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| 9/14/2006                  | 8/11/2006 |
| 9/12/2006 10:00am          | 8/9/2006  |
| <u>9/11/2006 3:00pm</u>    | 8/8/2006  |
| <u>9/6/2006 4:30pm</u>     | 8/4/2006  |
| August 30, 2006 V2         | 8/1/2006  |
| August 30, 2006 V1         | 7/31/2006 |
| August 29, 2006 V2 4:30 PM | 7/21/2006 |
| August 29, 2006 V1         | 7/20/2006 |
| August 28, 2006            | 7/18/2006 |
| August 25, 2206            | 7/17/2006 |
| 8/23/2006 12:00 PM         | 7/14/2006 |
| 8/23/06-10:15AM            |           |
| 8/22/06-4:30 PM            |           |
| 8/22/2006-1:45PM           |           |

**85-O-06**

**AN ORDINANCE**

**Approving an Amendment to the Zoning Map to Rezone the Area between Orrington Avenue, Colfax Street, Sherman Avenue, and Lincoln Street from U1 University Housing District to R1 Single-Family Residential District and Granting a Special Use for a Residential Planned Development on the Rezoned Property (“Smithfield”)**

WHEREAS, Smithfield Properties XXXII, LLC (“Applicant”) owns the property bounded by Orrington Avenue, Colfax Street, Sherman Avenue, and Lincoln Street located in the City of Evanston (the “City”) and commonly known as 2408 Orrington Avenue (the “Subject Property”), which is legally described in Exhibit A, attached hereto and made a part hereof; and,

WHEREAS, Kendall College (“Kendall”) formerly owned and occupied the Subject Property; and,

**WHEREAS**, pursuant to Section 6-3-4 of the Evanston Zoning Ordinance (the "Ordinance"), Applicant submitted an application to the City on September 13, 2004 seeking: (i) a zoning map amendment to rezone the Subject Property from U1 University Housing District to R4 General Residential District (the "Original Map Amendment"); (ii) a Zoning Text Amendment pursuant to Section 6-7-2 to amend Section 6-4-1-6(B) to allow more than one principal use to be established on a zoning lot within the R1, R2, R3, and R4 Residential Districts (the "Text Amendment"); and, (iii) a Special Use for Planned Development pursuant to Section 6-3-5, Section 6-3-6, and Section 6-8-1-10 for a planned development in a Residential District to allow nineteen (19) single-family detached dwellings and forty-four (44) single-family attached dwellings on the Subject Property, with certain other relief requested to effect the plans as submitted (the "Application"); and

**WHEREAS**, on November 9, 2004 Applicant amended its application ("First Amended Application") by: (i) decreasing the number of single-family detached dwellings from nineteen (19) to sixteen (16), one of which included an existing single-family dwelling located on the Subject Property; (ii) decreasing the number of single-family attached dwellings from forty-four (44) to thirty-six (36) located in three (3) principal buildings; and, (iii) providing one hundred four (104) enclosed parking spaces and nine (9) open parking spaces; and

**WHEREAS**, the Evanston Plan Commission (the "Plan Commission") conducted public hearings on the First Amended Application, Case No. ZPC 05-01-PD-M&T, on February 23, 2005, cancelled the public hearing scheduled for March 26, 2005, and held a public hearing on April 13, 2005, all pursuant to proper notice, heard testimony and received other evidence, made a *verbatim* transcript, written findings, and recommended at its April 13, 2005 meeting that City Council deny the First Amended Application; and

**WHEREAS**, prior to the close of the Plan Commission hearing on April 13, 2005, a written protest ("the First Written Protest") against the proposed Original Map Amendment was filed on February 23, 2005 with the City Clerk pursuant to Section 6-3-4-7; and

**WHEREAS**, the Community Development Department determined that the First Written Protest met the requirements of Section 6-3-4-7 thereby requiring favorable vote on the Original Map Amendment of three-fourths (3/4) of the Aldermen elected to the City Council, or seven (7) votes, instead of the six (6) votes otherwise required by Section 6-3-4-7; and

**WHEREAS**, Applicant made a request at the May 9, 2005 Evanston City Council Planning and Development Committee (the "Planning and Development Committee") meeting to defer the First Amended Application scheduled for consideration on May 23, 2005 to allow Applicant to modify such application; and

**WHEREAS**, the Planning and Development Committee granted Applicant's request and deferred consideration of the First Amended Application at its May 23, 2005 and June 13, 2005 meetings; and

**WHEREAS**, at its July 11, 2005 meeting, the Planning and Development Committee, after considering the record and recommendation of the Plan Commission on the First Amended Application, conducting a public hearing and making a *verbatim* record, and hearing Applicant's proposed revisions to the First Amended Application, granted Applicant's request to defer consideration of the First Amended Application, and remanded the case to the Plan Commission for further public hearings; and

**WHEREAS**, on September 9, 2005, Applicant amended the First Amended Application (the "Second Amended Application") by: (i) proposing to demolish all existing structures and improvements (the "Existing Improvements") located on the Subject Property; (ii) reducing the number of single-family attached dwellings from thirty-six (36) to ten (10); and, (iii) dividing the Subject Property into two zoning lots: an R1 Single-Family Residential District (the "R1 Lot") and an R4 General Residential District (the "R4 Lot") (collectively, the "Second Map Amendment"); and,

**WHEREAS**, on January 11, 2006, Applicant amended the Second Amended Application (the "Third Amended Application") by: (i) retaining the sixteen (16) single-family detached dwellings; (ii) increasing the lot size to be zoned R1 Single-Family Residential District from 118,736 square feet to 124,405

square feet; (iii) decreasing the R4 Lot size from 34,669 square feet to 28,000 square feet; (iv) changing the zoning classification of the R4 Lot to an R3 Two-Family Residential District instead of R4 General Residential District (the R1 and R3 designation hereinafter referred to as the "Third Map Amendment"); (v) decreasing from ten (10) to eight (8) two-family dwellings located in four (4) duplex buildings; (vi) modifying lot sizes and widths to allow for duplex units without frontage on a street; side yards and rear yards; mean building height; and, the number of buildings on a zoning lot; and

**WHEREAS**, a written protest (the "Second Written Protest") was filed on February 6, 2006 against the R4 General Residential District and R3 Two-Family Residential District classifications, respectively, with the City Clerk pursuant to Section 6-3-4-7; and

**WHEREAS**, the Community Development Department made no determination as to whether the Second Written Protest met the requirements of Section 6-3-4-7; and

**WHEREAS**, prior to the close of the May 31, 2006 Plan Commission hearing, a written protest (the "Third Written Protest") containing notarized signatures of the petitioners against the Third Map Amendment was filed on February 6, 2006 with the City Clerk pursuant to Section 6-3-4-7; and

**WHEREAS**, the Community Development Department determined that the Third Written Protest met the requirements of Section 6-3-4-7 thereby requiring a favorable vote on the Third Map Amendment of three-fourths (3/4) of

the Aldermen elected to the City Council, or seven (7) votes, instead of the six (6) votes otherwise required by Section 6-3-4-7; and

**WHEREAS**, the Plan Commission conducted public hearings on the Third Amended Application pursuant to proper notice on February 15, 2006, March 15, 2006, April 5, 2006, May 10, 2006, at a special meeting on May 31 2006, and on June 14, 2006, heard testimony and received other evidence, made a *verbatim* transcript and written findings; and

**WHEREAS**, at the above-referenced May 31, 2006 Plan Commission hearing, Applicant withdrew the Text Amendment; and

**WHEREAS**, at its June 14, 2006 meeting, the Plan Commission made no recommendation (3 to 3 vote) on the Third Amended Application but by a favorable vote of 4 to 2 recommended rezoning the Subject Property to R1 Single-Family Residential District and R3 Two-Family Residential District without identifying a specific redevelopment plan; and

**WHEREAS**, on July 7, 2006 Applicant amended the Third Amended Application (the "Fourth Amended Application") by: (i) decreasing the single-family attached dwellings from eight (8) to four (4); and, (ii) decreasing the R3 Lot with a corresponding increase in the R1 Lot; and

**WHEREAS**, the Planning and Development Committee considered the entire record of the Plan Commission in Case No. ZPC 05-01-PD-M&T, and conducted a public hearing at a special meeting on July 11, 2006 with respect to the Fourth Amended Application, heard testimony, received other evidence,

made a *verbatim* record, and voted to recommend City Council approval of the Fourth Amended Application; and

**WHEREAS**, the Planning and Development Committee considered this Ordinance 85-O-06 at its July 24, 2006 meeting and made written findings that the Fourth Amended Application: (i) met the standards for Special Uses in Section 6-3-5-10 and for Planned Developments in Residential Districts in Section 6-8-1-10; (ii) met the standards for amendments to the Zoning Map set forth in Section 6-3-4-5; (iii) provided one or more of the public benefits in Section 6-3-6-3; and, (iv) adopted the record of the Plan Commission; and

**WHEREAS**, at its July 24, 2006 meeting, the Planning and Development Committee recommended that the City Council approve the Fourth Amended Application; and

**WHEREAS**, at its July 24, 2006 meeting, the City Council considered the record of the Plan Commission, the record and recommendation of the Planning and Development Committee, and voted to introduce this Ordinance 85-O-06 and refer it back to the Planning and Development Committee for further consideration at its August 14, 2006 meeting; and

**WHEREAS**, on August 8, 2006 Applicant amended the Fourth Amended Application (the "Final Development Plan") by: (i) eliminating the two duplex buildings and replacing them with four (4) detached single-family dwelling units; (ii) eliminating the R3 Lot and R1 Lot in order to rezone the Subject

Property from U1 University Housing District to R1 Single-Family Residential District (the "R1 Map Amendment"); and, (iii) reconfiguring the private alleys by extending same to Orrington Avenue; and

**WHEREAS**, the Final Development Plan includes the Site Plan (Exhibit B), Draft Plat of Subdivision (Exhibit C), which will become the "Final Plat of Subdivision" when approved separately from this Ordinance 85-O-06, Landscape Plan (Exhibit D), Elevations (Exhibit E), Approved Materials (Exhibit F) and Plat of Vacation (Exhibit G) which will become the "Final Plat of Vacation" when approved separately from this Ordinance 85-O-06, all of which, except the Plat of Subdivision and the Plat of Vacation, are dated August 8, 2006 and attached hereto and made a part hereof; and,

**WHEREAS**, the Community Development Department determined that the First Written Protest, the Second Written Protest, and the Third Written Protest, and the requirement in Section 6-3-4-7 of a vote of seven (7) Aldermen for passage of this Ordinance 85-O-06, were not applicable to the Final Development Plan, as such plan only includes an R1 Single-Family Residential District; and

**WHEREAS**, the Site Development Allowances (hereinafter defined) and R1 Map Amendment requested as set forth in the Final Development Plan require a vote of six (6) Aldermen for passage of this Ordinance 85-O-06 pursuant to Section 6-3-6-6 and Section 6-3-4-6, respectively; and



**WHEREAS**, the Evanston Preservation Coordinator reviewed the Approved Materials (hereinafter defined) determining that all such materials are materials which the Evanston Preservation Commission (the "Preservation Commission") has approved in connection with its review of other applications for Certificates of Appropriateness over which it has jurisdiction pursuant to Section 2-9-8 of the Evanston Preservation Ordinance, Title 2, Chapter 9, of the City Code, and, accordingly, approved the Approved Materials for the Final Development Plan; and

**WHEREAS**, Applicant filed an application with the City to vacate the remaining alley (the "Alley") described in the draft Plat of Vacation and the City intends to hold a public hearing on an ordinance to vacate the Alley (the "Alley Vacation Ordinance") on September 20, 2006; and,

**WHEREAS**, the City has prepared certain ordinances and motions for consideration and approval by the City Council to repeal or amend and release, as the case may be, ordinances and restrictive covenants effecting the Subject Property's use and occupancy by Kendall that have no relationship to the Final Development Plan (collectively the "Release Documents"); and,

**WHEREAS**, at its August 14, 2006 and September 11, 2006 meetings, the Planning and Development Committee held a public hearing on the Final Development Plan dated August 8, 2006; and

**WHEREAS**, at its September 11, 2006 meeting, the Planning and Development Committee made findings that the Final Development Plan met the

standards in the Ordinance for: Special Uses in Section 6-3-5-10; Planned Developments in Residential Districts in Section 6-8-1-10; and, amendments to the Zoning Map in Section 6-3-4-5; provided one or more of the public benefits in Section 6-3-6-3 and adopted the record of the Plan Commission, and recommended that the City Council approve the application for Special Use for Residential Planned Development and the application for R1 Map Amendment, all as set forth in the Final Development Plan; and

**WHEREAS**, at its September 11, 2006 meeting, the City Council adopted the record of the Plan Commission, adopted the record of the Planning and Development Committee made at its August 14, 2006 and September 11, 2006 meetings, and adopted the recommendation of the Planning and Development Committee made at its September 11, 2006 meeting to approve and grant the Special Use for a Residential Planned Development (the "Planned Development") and R1 Map Amendment, as set forth in the Final Development Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** That the foregoing recitals are hereby found as facts and made a part hereof.

