

08/07/2003

79-O-03

AN ORDINANCE

**Authorizing the City Manager to
Execute a Subsurface Easement Agreement with
New Biscuit Loft Condominium Association for
Installation of a Lift Station and Pump on the
Public Right-of-Way Adjacent to 601 Linden Place**

WHEREAS, New Biscuit Loft Condominium Association ("New Biscuit") consists of a three-story condominium building with parking known as 601 Linden Place, Evanston, Illinois 60202; and

WHEREAS, said condominium building has a severe flooding problem and needs to install a lift station to alleviate said flooding problem; and

WHEREAS, the lift station and the pump will be installed under the parkway on the public right-of-way; and

WHEREAS, the lift station and the pump will be located so as to encroach on the City of Evanston's public right-of-way to a maximum of 20 feet along Custer Avenue Parkway along the building and 13 feet from the building west property line of New Biscuit's property and on the east parkway of Custer Avenue; and

WHEREAS, the City and New Biscuit are desirous of entering into an Easement Agreement providing for the afore-described lift station and pump installation on the public right-of-way; and

WHEREAS, the City Council has determined it is in the best interest of the citizens of Evanston 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, a Subsurface Easement Agreement, attached hereto as Exhibit 1 and made a part hereof, between the City of Evanston and New Biscuit Loft Condominium Association for installation of a lift station and pump on the public right-of-way adjacent to 601 Linden Place.

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: August 18, 2003

Adopted: September 8, 2003

Approved:

September 11, 2003

Lorraine A. Norton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel