

06/12/2003

58-O-03

AN ORDINANCE

**Authorizing the City Manager to Execute an
Easement Agreement with Onyx Waste Services, Inc.
For Construction and Maintenance of a Screening Wall
On The Public Right-of-Way Adjacent to 1711 Church Street**

WHEREAS, Onyx Waste Services, Inc. ("Onyx") is the owner of the property at 1711 Church Street ("the Property"); and

WHEREAS, Onyx intends to improve an existing waste transfer station that it operates on the Property; and

WHEREAS, in order to provide a substantial buffer, screening transfer station operations from neighbors located west of the Property, Onyx proposes to install a pre-cast concrete sound wall, 14 feet in height, (hereinafter "Screening Wall") on: 1) a portion of the unused and unimproved eight-foot wide public alley that adjoins the west boundary of the Property and that runs between the north line of Lot 2 and the north line of Lot 9 in Block No. 4 of Merrill Ladd's Second Addition (hereinafter "Alley"); and 2) thirty-three (33) feet of Lyons Street that are located immediately north of the Alley and west of the vacated portion of former Lyons Street ("Lyons Street Segment"); and

WHEREAS, construction and maintenance of the Screening Wall will require an easement on the Alley and the Lyons Street Segment of a maximum of three (3) feet in width along the west property line of the Property and three (3) feet in width from the northeast corner of the building on Lot 9 easterly to the west property line of the Property,

all as shown on the Plat of Easement that is attached hereto and made a part hereof as Exhibit B; and

WHEREAS, Onyx and the City are desirous of entering into an easement agreement providing for the afore-described construction and maintenance of the Screening Wall; 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 Onyx Waste Services, Inc. for the construction and maintenance of a Screening Wall on the public right-of-way adjacent to 1711 Church 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: June 23, 2003
Adopted: June 23, 2003

Approved:

June 24, 2003
Lorraine H. Norton
Mayor

ATTEST:

Mary D. Morris
City Clerk

Approved as to form:

[Signature]
Att. Corporation Counsel