**SECTION 2:** That the records of the Plan Commission and the Planning and Development Committee, and the recommendation of the Planning

and Development Committee made at its September 11, 2006 meeting are hereby adopted.

**SECTION 3:** That the Application, as amended by the Final Development Plan, in Case No. ZPC 05-01-PD-M&T, for rezoning of the Subject Property from a U1 University Housing District to an R1 Single-Family Residential District meets the standards in Section 6-3-4-5 for amendments to the Zoning Map, for reasons including, but not limited to:

(A) The R1 Map Amendment approved by this Ordinance 85-O-06 and set forth in the Final Development Plan is consistent with the goals, objectives, and policies of the Evanston Comprehensive General Plan ("CGP"), as adopted and amended from time to time, in that: (i) the R1 Single-Family Residential Zoning District allows for the construction of new single-family dwellings on the previously under-utilized Subject Property; and (ii) this new construction will increase housing variety and enhance the City's property tax base.

(B) The R1 Map Amendment is consistent with the overall character of existing single-family homes in the immediate vicinity of the Subject Property.

(C) The R1 Map Amendment will not have an adverse effect on the value of properties in the vicinity of the Subject Property because such amendment is consistent with the R1 Single-Family Residential Districts to the north, south, and west of the Subject Property.

(D) Public facilities and services are adequate to serve the Subject Property in that: (i) the Subject Property was occupied by Kendall for many years, with approximately six hundred fifty (650) full-time students, one hundred seventy (170) employees, one hundred forty-three (143) dormitory beds, and two-hundred thirty-five (235) peak-hour vehicular movements; (ii) the listed permitted and special uses in the R1 Single-Family Residential District represent a significant decrease in intensity of use when compared to Kendall thereby reducing the impact on public facilities and services.

**SECTION 4:** That the City Council, pursuant to Section 6-3-4-5, hereby approves and grants the R1 Map Amendment to the Zoning Map provided for in Section 6-7-2 to rezone the Subject Property from a U1 University Housing District to an R1 Single-Family Residential District.

**SECTION 5:** That the City Council, pursuant to Section 6-3-5-10, Section 6-3-6-3, and Section 6-8-1-10, hereby approves and grants the Application, as amended by the Final Development Plan, in Case No. ZPC 05-01 PD-M&T, to allow the Planned Development on the Subject Property for the reasons including, but not limited to:

(A) Pursuant to Section 6-8-2-4 a Planned Development is a special use in the R1 Single-Family Residential District.

(B) The Planned Development is in keeping with the purposes and policies of the CGP and the Ordinance in that the Subject Property is located within the U1 University Housing District and is proposed to be located in an R1

Single-Family Residential District. The proposed residential uses are consistent with the types of development intended for this District. The surrounding areas to the north, west, and south are zoned for residential uses and the CGP designates the areas to the north, west, and south of the Subject Property as single-family residential areas.

(C) The Planned Development will not cause a negative cumulative effect when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole. The only other special use in the immediate neighborhood is a private educational institution. The Final Development Plan contains only uses permitted in the R1 Single-Family Residential District.

(D) The Planned Development does not interfere with or diminish the value of property in the neighborhood in that it will enhance the property values of the adjacent properties and strengthen the City's tax base.

(E) The Planned Development can be adequately served by public facilities and services, in that it represents a decrease in the intensity of use from its previous use for many years as Kendall. The findings in Section 3(D) hereinabove are applicable to this standard and are hereby incorporated by reference.

(F) The Planned Development does not cause undue traffic congestion in that it will result in the development of twenty (20) dwelling units,

thereby significantly reducing peak-hour vehicular movements when compared to Kendall. The findings in Section 3(D) hereinabove are applicable to this standard and are hereby incorporated by reference.

(G) The Planned Development preserves significant historical and architectural resources. This standard is inapplicable in that on April 12, 2005, the City Council denied an application to grant landmark status to the building, formerly known as the Kendall College Administration Building (Wesley Hall), located at 2408 Orrington Avenue. Concurrently with adoption of this Ordinance 85-O-06, the City Council approved Applicant's Certificate of Appropriateness required by Section 2-9-8(A) of the Preservation Ordinance, Title 2, Chapter 9 of the City Code, allowing the demolition of all Existing Structures and construction of the improvements set forth in the Final Development Plan authorized by the Planned Development approved hereby.

(H) The Planned Development preserves significant natural and environmental features in that Applicant has agreed to protect the Oak Trees (hereinafter defined) and Ash Tree (hereinafter defined) in accordance with Section 8(E) of this Ordinance 85-O-06 and implement the Landscape Plan.

(I) The Planned Development complies with all other applicable regulations of the District in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation, in that this standard must be and

is met as a condition to, and requirement of, demolition-and construction-related activities on the Subject Property.

**SECTION 6:** That the City Council hereby adopts the findings of the Planning and Development Committee that granting the Site Development Allowances (hereinafter defined) in excess of the requirements set forth in Section 6-4-1-6(A), Section 6-8-2-5, Section 6-8-2-8, Section 6-8-2-9, and Section 6-8-1-10 is essential to achieve one or more of the public benefits described in Section 6-3-6-3 for reasons including, but not limited to:

(A) The Final Development Plan has a particularly attractive architectural and landscape design.

(B) The Final Development Plan includes a variety of housing types and pursuant to Section 8(F) of this Ordinance 85-O-06, Applicant will make a voluntary donation to the Mayor's Special Housing Fund, consistent with the CGP policy to "encourage proposals from the private sector that will maintain the supply of moderately-priced housing, both rental-and-owner-occupied".

(C) The Final Development Plan will add twenty (20) single-family dwellings to the Subject Property which will strengthen the tax base and the local economy and eliminate blighted and deteriorated structures and incompatible uses.

**SECTION 7:** That, pursuant to Section 6-3-6-5 and Section 6-3-6-6, the following site development allowances (the "Site Development Allowances") are hereby granted from the requirements set forth in Section

6-4-1-6(A), Section 6-8-2-5, Section 6-8-2-8, Section 6-8-2-9, and Section 6-8-1-10 to permit:

(A) An increase in the maximum mean building height of the single-family dwelling units to three (3) stories, or thirty-five feet (35'), pursuant to Section 6-3-6-5(B) and Section 6-8-1-10(C)(1) instead of the maximum of two and one-half (2.5) stories or thirty-five feet (35') otherwise permitted by Section 6-8-2-9 in the R1 Single-Family Residential District.

(B) A decrease in the required rear yard pursuant to Section 6-3-6-5(C) to twenty feet (20') for the dwellings identified on the Site Plan as C-1, C-2, C-3, C-4, C-5, C-6, L-1, L-2, L-3, L-4, L-5, and L-6, instead of the thirty (30') feet otherwise required by Section 6-8-2-8(A)4.

(C) A decrease in the required rear yard to twelve feet (12') pursuant to Section 6-3-6-5(C) for the dwellings identified on the Site Plan as O-1 and O-4, instead of the thirty feet (30') otherwise required by Section 6-8-2-8(A)4.

(D) A decrease in the required rear yard to seven feet six inches (7'6") pursuant to Section 6-3-6-5(C) instead of the thirty feet (30') otherwise required by Section 6-8-2-8(A)4 for each of the dwellings identified on the Site Plan as S-1 and S-2.

(E) A decrease in the required rear yard to twenty-five feet (25') pursuant to Section 6-3-6-5(C) instead of the thirty feet (30') otherwise required by Section 6-8-2-8(A)4 for each of the dwellings identified on the Site Plan as S-3 and S-4.



(F) A decrease in the minimum lot area requirement of seven thousand two hundred square feet (7,200 sq.ft.) otherwise required by Section 6-8-2-5 for all lots located on the Subject Property except for lots seven (7) and ten (10), identified on the Plat of Subdivision.

(G) A decrease in the required front yard to three feet (3') pursuant to Section 6-3-6-5(C) instead of the twenty-seven feet (27') otherwise required by Section 6-8-2-8(A)1 and instead of the fifteen feet (15') otherwise required by Section 6-8-1-10(C) for the single-family homes identified on the Site Plan as S-3 and S-4.

(H) An increase in the number of principal buildings on a zoning lot located in an R1 Single-Family Residential District pursuant to Section 6-3-6-5(C) to allow twenty (20) principal buildings on a zoning lot, instead of the one (1) principal building otherwise permitted by Section 6-4-1-6(A).

(I) A decrease in the required side yard abutting a private alley to three feet (3') pursuant to Section 6-3-6-5(C) instead of the fifteen feet (15') otherwise required by Section 6-8-2-8 and Section 6-8-1-10(C)3 for the single-family dwellings identified on the Site Plan as S-1, S-2, O-2, and O-3.

**SECTION 8:** That, pursuant to Section 6-3-5-12 which provides that the City Council may impose conditions on the grant of a special use, the following conditions are hereby imposed on Applicant:

(A) Construction, operation, and maintenance of the Planned Development approved hereby shall be in substantial compliance with the

approved Final Development Plan; the Certificate of Appropriateness approved concurrently by the City Council with this Ordinance 85-O-06; the conditions and terms of this Ordinance 85-O-06; all other applicable legislation, rules, regulations, and requirements (collectively, "Applicable Legislation"); the material representations, if any, of Applicant to the Site Plan Appearance and Review Committee, Preservation Commission, Plan Commission, Planning and Development Committee, City Council, and other City Board, Commission, or Committee, only to the extent such material representations relate to the Final Development Plan . All plans submitted or required to be submitted to the City in connection with the Planned Development approved hereby shall comply with Applicable Legislation.

(B) The Elevations shall substantially conform in color, dimensions, and quality to the Approved Materials. Applicant may substitute materials of equal or better quality, provided that the substituted materials substantially conform in color and dimensions to the Approved Materials.

(C) The Final Development Plan includes a variety of single-family dwelling units to create varied architecture within the Subject Property. The Site Plan identifies each home with a capital letter (S, C, O and L) signifying the street name followed by a number. As an example, "C-2" represents the second dwelling on Colfax Street. The following restrictions and obligations shall apply: (1) S-1 and S-2 may have the same massing, roof, and overall structural design, except that the west elevations shall be distinguished by incorporating

different-colored masonry, windows, and doors; (2) C-1 through C-6 shall not repeat the same Elevation more than twice and no two identical Elevations shall occur successively. As an example, C-1 and C-5 may be Elevation G, but C-1 and C-2 shall not both be Elevation G; (3) L-1 through L-6 shall not repeat the same Elevation more than twice and no two identical Elevations shall occur successively. As an example, L-1 and L-5 may be Elevation G, but L-1 and L-2 shall not both be Elevation G; (4) O-2 and O-3 may have the same massing, roof, and overall structural design, however, the east elevations shall be distinguished by incorporating different-colored masonry, roofs windows, and doors; and (5) O-1 and O-4 may have the same massing, roof, and overall structural design, however, the east elevations shall be distinguished by incorporating different-colored masonry, roofs, windows, and doors.

(D) From and after construction of the Planned Development, as approved hereby, and continuing for so long as the Planned Development exists, as it may have been amended from time to time in accordance with all applicable requirements, the "Open Space Parcel", as identified on the Site Plan, shall be maintained and operated as open space in substantial conformance with the Final Development Plan. The Open Space Parcel shall not contain any above-ground permanent improvements, except that Applicant shall be permitted to locate, maintain, and operate on the Open Space Parcel fixtures, equipment, and furniture in connection with use of the Open Space Parcel as a landscaped area, including, but are not limited to, gazebos, trellises, playground equipment,

benches, chairs, statues, sculptures or other pieces of artwork, signs, planting beds, planters, fences, and fountains. The approval granted hereby shall be limited to those items which comply with Applicable Legislation, including obtaining permits prior to construction or installation of said items. Section 9 of this Ordinance 85-O-06 is applicable whenever the City determines non-compliance with this Section 8(D).

(E) The Landscape Plan identifies trees 11A, 12A, 12B, and 12C (collectively, "the Oak Trees") along Lincoln Street. Applicant shall submit a plan to protect and preserve the Oak Trees during construction and thereafter for a period of two years following the issuance of a certificate of occupancy for the single-family homes identified on the Site Plan as O-4 and L-6 (the "Tree Protection Plan"). The Tree Protection Plan shall be made a part of the Declaration (hereinafter defined). An arborist shall prepare the Tree Protection Plan for review and approval by the Evanston Department of Forestry, which approval shall be obtained prior to the issuance of a demolition permit. In addition, the Tree Protection Plan shall extend to protecting the "Ash Tree" located on Colfax Street and identified on the Landscape Plan as 23B; provided, however, such preservation and protection shall not extend to prohibiting the construction, including basements, of the single-family homes identified on the Site Plan as C-1, C-2, C-3, C-4, C-5, C-6 and O-1. The single-family homes identified on the Site Plan as O-4 and L-5 shall not include basements. "Basement" shall mean a "portion of a building located partly underground, but

having less than one-half (1/2) of its clear floor-to-joist height below the average grade of the adjoining ground. A violation of this Section 8(E) occurs when Applicant fails to comply with the Tree Protection Plan and such non-compliance proximately causes the death of any Oak Tree or the Ash Tree. In the event the City determines that Applicant has violated the Tree Protection Plan and such violation proximately causes the death of any Oak Tree or the Ash Tree the City shall fine Applicant Twelve Thousand Five Hundred Dollars (\$12,500) for each tree. If Applicant objects to the City's determination, Applicant shall file a written protest setting forth the reasons for its objection. If after reviewing such reasons the City does not retract the fine, then a licensed arborist appointed by the City and paid for by Applicant shall conclusively determine the validity of the fine.

(F) Applicant has voluntarily agreed to donate one hundred thousand dollars (\$100,000.00) to the Mayor's Special Housing Fund, consistent with the CGP to "encourage proposals from the private sector that will maintain the supply of affordable housing both rental and owner-occupied". Said donation is based upon Five Thousand Dollars (\$5,000.00) for each of the twenty (20) dwellings approved hereby. The One Hundred Thousand Dollars (\$100,000.00) shall be paid in four (4) equal increments of Twenty-Five Thousand Dollars (\$25,000.00), as follows: twenty-five thousand dollars (\$25,000.00) concurrently with payment of the applicable fees for the demolition permit, and twenty-five thousand dollars (\$25,000.00) each year thereafter on or before the anniversary date of issuance of the demolition permit for each of the succeeding three (3)

years until the total sum paid shall equal one hundred thousand dollars (\$100,000.00). This donation shall be in addition to any demolition tax imposed by the Affordable Housing Demolition Tax Ordinance, Title 4, Chapter 22 of the City Code. Applicant shall not seek an extension of the completion time provided for in Section 11 of this Ordinance 85-O-06 without first having paid the said donation in its entirety.

(G) Applicant shall, within nine (9) months of the date of adoption of this Ordinance 85-O-06, obtain a demolition permit to demolish the Existing Structures, Applicant shall commence such demolition within thirty (30) days following the issuance of said demolition permit to demolish such structures, and shall prosecute said demolition diligently to completion within eighteen (18) months after adoption of this Ordinance 85-O-06. All Existing Structures shall be demolished no later than eighteen (18) months after adoption of this Ordinance 85-O-06. Delays, not solely attributable to Applicant, shall extend the thirty (30) -day period by the number of days equal to the number of days of delay. In the event of a dispute between the City and Applicant as to whether or not a delay is "not solely attributable to Applicant" and/or the number of days by which the said thirty (30) day period will be extended, the City's decision shall be controlling. For purposes of this Section 8(G), "completion of demolition" shall include, but not be limited to, grading and seeding the entire Subject Property, including the parkway surrounding same, and re-seeding when necessary or when required by the City upon written notice to Applicant, to

assure coverage of the entire Subject Property and the parkway with grass, except for those lots or areas on which construction has commenced. Such seeding shall be subject to seasonal conditions. Applicant shall not allow the grassed area, including the parkway, and so much of it as remains after construction begins, to reach a height of more than five inches (5") prior to mowing it. Section 9 of this Ordinance 85-O-06 is applicable where the City determines non-compliance with this Section 8(G).

(H) Applicant shall limit its demolition, excavation, and construction activities to between 7:00 a.m. and 6:00 p.m. on weekdays, and between 8:00 a.m. and 5:00 p.m. on Saturdays, and no work shall be permitted on Sundays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the City Manager or her designee, which permit may be granted while the emergency continues. Sandblasting, jack hammering, or similar noise-producing activities are prohibited between 6:00 p.m. and 7:00 a.m. on weekdays and between 6:00 p.m. Friday and 8:00 a.m. Saturday, unless special permission in advance of said activities is given by the City Manager or her designee. In addition, any other construction noise which exceeds a decibel level of eighty (80) decibels (measured from the property line from which the noise is emanating) shall be prohibited at all times other than during the work hours specifically set forth in this Section 8(H), unless special permission is granted by the City Manager or her designee. If the City Manager or her designee should determine that the public health and safety will not be

impaired by the erection, demolition, alteration or repair of any building, or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m. on weekdays and before 8:00 a.m. and after 5:00 p.m. on Saturdays, and if it shall further be determined that loss or inconvenience would result to any party in interest, the City Manager or her designee may grant permission for such work to be done between the hours of 6:00 p.m. on weekdays and 7:00 a.m. on weekdays, and before 8:00 a.m. and after 5:00 p.m. on Saturdays, upon written request of Applicant. Section 9 of this Ordinance 85-O-06 is applicable where the City determines non-compliance with this Section 8(H).

(I) Applicant shall have, as its primary goal, the employment of a minimum of ten (10) low- to middle-income City residents, without regard to their sex, race, or ethnicity, which goal may be satisfied by Applicant's vendors, contractors, and subcontractors. This goal will include full-time employment for said residents during one or more phases of constructing the Final Development Plan. By way of example, but not limitation, the demolition portion of the Final Development Plan is anticipated to be six months in duration during which time Applicant could satisfy a portion of the goal by employing residents during the demolition phase. Applicant shall consult with the City's M/W/EBE Coordinator in connection with this goal, prior to its application for the demolition permit, and again prior to its application for the first building permit. Applicant shall provide the City with such documentation and at such intervals as the City may require evidencing Applicant's compliance with the terms and conditions of this Section



8(I). For purposes of this Section 8(I), "low-income" is defined as "household income at or below eighty (80) percent of Area Median Income". "Middle-income" is defined as "household income at or below one hundred fifteen (115) percent of Area Median Income." "Area Median Income" is the median income level for the Chicago Primary Metropolitan Statistical Area, as established and defined in the annual schedule published by the Secretary of the United States Department of Housing and Urban Development and adjusted for household size." Section 9 of this Ordinance 85-O-06 is applicable whenever the City determines non-compliance with this Section 8(I).

(J) Applicant shall require all personnel who drive their own vehicles to the Subject Property to park on the Subject Property, space permitting, and thereafter, to park legally. All trucks and other construction vehicles shall use Sherman Avenue via Emerson Street (or such other route as designated in advance by the Illinois Department of Transportation and/or the City) for ingress to, and egress from, the Subject Property. The use of Lincoln Street, Colfax Street, and Orrington Avenue for ingress and egress, except when approved in advance by the City, is prohibited. Grounds for City-approved variations from the routes for trucks and construction vehicles provided for herein include, but are not limited to, the infeasibility of accessing a particular dwelling-construction site from the designated streets. Applicant shall meet with the Director of Public Works or other designee(s) of the City Manager to coordinate truck routes for ingress and egress prior to obtaining a demolition permit and

prior to obtaining the first building permit. Section 9 of this Ordinance 85-O-06 is applicable whenever the City determines non-compliance with this Section 8(J).

(K) Applicant shall obtain and provide the City with a Phase 1 Environmental Study prior to application for a demolition permit. Applicant shall take any and all remediation actions required by law, in connection with the presence of hazardous materials, if any, on the Subject Property. Said remediation actions shall be taken within the period allowed therefor by applicable law.

(L) Prior to the issuance of the first Temporary Certificate of Occupancy Applicant shall: (i) establish a homeowner's association (the "Association") to govern certain aspects of the Subject Property; (ii) provide a copy thereof to the City for its review to ensure compliance with this Ordinance 85-O-06; and (iii) record a declaration (the "Declaration"), which, among other restrictions and obligations imposed by Applicant, requires such association to: (a) own, repair, and maintain the private alleys and Open Space Parcel, including snow removal and landscaping; (b) provide scavenger service at its expense; (c) install and maintain all exterior lighting serving the private alleys and the Open Space Parcel; and (d) incorporating the Tree Protection Plan.

(M) Following completion of the demolition described in Section 8(G) above, Applicant shall diligently pursue obtaining the permits necessary to construct the common area and infrastructure improvements contemplated by the Final Development Plan, including, the private alleys, a retention and

detention system and connection to the City's water and sewer system (collectively, the "Common Area Improvements") and, upon obtaining such permits, diligently pursue to substantial completion of the Common Area Improvements. Unless otherwise extended by the City Council or in the event of a delay not solely within Applicant's control, the Common Area Improvements shall be substantially completed within three (3) years following the adoption of this Ordinance 85-O-06.

