

116-0-99

AN ORDINANCE

Authorizing City Manager to Execute Certain Real Estate Documents Providing for the Purchase, Ground Lease, Easement and Right-Of-Way of Certain Real Property Owned by the Chicago Transit Authority and the Execution of an Intergovernmental Cooperation Agreement Between the City and the Chicago Transit Authority Concerning said Property Located Within the Research Park along the Eastern Lot Line of Main Pavilion Parcel (Cinema Parcel) Lot No. 1 of the Church Maple Resubdivision

WHEREAS, the City of Evanston (City) and AHC Evanston LLC (Developer) have entered into that certain Redevelopment Agreement Dated October 23, 1998 as amended by that certain First Amendment to the Redevelopment Agreement Dated November 23, 1998, and amended by that certain Second Amendment to the Redevelopment Agreement Dated June 7, 1999, pursuant to which the Developer will purchase and develop certain property within the Research Park; and

WHEREAS, pursuant to the terms of the Amended Redevelopment Agreement, paragraph 2, "The City has and will continue to attempt towards work with the Developer to obtaining the Chicago Transit Authority (CTA) easement but cannot guarantee the CTA will grant such easement. All terms of said easement must be acceptable to the Developer and the City"; and

WHEREAS, the Developer has engaged in extensive negotiations with the CTA concerning the thirty-five (35) foot wide strip of CTA right-of-way immediately east of the Main Pavilion Parcel referred to hereinabove as the CTA easement ; and

WHEREAS, the Chicago Transit Board of the CTA will consider at its September 15, 1999 meeting the sale of a certain portion of said CTA right-of-way, the Ground Lease of a certain portion of said right-of-way, the issuance of an easement for a certain portion of said right-of-way, a right-of-entry to permit the erection of construction fencing on a portion of said right-of-way, as well as an Intergovernmental Cooperation Agreement with the City; and

WHEREAS, the said Intergovernmental Agreement, Purchase Agreement, Easement, Right of Entry Agreement, and Ground Lease, and Intergovernmental Cooperation Agreement are necessary for the successful development of the said Main Pavilion Parcel (Lot #2); and

WHEREAS, the Developer has agreed to indemnify and hold the City of Evanston harmless from any and all liability which may arise from the aforesaid agreements; and

WHEREAS, the Developer will reimburse to the City the negotiated price for the purchase of real estate, ground lease, easement, right-of-entry and Intergovernmental Cooperation Agreement and for any other costs associated with the above CTA proceedings; and

WHEREAS, the City will undertake the appropriate actions to assign all interests of the City acquired above and the Developer will assume all the obligations of the City under the aforesaid Easement, Ground Lease, and Right-of-Entry Agreement and Intergovernmental Cooperation Agreement; and

WHEREAS, the City pursuant to the appropriate provisions of the City Code

will commence an action for the negotiated sale to the Developer of the real estate interests acquired herein; and

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

SECTION 1: The City Manager is hereby authorized and directed to sign, and the City Clerk is hereby authorized and directed to attest to the Intergovernmental Cooperation Agreement, Purchase and Sale Agreement, Ground Lease, Easement and Right-of-Entry. The City Manager is further authorized to negotiate any changes or additional terms and conditions with respect to the acquisition of the aforesaid real property interests as he may deem fit and proper.

SECTION 2: The City Manager and the City Clerk, respectively, are hereby authorized and directed to execute, attest, and deliver such other documents, agreements and certificates as may be necessary to the actions herein authorized.

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

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced September 13, 1999

Adopted: September 27, 1999

Approved: October 7, 1999

Lorraine A. Norton
Mayor

ATTEST:

Macey J. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel