

11-O-04

AN ORDINANCE

**Authorizing the City Manager to
Execute an Easement Agreement with
Central Park, LLC for a Foundation and Earth
Retention Easement for 2935 Central Street**

WHEREAS, the City of Evanston ("City") and Central Park, LLC ("Central Park") desire to enter into an Easement Agreement for the installation of the footing of a foundation and earth retention in the public right-of-way adjacent to 2935 Central Street; and

WHEREAS, Central Park has acquired the property located at 2935 Central Street and intends to build a three-story residential/commercial building with parking; and

WHEREAS, the footing of certain foundations required to support the building will be installed in 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 five (5) feet along the west property line along Hurd Avenue and five (5) feet along the south property line along Central Avenue lying south of Central Park's property; and

WHEREAS, the City and Central Park are desirous of entering into an Easement Agreement providing for the afore-described encroachment of the footings and earth retention on the public right-of-way,

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, for the term of ninety-nine years and the sum of one thousand six hundred twenty-five and no/100 (\$1,625.00) attached hereto as Exhibit 1 and made a part hereof, between the City of Evanston and Central Park, LLC providing for the installation of foundation footing and earth retention on the public right-of-way adjacent to 2935 Central Street.

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

SECTION 3: That this ordinance or parts of ordinance in conflict herewith are hereby repealed.

SECTION 4: 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: April 26, 2004

Adopted: May 10, 2004

Approved: May 11, 2004
Lorraine H. Norton
Mayor

ATTEST:
Mary D. Morris
City Clerk

APPROVED as to form:
[Signature]
Corporation Counsel