**SECTION 9:** The payment schedule provided for in this Section 9 is designed and intended to assure Applicant's compliance with certain provisions of Section 8(D), (G), (H), (I) or (J) of this Ordinance 85-O-06. It is not a substitute for compliance, nor shall it be construed as such. Upon the City's determination that an event of non-compliance has occurred with respect to Section 8(D), (G), (H), (I) and (J) hereinabove (an "Event of Default"), Applicant, shall pay, within thirty (30) days after written notice from the City to do so, the applicable amount described in this Section 9 (the "Penalty") and correct the non-compliance in a timely manner as directed by the City. The Penalty may be imposed on a per diem basis for every day an Event of Default remains uncorrected; provided, however, no Penalty shall be imposed for a period of five (5) business days (the "Cure Period") following Applicant's receipt from the City of a written notice of an Event of Default ("Default Notice") to provide Applicant the opportunity to cure such default. If the Event of Default cannot be corrected within the Cure Period, the Cure Period shall be extended as may be reasonably

necessary, provided that, in accordance with all applicable requirements, the City Council determines that good cause for such extension is shown, and Applicant is diligently pursuing the cure of such default. The Penalty imposed by the City on Applicant may be not more than Seven Hundred Fifty Dollars (\$750.00) per day for violation of Section 8(D), (G), (H), (I) and (J). Notwithstanding any provision to the contrary, following substantial completion of the Final Development Plan, the Penalty shall only be applicable to an Event of Default under Section 8(D) of this Ordinance 85-O-06.

**SECTION: 10:** Concurrently with the approval of this Ordinance 85-O-06 the City Council approved a Certificate of Appropriateness authorizing the demolition of all Existing Structures and the construction of the improvements set forth in the Final Development Plan; therefore, the Preservation Commission review of applications for Certificates of Appropriateness for construction of the single-family dwellings pursuant to Section 2-9-8 of the Historic Preservation Ordinance shall not be required unless the plans for construction differ in any substantial respect, as determined by the City, from the Elevations approved hereby and/or Approved Materials.

**SECTION 11:** That, pursuant to Section 6-3-5-15(A) and Section 6-8-1-10(A)3, the two (2)-year completion date provided for in Section 6-8-1-10(A)3 is hereby extended by an additional one (1) year to allow for substantial completion of the Common Area Improvements and shall be further extended as herein provided. If Applicant has complied with Section 8(G) and Section 8(M)

above concerning demolition of Existing Improvements and construction of the Common Area Improvements, respectively, the construction time shall be extended by an additional two (2) years to permit Applicant to commence and substantially complete the Final Development Plan. Upon the substantial completion of not less than one single family home, the Planned Development shall remain in full force and effect (unless otherwise amended or repealed by the City Council), provided Applicant has complied with the material terms and conditions of this Ordinance 85-O-06.

**SECTION 12:** The time periods specified in Section 8(G), Section 8(M) and Section 11 of this Ordinance 85-O-06 may be extended if, upon written request from Applicant, in accordance with all applicable requirements, the City Council determines that good cause for such extension is shown.

**SECTION 13:** For so long as any structure or improvement, as set forth in the Final Development Plan, exists and provided that the Planned Development remains in full force and effect, Applicant and all Successors shall have an affirmative obligation to pay real estate taxes to the City, School District 65, and Evanston Township High School District 202 based on the then-current assessment rate applicable to the Subject Property or any subdivided portion thereof. Applicant agrees and covenants to file a real estate tax division for the Subject Property in conformance with the Plat of Subdivision to cause the assignment of individual property index numbers for each lot and to assure that all lots on the Subject Property are placed and maintained on the tax rolls. Such

tax division shall be filed with the appropriate governmental authority on or before the recordation of the Declaration. The term, "each subdivided portion thereof", shall include the *pro rata* share of Open Space and *pro rata* share of all other portions of the Subject Property owned in whole or in part by each single-family dwelling owner. In the event Applicant or its Successors, are or become exempt from the payment of real estate taxes, an annual payment-in-lieu of taxes at the then-current rate applicable to the portion of the Subject Property exempt from real estate taxes shall be made to the City, School District 65, and Evanston Township High School District 202, for thirty (30) years, unless sooner released by the City. It is expressly acknowledged that nothing herein shall be construed to preclude Applicant or its Successors from seeking and/or filing a value assessment complaint, or a senior citizen application, a homeowner's exemption and/or any such other complaint or partial exemption that is available to property owners, individual dwelling unit owners or homeowners' associations under the laws of Illinois. Applicant shall record a covenant against the Subject Property, which shall be in form and content acceptable to the City reflecting the terms and provisions of this Section 13. The covenant shall run with the land in favor of the City, School District 65, Evanston Township High School District 202, and all owners of subdivided portions of the Subject Property, and shall expressly provide that it shall be recorded against each subdivided portion of the Subject Property. Applicant and Successors specifically acknowledge and affirm that they have notice of, and are aware of, the provisions and obligations of this

Section 13, that they acquire title subject to the provisions and obligations of this Section 13, and, as a condition precedent to the grant of Special use for Planned Development, in the case of Applicant, and as a condition precedent to purchase or acquisition, in the case of the Successors, that they waive any right they have or may have to cause the owned or acquired portion of the Subject Property to be or to become exempt in whole or in part from the payment of real estate taxes to the City, to School District 65, or to Evanston Township High School District 202, and expressly agree to pay the aforescribed taxes in a timely manner consistent with the then-current Cook County real estate tax payment schedule.

**SECTION 14:** Notices given or required to be given under this Ordinance 85-O-06 shall be in writing, sent by certified mail with pre-paid First Class United States postage, return receipt requested, or delivered by reliable overnight courier service. Mailed notice shall be deemed "delivered" on the third business day after deposit in the United States mail. Notices delivered by reliable overnight courier shall be deemed "delivered" on the date of delivery. Addresses for notice purposes shall be:

To Applicant: Smithfield Properties XXX II, LLC  
400 W. Huron St.  
Chicago, IL 60610  
Attn. General Counsel

To the Association: Homeowner's Association  
c/o Smithfield Properties XXXII LLC  
400 W. Huron St.  
Chicago, IL 60610

To the City: Director of Community Development  
City of Evanston

2100 Ridge Avenue  
Evanston, IL 60201

With a copy to:  
City Clerk  
City of Evanston  
2100 Ridge Avenue  
Evanston, IL 60201

Notice to the owner of a completed and occupied dwelling unit shall be sent to the record owner to the address of that person's single-family dwelling located on the Subject Property. For purposes of this Ordinance 85-O-06, "record owner" shall mean the name on the most recent Cook County property tax bill.

**SECTION 15:** That references herein to "Applicant" shall in all cases include Applicant's Successors, owners, assignees and operators (including the Association) of the Subject Property or any portion thereof, whether subdivided or not, as applicable, (collectively, the "Successors"), and all of the rights, benefits and obligations contained in this Ordinance 85-O-06 shall inure to the Successors.

**SECTION 16:** That Applicant is required to record in the Office of the Cook County Recorder, at its cost, and provide the City with a certified copy of, this Ordinance 85-O-06 and the approved Final Development Plan, prior to obtaining any City permits. All terms and conditions of this Ordinance 85-O-06 shall be recorded as covenants running with the land for each individual dwelling approved hereby.

**SECTION 17:** That, to the extent of any conflict between the terms of this Ordinance 85-O-06 and the Final Development Plan, the terms of this



Ordinance 85-O-06 shall control. Any capitalized term not defined herein shall have the same meaning as used and defined in the Zoning Ordinance. Any reference to "Section" herein followed by a citation shall be a section contained in the City's Municipal Code, unless otherwise defined.

**SECTION 18:** If any provision of this Ordinance 85-O-06 or application thereof to any person or circumstance is held unconstitutional, or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance 85-O-06 which can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable. In particular, but without limitation, Section 4, which approves and grants the rezoning of the Subject Property from U1 University Housing District to R1 Single-Family Residential District is severable and shall be valid and in effect should any other provision of this Ordinance 85-O-06, be invalidated. It is the legislative intent of the City Council that this Ordinance 85-O-06 would have been adopted had the unconstitutional or otherwise invalid provision or application not been included.

**SECTION 19:** That Section 4 of this Ordinance 85-O-06, which rezones the Subject Property from U1 University Housing District to R1 Single-Family Residential District, shall be in full force and effect immediately upon its passage due to the urgency of preventing development inconsistent with the R1 Single-Family Residential District Zoning on the Subject Property and the senior-family areas to the north, west, and south of the Subject Property. All other

portions of this Ordinance 85-0-06 shall be in full force and effect from and after the date of passage of Ordinance 85-0-06 and approval in the manner provided by law, subject to the following conditions all of which shall be completed within sixty (60) days after the date of adoption of this Ordinance 85-O-06: (1) adoption of the Alley Vacation Ordinance by the City Council; (2) adoption by the City Council of the ordinances and motions necessary to enact the Release Documents; (3) approval by the City Council of the Final Plat of Subdivision; (4) recordation by Applicant of this Ordinance 85-O-06, including all exhibits thereto, the covenant required by Section 13 of Ordinance 85-O-06, and the Final Plat of Subdivision with the Office of the Cook County Recorder of Deeds; and, (5) providing the City Community Development Department with certified copies of this Ordinance 85-O-06 and the Final Plat of Subdivision.

Ayes: 9

Nays: 0

Introduced: July 24, 2006

Approved:

Adopted: September 11, 2006

September 19, 2006

Lorraine H. Morton  
Lorraine H. Morton, Mayor

Attest:

Approved as to form:

Mary P. Morris  
Mary P. Morris, City Clerk

Herbert D. Hill  
Herbert D. Hill  
First Assistant Corporation Counsel

## EXHIBIT A

**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

LOT 1 IN KENDALL COLLEGE CONSOLIDATION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; ALSO

LOTS 1, 2, AND 3 IN BLOCK 1 IN ORRINGTON ADDITION TO EVANSTON IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; ALSO

THE NORTH-SOUTH PUBLIC ALLEY VACATED BY ORDINANCE NUMBER 101-O-06 DATED SEPTEMBER 25, 2006 BEING FURTHER DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST QUARTER OF LOT 3 IN ORRINGTON ADDITION TO EVANSTON THENCE SOUTH 89° 59' 51" WEST 20.00 FEET TO THE SOUTHEAST CORNER OF LOT 1 IN KENDALL COLLEGE CONSOLIDATION; THENCE NORTH 00° 23' 17" EAST 100.22 FEET; THENCE NORTH 89° 36' 43" EAST 20.00 FEET TO THE WEST LINE OF LOT 2; THENCE SOUTH 00° 23' 17" WEST ALONG THE WEST LINE OF LOTS 2 AND 3 IN ORRINGTON ADDITION AFORESAID 100.22 FEET TO POINT OF BEGINNING, IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, IN THE MANNER REPRESENTED IN THE PLAT HEREON DRAWN.

CONTAINING 153,347 SQUARE FEET OR 3.52 ACRES, MORE OR LESS.

