

10/7/2003

91-O-03

**AN ORDINANCE**

**Authorizing the City Manager to Execute an  
Easement Agreement with the Omni Orrington Hotel  
For Continued Use of a Tunnel  
On The Public Right-of-Way Adjacent to 1710 Orrington Avenue**

WHEREAS, the Omni Orrington Hotel ("the Hotel") is located at 1710 Orrington Avenue ("the Property") in the City of Evanston ("the City"); and

WHEREAS, there is an existing tunnel under the north-south public alley west of the property which connects the Hotel to its parking garage; and

WHEREAS, the agreement for the continued operation of the tunnel has recently expired; and

WHEREAS, the Hotel wishes to continue to operate this tunnel under the same general terms as found in the prior easement agreement and has requested the City of Evanston ("the City") to extend said easement agreement; and

WHEREAS, the tunnel has caused no known problems for the City during its existence; and

WHEREAS, the Hotel is committed to maintaining the tunnel in good condition and agrees to hold the City harmless for any claims, damages, and judgments of any kind according to the hold harmless agreement stated more fully in Exhibit 1; 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 the Omni Orrington Hotel, Inc. for the continued operation of a tunnel on the public right-of-way adjacent to 1710 Orrington Avenue.

**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: October 13, 2003

Adopted: October 13, 2003

Approved:

October 14, 2003

Larry A. Norton  
Mayor

ATTEST:

Mary J. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel