

46-O-03

AN ORDINANCE

**Authorizing the City Manager to Execute an
Easement Agreement with Optima Horizons, LP
For a Foundation and Earth Retention Easement on
Benson Avenue Between University Place and Clark Street**

WHEREAS, Optima Horizons, LP ("Optima") has acquired the property at the northeast corner of Benson Avenue and Clark Street; and

WHEREAS, Optima intends to build a sixteen-story residential/commercial building with penthouse and parking; and

WHEREAS, the bells of ten of the caissons required to support the building will be installed on the public right-of-way; and

WHEREAS, earth retention necessary to facilitate the construction of the building will be installed on the public right-of-way; and

WHEREAS, areas where the foundation and earth retention will occur on the public right-of-way are indicated on Exhibit 'A'; and

WHEREAS, the foundation and earth retention are located so as to encroach on the City's public right-of-way to a maximum of four feet along the south property line along Clark Street and four feet along east property line along Benson Avenue; and

WHEREAS, Optima and the City are desirous of entering into an easement agreement providing for the afore-described encroachment of the caisson bells and earth retention of the public right-of-way; and

WHEREAS, the City Council believes it is in the best interest of the City to enter said Agreement,

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, and the City Clerk is hereby authorized and directed to attest on behalf of the City of Evanston, an Easement Agreement, attached hereto as Exhibit 1 and made a part hereof, between the City of Evanston and Optima Horizons, LP for a foundation and earth retention easement on Benson Avenue between University Place and Clark Street.

SECTION 2: That the City Manager is hereby authorized and directed to negotiate any additional terms of the Agreement as may be determined to be in the best interests of the City.

SECTION 3: 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: May 7, 2003

Adopted: May 7, 2003

Approved:

May 9 2003
Lorraine H. Morton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form: [Signature]
Corporation Counsel