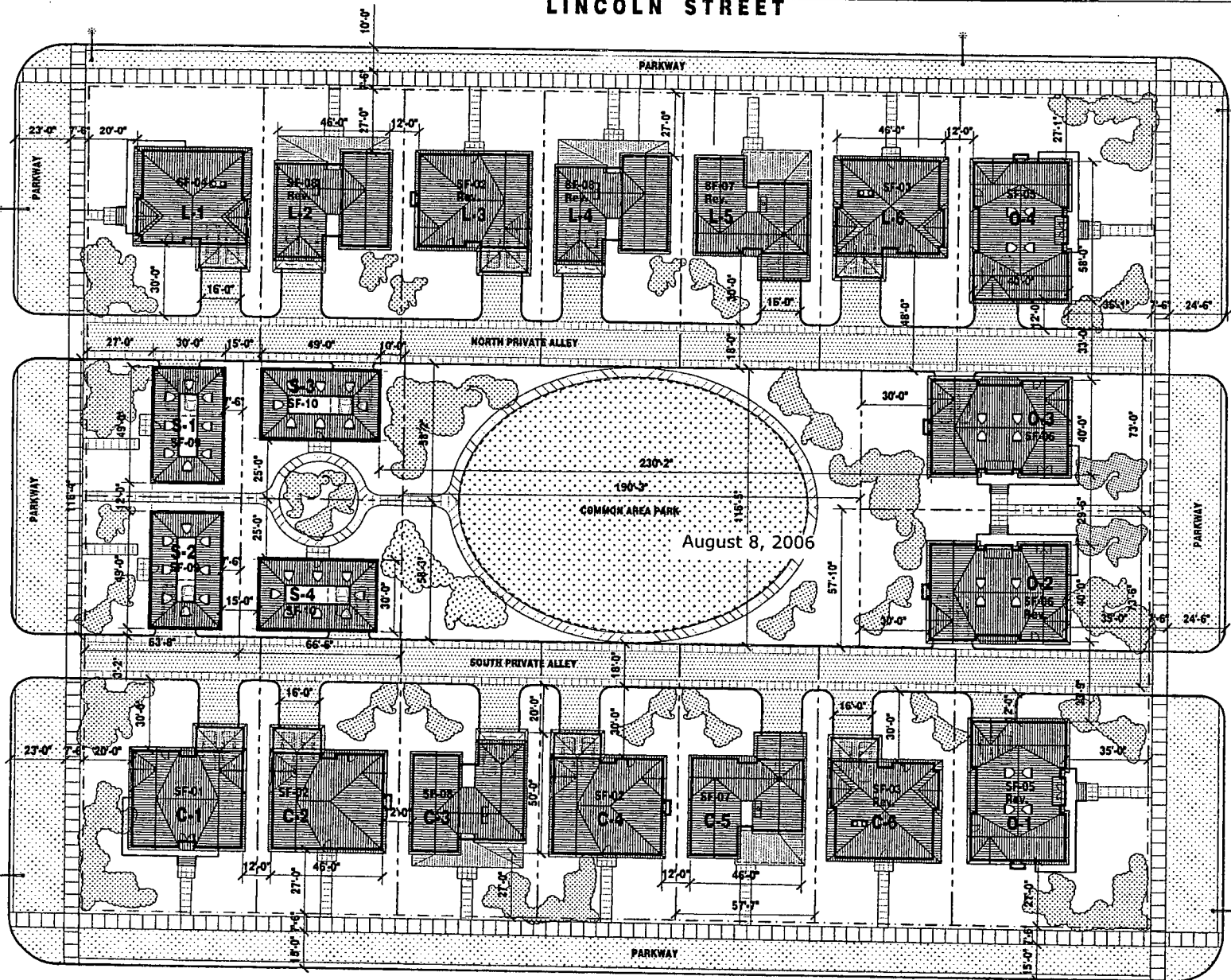
**Permanent Index Numbers:** 11-07-110-007  
11-07-110-008  
11-07-110-013  
11-07-110-014

**Commonly known property address:** 2408 Orrington Avenue  
Evanston, Illinois



EXHIBIT B  
**SITE PLAN**

LINCOLN STREET



COLFAX STREET

**BOOTH HANSEN**  
 Architecture - Interiors - Planning  
 333 South Des Plaines Street  
 Chicago, Illinois 60661

**Smithfield Properties XXXII, LLC**  
 Developer  
 400 West Huron  
 Chicago, Illinois 60610

**3 STORY SINGLE FAMILY DETACHED DWELLINGS**

| UNIT  | SIZE      | COUNT        |
|-------|-----------|--------------|
| SF-09 | 30' x 49' | 2            |
| SF-10 | 30' x 49' | 2            |
|       |           | <b>4 TOT</b> |

**SINGLE FAMILY DETACHED LOT AREA = VARIES**

| UNIT  | FOOTPRINT | COUNT         |
|-------|-----------|---------------|
| SF-01 | 40' x 46' | 1             |
| SF-02 | 40' x 46' | 3             |
| SF-03 | 40' x 46' | 2             |
| SF-04 | 40' x 46' | 1             |
| SF-05 | 40' x 58' | 2             |
| SF-06 | 40' x 58' | 2             |
| SF-07 | 40' x 46' | 2             |
| SF-08 | 40' x 46' | 3             |
|       |           | <b>16 TOT</b> |

**SITE TOTAL = 20 UNITS**

| PARKING SPACES        | TOT           |
|-----------------------|---------------|
| @ 3-STORY S.F. HOUSES | 8             |
| @ S.F. HOUSES         | 32            |
|                       | <b>40 TOT</b> |

**REVISIONS**  
 3/15/06 - 4/5/06 - 5/31/06  
 6/26/06 - 7/11/06 - 8/14/06

August 8, 2006

**EVANSTON HOMES**  
 @ Kendall College  
 Evanston, IL 60201

PROPOSED  
 SITE  
 PLAN **A1.0**

ORRINGTON AVENUE



EXHIBIT C

**PLAT OF SUBDIVISION**

[SUBJECT TO APPROVAL BY THE CITY COUNCIL]

FILE #  
11-07-11-007-0000  
11-07-11-008-0000  
11-07-11-013-0000  
11-07-11-014-0000

# Evanston Homes Subdivision

being a Subdivision of Part of the Southwest Quarter of Section 7, Township 41 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

State of Illinois  
County of Cook  
Approved by the Council of the City of Evanston, Illinois, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2006, in witness whereof, I set my hand and affix the Corporate Seal of said City, this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2006.

City Clerk, Evanston, Illinois

State of Illinois  
County of Cook

I, \_\_\_\_\_, Director of Finance of the City of Evanston, Illinois, do hereby certify that there are no delinquent or unpaid current or foreclosed special assessments, or any deferred installments thereon that have been apportioned against the tract of land included in this plat of subdivision.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2006.

Director of Finance, Evanston, Illinois

State of Illinois  
County of Cook

Approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2006

Zoning Enforcement Officer, Evanston, Illinois

State of Illinois  
County of Cook

Approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2006

Director of Public Works, Evanston, Illinois

State of Illinois  
County of Cook

Approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2006

Corporation Council, Evanston, Illinois

### OWNER CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF COOK ) SS

\_\_\_\_\_, L.L.C., AN ILLINOIS LIMITED LIABILITY COMPANY, DOES HEREBY CERTIFY THAT IT IS THE OWNER THE PROPERTY CERTIFIED HEREON AND THAT IT HAS CAUSED THE SAID PROPERTY TO BE SURVEYED AND SUBDIVIDED AS SHOWN HEREON.  
DATED: \_\_\_\_\_ 20\_\_\_\_  
BY: \_\_\_\_\_ L.L.C.  
\_\_\_\_\_, MANAGER

STATE OF ILLINOIS )  
COUNTY OF COOK ) SS

I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR THE COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_, PRESIDENT OF THE MANAGER OF \_\_\_\_\_ L.L.C., WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AS A MANAGER OF SAID LIMITED, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED AND DELIVERED THE SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID MANAGER ON BEHALF OF SAID LIMITED LIABILITY COMPANY, AS PART OWNER OF THE PROPERTY, FOR THE USES AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

NOTARY PUBLIC

### MORTGAGEE CERTIFICATE

THE UNDERSIGNED AS MORTGAGEE UNDER MORTGAGE RECORDED IN THE RECORDER'S OFFICE OF \_\_\_\_\_ COUNTY, ILLINOIS, ON \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. \_\_\_\_\_ AS DOCUMENT NUMBER \_\_\_\_\_ HEREBY CONSENTS TO AND APPROVES THE PLAT

MORTGAGEE  
BY: \_\_\_\_\_  
ITS: \_\_\_\_\_ PRESIDENT

STATE OF ILLINOIS )  
COUNTY OF \_\_\_\_\_ ) SS

I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR THE COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_, PRESIDENT OF \_\_\_\_\_, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH \_\_\_\_\_ PRESIDENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED AND DELIVERED THE SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, AS MORTGAGEE, FOR THE USES AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_.

NOTARY PUBLIC

- REVISED: 08-31-2006 LEGAL DESCRIPTION (RJT)
- REVISED: 08-29-2006 LOT DIMENSIONS (RJT)
- REVISED: 08-28-2006 NOTE AND LEGAL (RJT)
- REVISED: 8-7-06 - REVISED EASEMENTS AND LOTS-ORDER#2006-06658 (DC)
- REVISED: 8-4-06 - REVISED ZONING AND LOTS-ORDER#2006-06658 (DC)
- REVISED: 7-13-06 - REVISED ZONING AND LOTS-ORDER#2006-06481 (DC)
- REVISED: 5-11-06 - CITY OF EVANSTON CERTIFICATES-ORDER#2006-05936 (DC)
- REVISED: 4-24-06 - ADDED CITY OF EVANSTON CERTIFICATES-ORDER#2006-05855 (DC)
- REVISED: 4-5-06 - ADDED ZONING INFO PER EVANSTON-ORDER#2006-05578 (DC)
- REVISED: 4-5-06 - ADDED EASEMENT & ZONING PER EVANSTON-ORDER#2006-05579 (DC)
- REVISED: 4-4-06 - ADDED NOTES& ZONING PER EVANSTON-ORDER#2006-05579 (DC)

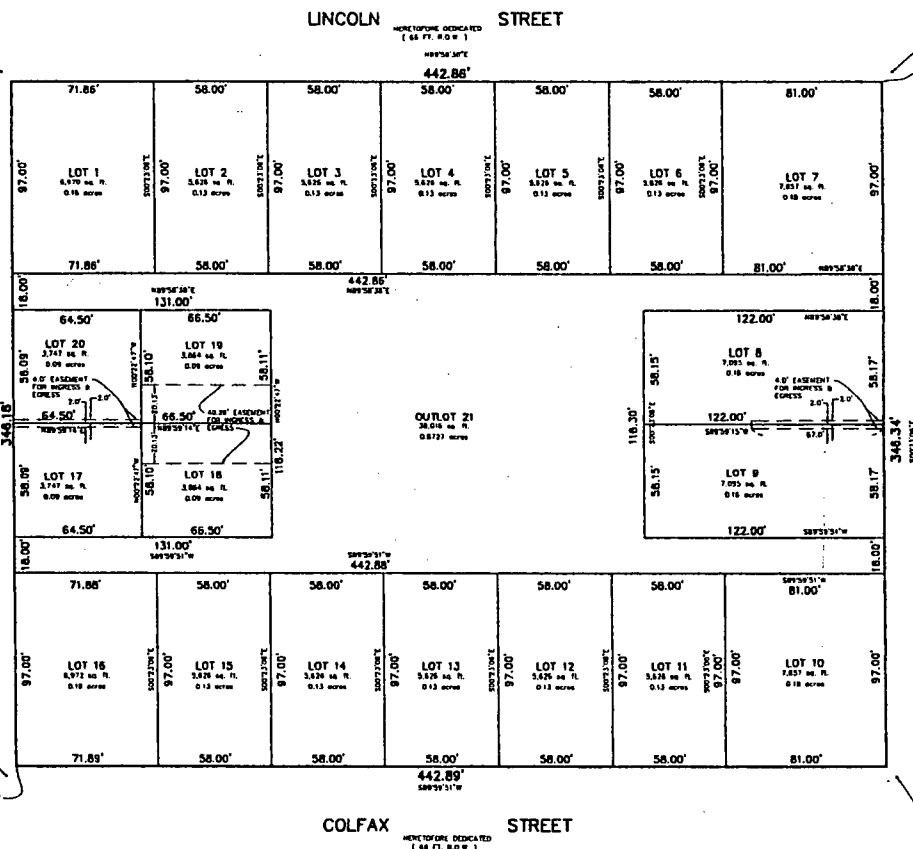
ORDERED BY: **WINDMILL PROPERTIES**  
DRAWN BY: **GREMLAY & BIEDERMANN**  
DATE: **2006-05188-002**  
SCALE: **1" = 30'**

FLOOD CROSS NOTCH  
5.00 NORTH & 3.00 WEST

SHERMAN AVENUE  
MEASURED AND CORRECTED  
1100.11' W.P.M.

