter Into an Amended Easement Agreement With
the Church and Chicago Limited Partnership
for a Subsurface Footings Encroachment in the
1600 Block of Chicago Avenue

WHEREAS, the Church and Chicago Limited Partnership ("Partnership") has erected a single-story building with rooftop parking on the property at 1640 Chicago Avenue; and

WHEREAS, the building is supported by underground vertical load supports, "footings";
and

WHEREAS, eleven footings are located so as to encroach on certain portions of the public right-of-way of Church Street and Chicago Avenue where these thoroughfares abut the 1600 Block of Chicago Avenue; and

WHEREAS, the City, as grantor, and the Partnership, as grantee, entered into an easement agreement, approved by Ordinance 113-O-95 and recorded with the Office of the Cook County Recorder as document number 96162451, permitting the subsurface encroachment specified therein for a term of ninety-nine years;

WHEREAS, the Partnership has requested revision of the assignment clause of the aforesaid easement agreement and addition of a right to extend the agreement for one fifty-year period; and

WHEREAS, said amended easement agreement is in the best interest of the citizens of Evanston,

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

SECTION 1: That the City Manager is hereby authorized and directed to sign the amended easement agreement marked as Exhibit A attached hereto and incorporated herein by reference.

SECTION 2: That the City Manager is hereby authorized and directed to negotiate any additional terms and conditions as are in the best interest of the City.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: 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 December 15, 1997

Adopted: December 15, 1997

Approved: December 18, 1997

Lorraine H. Marten
Mayor

ATTEST:

Mary Morris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel

Amendment to Document Recorded as no. 96162451
For Subsurface Footings Encroachment in the
1600 Block of Chicago Avenue, Evanston, Illinois

This Amended Easement Agreement is made and entered into this _____ day of _____ 199____, by and between the City of Evanston, Cook County, Illinois, an Illinois municipal corporation (hereinafter, "Grantor") and the Church and Chicago Limited Partnership (hereinafter, "Grantee").

WHEREAS, Grantor and Grantee entered into an easement agreement on February 14, 1996, as authorized by Ordinance 113-0-95, pursuant to which Grantor granted to Grantee a subsurface easement to provide for the encroachment on Grantor's public way of eleven underground vertical load supports "footings" to distribute the weight of a single-story structure with rooftop parking which Grantee intended to build at 1640 Chicago Avenue;

WHEREAS, Grantee has since built the structure; and

WHEREAS, the aforesaid easement agreement was recorded as document no. 96162451 ("the easement agreement") with the Office of the Cook County Recorder; and

WHEREAS, Grantee has requested modification of paragraphs eight and nine of the aforesaid agreement regarding, respectively, a right in Grantee to extend the easement agreement for one-fifty-year period and its assignability; and

WHEREAS, Grantor and Grantee are desirous of modifying paragraphs eight and nine of the easement agreement, and

WHEREAS, Grantor's City Council authorized the instant amendment by Ordinance 124-0-97; and

NOW THEREFORE, in consideration of the foregoing recitals, the various covenants herein, and the sum of one dollar (\$1.00) and other good and valuable consideration, receipt of which are hereby acknowledged, it is agreed by and between the parties as follows:

1. That paragraph eight of the easement agreement is stricken in its entirety and this paragraph substituted entirety and this paragraph substituted therefor:

8. This easement is for a term of nine-nine (99) years. Upon application by Grantee to the City and approval by the City authorized by its City Council, (which shall not be unreasonably withheld or delayed) the Grantee shall have a one-time right to extend the term of the easement for an additional period of fifty (50) years. However, the term of such extension of this easement shall cease whenever and if the Grantee abandons the property or abandons the use of this easement. After the termination of this easement, (at the end of the original term of ninety-nine (99) years or after the termination of an extension of this easement, as set forth above), and at any such time as the City requires the actual use or occupancy of the public space occupied by the extensions of Grantee's improvements pursuant to this easement, Grantee or its successors and assigns shall then remove such extensions at its own expense and shall restore the easement property and surface

2. That paragraph nine of the easement agreement is stricken in its entirety and this paragraph substituted therefor:

9. This easement is appurtenant to Grantee's property, shall be a covenant running with the property of Grantee and shall be assignable by the Grantee, provided that it is assigned simultaneously and together with a conveyance of the improvements located on the property of the Grantee which the easement benefits; otherwise it shall not be assigned

3. All other provisions of the easement agreement remain in full force and effect.

Footings Easement

IN WITNESS WHEREOF, the parties have executed this Amended Easement

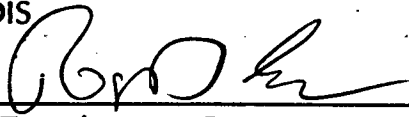
Agreement at Evanston, Illinois, on the date first above written.

Accepted by:

CHURCH AND CHICAGO LIMITED
PARTNERSHIP

By: _____
Typed Name
Title: _____

CITY OF EVANSTON, COOK COUNTY,
ILLINOIS

By: 
Typed Name: Roger Crum
Title: City Manager

