

1/21/04
1/26/04

13-O-04

AN ORDINANCE

**Authorizing the City Manager to Execute an
Easement Agreement with 900 Chicago LLC
for the below-grade encroachment of the foundation
footings and permanent sheeting in right-of-way
adjacent to 900 Chicago/603 Main Street**

WHEREAS, the City of Evanston ("Grantor") and 900 Chicago LLC ("Grantee") desire to enter into an Easement Agreement for footing and protective sheeting in the right-of-way adjacent to 900 Chicago Avenue and 603 Main Street; and

WHEREAS, the property located at 900 Chicago Ave/603 Main St. is to be developed into a seven-story mixed-use commercial and residential building ("the building") pursuant to a planned development approved by Ordinance 43-O-03; and

WHEREAS, the owners 900 Chicago Ave/603 Main St. desire to provide permanent sheeting for lateral support and to construct the foundation footings for the building at or upon the property line adjacent to and within the public way; and

WHEREAS, said footings and protective sheeting will be located below grade along the north side of Main Street at the south property line for the building site and along the west side of Chicago Avenue at the east property line within the public right-of-ways as indicated on Exhibit 'A, attached hereto and made a part hereof; and

WHEREAS, the sheeting is to be installed within affected public ways located on the south and east property lines of the site in order to provide lateral support for the structure and the roads and pedestrian walks within the public way; and

WHEREAS, the foundation footings and protective sheeting as planned will be located and installed so as to encroach on Grantor's public right-of-way below grade within a five (5) foot wide strip adjacent to and parallel to the south property line along Main Street and within a four (4) foot wide strip east of and parallel to the Grantee's east property line along Chicago Avenue north of its intersection with Main Street in this City; and

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into 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, for the term of ninety-nine years and the sum of seven thousand eight hundred dollars (\$7,800.00) attached hereto as Exhibit A and made a part hereof, between the City of Evanston and 900 Chicago LLC providing for the encroachment of footings and protective sheeting adjacent to the property at 900 Chicago Avenue and 603 Main 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: January 26, 2004
Adopted: January 26, 2004

Approved:

January 27, 2004
Lorraine H. Norton
Mayor

ATTEST:

Mary J. Morris
City Clerk

APPROVED as to form:

Corporation Counsel

Ayes 9

Nays 0