FLOOD CROSS NOTCH  
3.00 SOUTH & 3.00 WEST

CONCRETE MONUMENT TO BE SET



FLOOD CROSS NOTCH  
5.00 NORTH & 3.00 EAST  
CONCRETE MONUMENT TO BE SET

ORRINGTON AVENUE  
MEASURED AND CORRECTED  
1100.11' W.P.M.

FLOOD CROSS NOTCH  
5.00 SOUTH & 3.00 EAST

OUTLOT 21 TO BE OWNED AND CONTROLLED BY A HOMEOWNERS ASSOCIATION.



NOTE:  
MONUMENTATION AT ALL LOT CORNERS INDICATED BY SYMBOL OR NOTATION ESTABLISHED PRIOR TO PLAT RECORDATION.  
IF ANY CORNER IS TO BE SET AT REARING LOT CORNERS AFTER PLAT RECORDATION UNLESS OTHERWISE INDICATED ON THIS PLAT.  
NO DIMENSIONS SHALL BE ASSUMED BY SCALE MEASUREMENT UPON THIS PLAT.

STATE OF ILLINOIS  
COUNTY OF COOK

I, \_\_\_\_\_, A PROFESSIONAL ILLINOIS LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND SUBDIVIDED:

LOT 1 IN KENDALL COLLEGE CONSOLIDATION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ALSO.

LOTS 1, 2 AND 3 IN BLOCK 1 IN ORRINGTON ADDITION TO EVANSTON IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ALSO.

THE NORTH-SOUTH PUBLIC ALLEY VACATED BY ORDINANCE NUMBER \_\_\_\_\_ DATED \_\_\_\_\_ BEING FURTHER DESCRIBED AS FOLLOWS, BEGINNING AT THE SOUTHWEST QUARTER CORNER OF LOT 1 IN ORRINGTON ADDITION TO EVANSTON THENCE SOUTH 87° 51' WEST 30.00 FEET TO THE SOUTHEAST CORNER OF LOT 1 IN KENDALL COLLEGE CONSOLIDATION, THENCE NORTH 80° 22' 17" EAST 100.22 FEET, THENCE NORTH 89° 30' 47" EAST 100.00 FEET TO THE WEST LINE OF LOT 3, THENCE SOUTH 67° 21' WEST ALONG THE WEST LINE OF LOTS 2 AND 3 IN ORRINGTON ADDITION AFORESAID 100.22 FEET TO POINT OF BEGINNING, IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, IN THE MANNER REPRESENTED ON THE PLAT HEREON DRAWN.

CONTAINING 131,347 SQUARE FEET OR 3.33 ACRES, MORE OR LESS.

I FURTHER CERTIFY THAT THE PROPERTY DESCRIBED HEREON IS LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT ALL OF THE PROPERTY APPEARS IN ZONE X ON THE FLOOD INSURANCE RATE MAP, COOK COUNTY, ILLINOIS, MAP NUMBER 170310070.F, EFFECTIVE DATE NOVEMBER 8, 2000.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECTED TO A TEMPERATURE OF 67 FARENHEIT.

FIELD MEASUREMENTS COMPLETED ON JANUARY 20, 2006.

SIGNED ON \_\_\_\_\_  
BY: \_\_\_\_\_

PROFESSIONAL ILLINOIS LAND SURVEYOR NO. \_\_\_\_\_  
MY LICENSE EXPIRES NOVEMBER 30, 2008

STATE OF ILLINOIS )  
COUNTY OF COOK ) SS

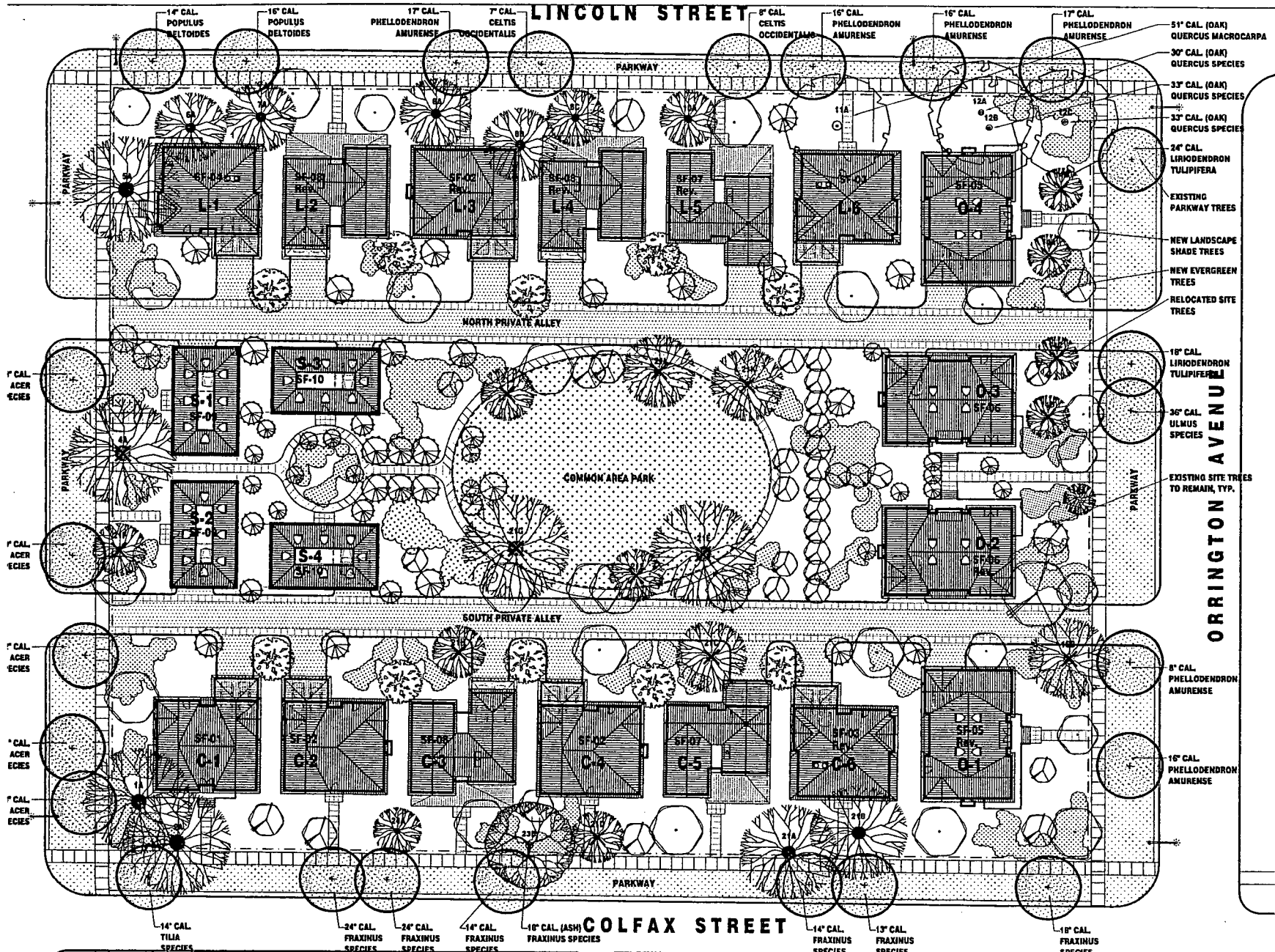
I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR THE COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED AND DELIVERED THE SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

NOTARY PUBLIC



EXHIBIT D

**LANDSCAPE PLAN**



**BOOTH HANSEN**

Architecture - Interiors - Planning  
333 South Des Plaines Street  
Chicago, Illinois 60661

**Smithfield Properties  
XXXII, LLC**

Developer  
400 West Huron  
Chicago, Illinois 60610

**TREE LEGEND**

- EXISTING PARKWAY TREES TO REMAIN
- EXISTING SITE TREES TO REMAIN
- RELOCATED SITE TREES
- NEW SITE EVERGREEN TREES
- NEW SITE SHADE TREES TYPE 1
- EXISTING OAK TREES TO REMAIN
- NEW SITE SHADE TREES TYPE 2

**REVISIONS**  
3/15/06 - 4/5/06 - 5/31/06  
6/26/06 - 7/11/06 - 8/14/06

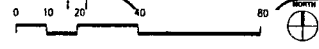
August 8, 2006

**EVANSTON HOMES**  
@ Kendall College  
Evanston, IL 60201

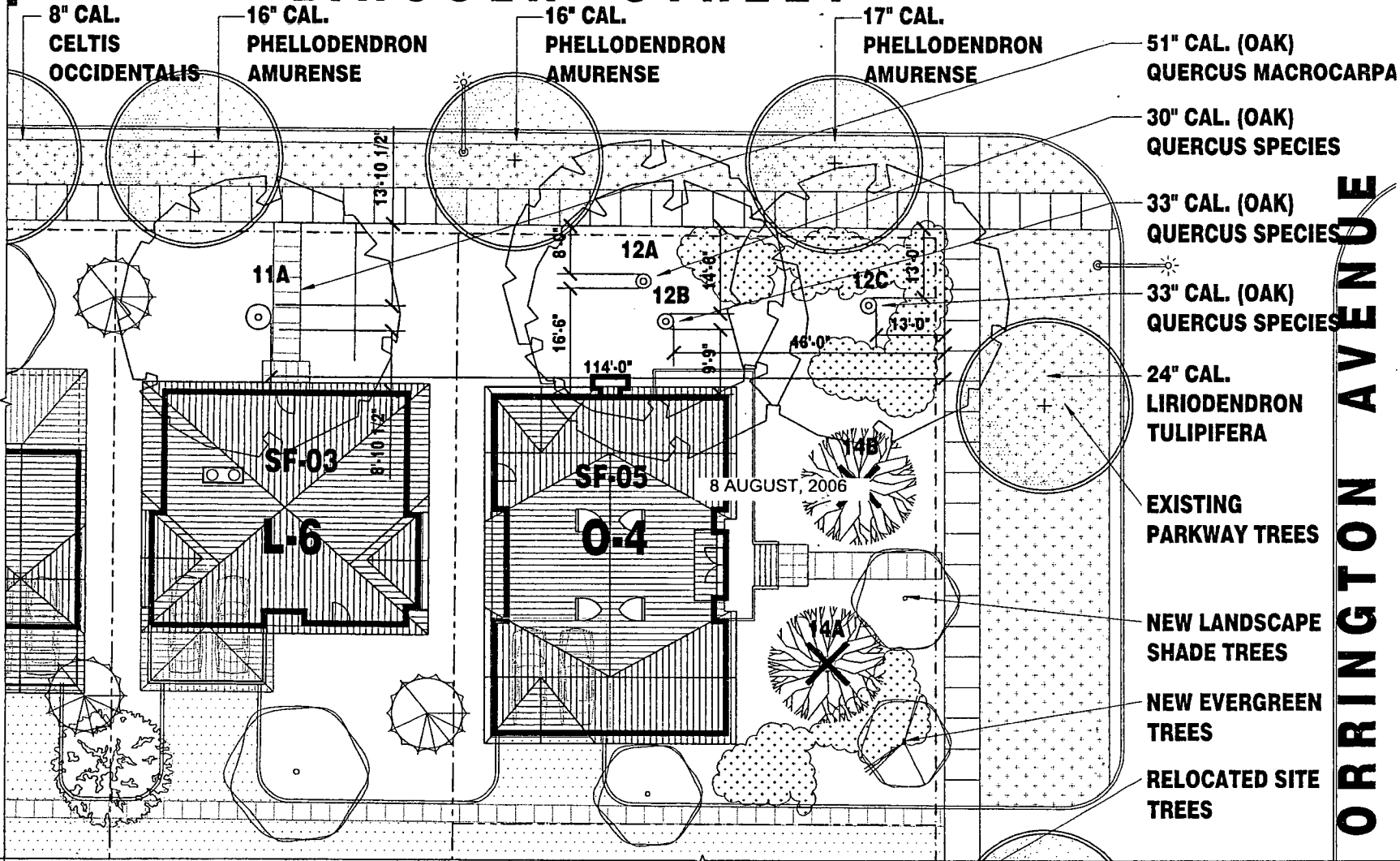
PROPOSED LANDSCAPE  
SITE PLAN  
**A1.0L**

1. Existing trees shown are existing on site to remain.  
2. Additional parkway trees planted shall be of species selected from approved list provided by the City of Evanston

3. Additional site interior trees planted shall be of species selected from approved list provided by the City of Evanston.  
4. Trees designated as NEW also include preservation of existing that can be relocated.

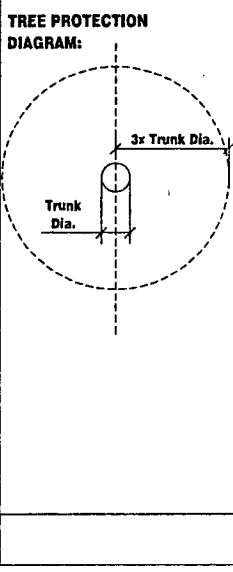


# LINCOLN STREET



BOOTH HANSEN  
 Architecture - Interiors - Planning  
 333 South Des Plaines Street  
 Chicago, Illinois 60610

Smithfield Properties  
 XXXII, LLC  
 Developer  
 400 West Huron  
 Chicago, Illinois 60610

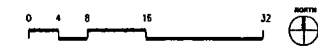


8 AUGUST, 2006

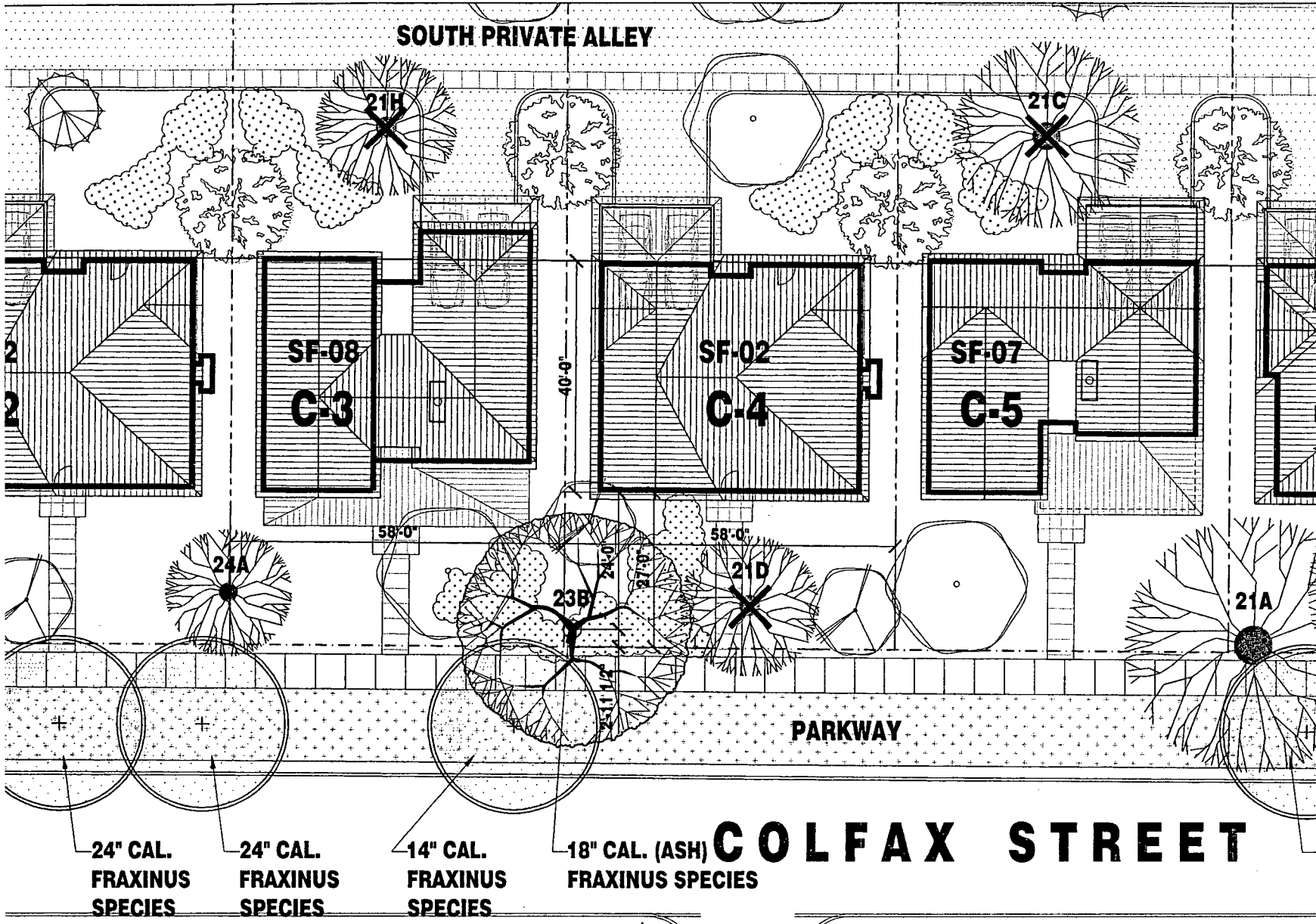
**EVANSTON HOMES**  
 @ Kendall College  
 Evanston, IL 60201  
 OAK TREE PRESERVATION  
 SITE PLAN A1.0BL

**NOTES:**

1. TYPICAL TREE PROTECTION DURING CONSTRUCTION TO BE CLEAR OF 3X THE TRUNK DEPTH OR AS RECOMMENDED OTHERWISE BY THE HORTICULTURALISTS.
2. VERIFY ALL FINAL DIMENSIONS IN THE FIELD.



**ORRINGTON AVENUE**

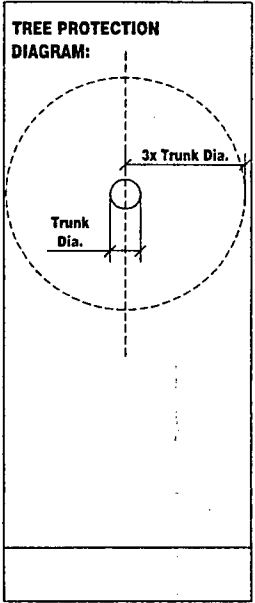


**BOOTH HANSEN**

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333 South Des Plaines Street  
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**Smithfield Properties  
XXXII, LLC**

Developer  
400 West Huron  
Chicago, Illinois 60610

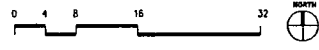


8 August, 2006

**EVANSTON  
HOMES**  
@ Kendall College  
Evanston, IL 60201

ASH TREE  
PRESERVATION  
SITE  
PLAN **A1.0CL**

**NOTES:**  
TYPICAL TREE PROTECTION DURING CONSTRUCTION TO BE CLEAR OF 3X THE TRUNK DEPTH OR AS  
RECOMMENDED OTHERWISE BY THE HORTICULTURALISTS.  
VERIFY ALL FINAL DIMENSIONS IN THE FIELD.



DOUGLAS HOERR LANDSCAPE ARCHITECTURE

| Tree #               | Type                                   | Caliper | Spread | Condition |
|----------------------|--|---------|--------|-----------|
| <b>PARKWAY TREES</b> |  |         |        |           |
| 1                    | Acer glaberrimum / Norway Maple        | 2 1/2"  | 45'    | poor-fair |
| 2                    | Acer species                           | 1 1/2"  | 25'    | good      |
| 3                    | Acer species                           | 2 1/2"  | 37'    | good      |
| 4                    | Acer species                           | 9"      | 22'    | good      |
| 5                    | Acer saccharinum / Silver Maple        | 2 1/2"  | 42'    | good      |
| 6                    | Populus deltoides / Cottonwood         | 1 1/2"  | 25'    | good      |
| 7                    | Populus deltoides / Cottonwood         | 1 1/2"  | 30'    | fair      |
| 8                    | Phellodendron amurense / Amur Corktree | 1 1/2"  | 35'    | fair      |
| 9                    | Celtis occidentalis / Hackberry        |         |        | good      |
| 10                   | Celtis occidentalis / Hackberry        |         |        | good      |
| 11                   | Phellodendron amurense / Amur Corktree | 1 1/2"  | 37'    | good      |
| 11a                  | Ulmus species                          | 3"      | 11'    | good      |
| 12                   | Phellodendron amurense / Amur Corktree | 1 1/2"  | 27'    | fair      |
| 13                   | Liriodendron tulipifera / Tuliptree    | 2 1/2"  | 20'    | good      |
| 14                   | Celtis occidentalis / Hackberry        | 1 1/2"  | 30'    | good      |
| 15                   | Liriodendron tulipifera / Tuliptree    | 1 1/2"  | 26'    | good      |
| 16                   | Ulmus species                          | 3 1/2"  | 45'    | specimen  |
| 17                   | Phellodendron amurense / Amur Corktree | 8"      | 22'    | good      |
| 18                   | Phellodendron amurense / Amur Corktree | 1 1/2"  | 30'    | poor      |
| 19                   | Fraxinus species                       | 1 1/2"  | 30'    | fair      |
| 20                   | Fraxinus species                       | 1 1/2"  | 22'    | poor-fair |
| 21                   | Fraxinus species                       | 1 1/2"  | 24'    | fair      |
| 22                   | Fraxinus species                       | 1 1/2"  | 26'    | fair      |
| 24                   | Fraxinus species                       | 1 1/2"  | 25'    | fair      |
| 25                   | Acer species                           | 2 1/2"  | 42'    | good      |
| 26                   | Tilia species                          | 1 1/2"  | 26'    | good      |

| Tree #                     | Type                               | Caliper | Spread | Condition |
|----------------------------|------------------------------------|---------|--------|-----------|
| <b>INTERIOR SITE TREES</b> |                                    |         |        |           |
| 18                         | Acer species                       | 2 1/2"  | 40'    | good      |
| 44                         | Gleditsia bicaribbea / Honeylocust | 2 1/2"  | 45'    | good      |
| 5a                         | Acer species                       | 2 1/2"  | 57'    | fair-good |
| 6a                         | Acer species                       | 9"      | 20'    | good      |
| 7a                         | Acer species                       | 1 1/2"  | 25'    | good      |
| 8a                         | Pinus strobus / Austrian Pine      | 1 1/2"  | 30'    | good      |
| 8b                         | Acer species                       | 2 1/2"  | 35'    | fair      |
| 8c                         | Pinus species                      | 1 1/2"  | 28'    | fair      |
| 10a                        | Pinus nigra                        | 1 1/2"  | 25'    | poor      |
| 11a                        | Quercus macrocarpa / Bur Oak       | 3 1/2"  | 64'    | specimen  |
| 12a                        | Quercus species                    | 3 1/2"  | 57'    | specimen  |
| 12b                        | Quercus species                    | 3 1/2"  | 60'    | specimen  |
| 14a                        | Acer species                       | 9"      | 30'    | specimen  |
| 14b                        | Acer species                       | 9"      | 19'    | good      |
| 14c                        | Acer species                       | 1 1/2"  | 16'    | good      |
| 14d                        | Acer species                       | 1 1/2"  | 20'    | good      |
| 14a                        | Acer species                       | 1 1/2"  | 20'    | good      |
| 16a                        | Scotch Pine                        | 1 1/2"  | 20'    | good      |
| 16b                        | Beech species                      | 1 1/2"  | 19'    | good      |
| 21a                        | unknown                            | 2 1/2"  | 35'    | good      |
| 21b                        | Ulmus species                      | 3 1/2"  | 55'    | good      |
| 21c                        | Acer species                       | 4 1/2"  | 65'    | specimen  |
| 21d                        | Acer species                       | 1 1/2"  | 32'    | fair      |
| 21e                        | ginkgo species                     | 1 1/2"  | 25'    | good      |
| 21f                        | Gleditsia bicaribbea / Honeylocust | 2 1/2"  | 45'    | good      |
| 21g                        | Gleditsia bicaribbea / Honeylocust | 1 1/2"  | 35'    | good      |
| 21h                        | Gleditsia bicaribbea / Honeylocust | 2 1/2"  | 50'    | good      |
| 21i                        | Quercus species                    | 1 1/2"  | 25'    | good      |
| 21j                        | Quercus species                    | 1 1/2"  | 30'    | good      |
| 21k                        | Gleditsia bicaribbea / Honeylocust | 1 1/2"  | 40'    | good      |
| 21l                        | Gleditsia bicaribbea / Honeylocust | 1 1/2"  | 35'    | good      |
| 21m                        | Acer species                       | 2 1/2"  | 5'     | good      |
| 22a                        | Acer species                       | 1 1/2"  | 32'    | fair      |
| 22b                        | Fraxinus species (multi-stemmed)   | 1 1/2"  | 38'    | fair      |
| 24a                        | Magnolia species                   | 8"      | 20'    | good      |

BOOTH HANSEN

Architecture - Interiors - Planning  
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Developer  
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PRELIMINARY  
LANDSCAPE SITE  
TREE  
SURVEY A1.0AL

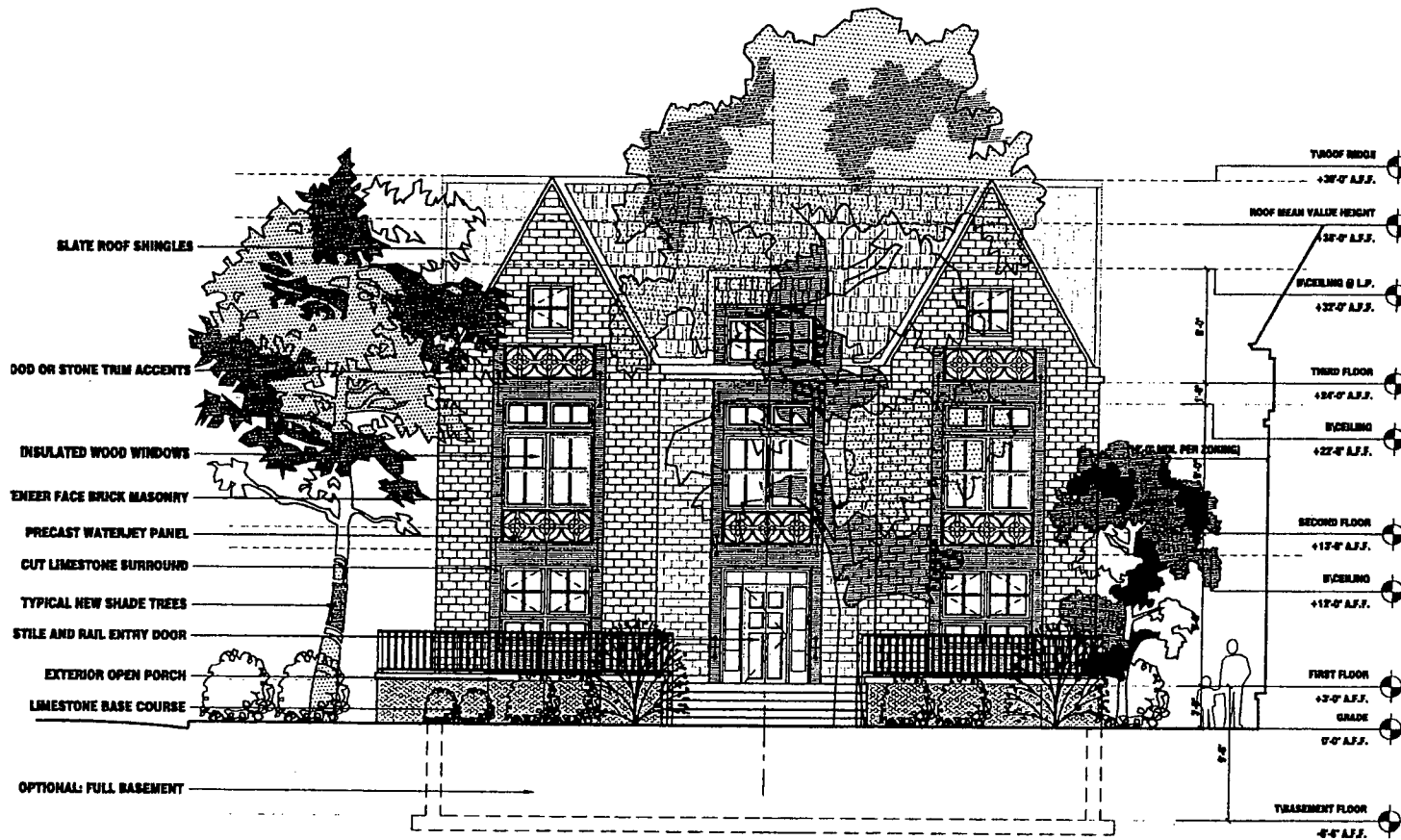
EXHIBIT E  
**ELEVATIONS**

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XXXII, LLC

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400 West Huron  
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1 FRONT STREET ELEVATION  
HOUSE TYPE 01 - 40'-0" x 46'-0" NOMINAL

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TYPICAL HOUSE ELEV A3.1

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2 SIDE ELEVATION - A  
HOUSE TYPE 01 - 40'-0" x 46'-0"



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TYPICAL  
HOUSE  
ELEV A3.1A

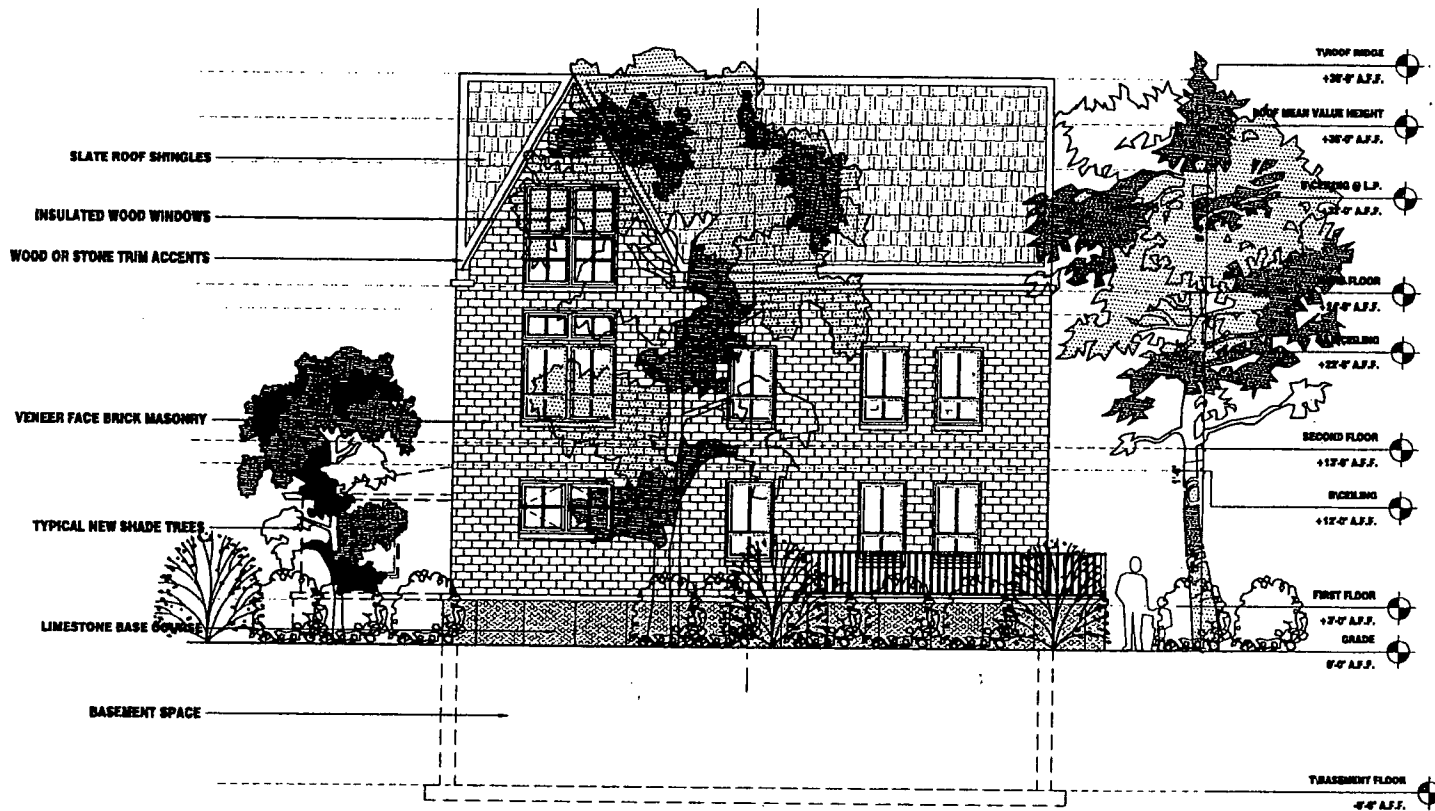


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400 West Huron  
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3 SIDE ELEVATION - B  
HOUSE TYPE 01 - 40'-0" x 46'-0"



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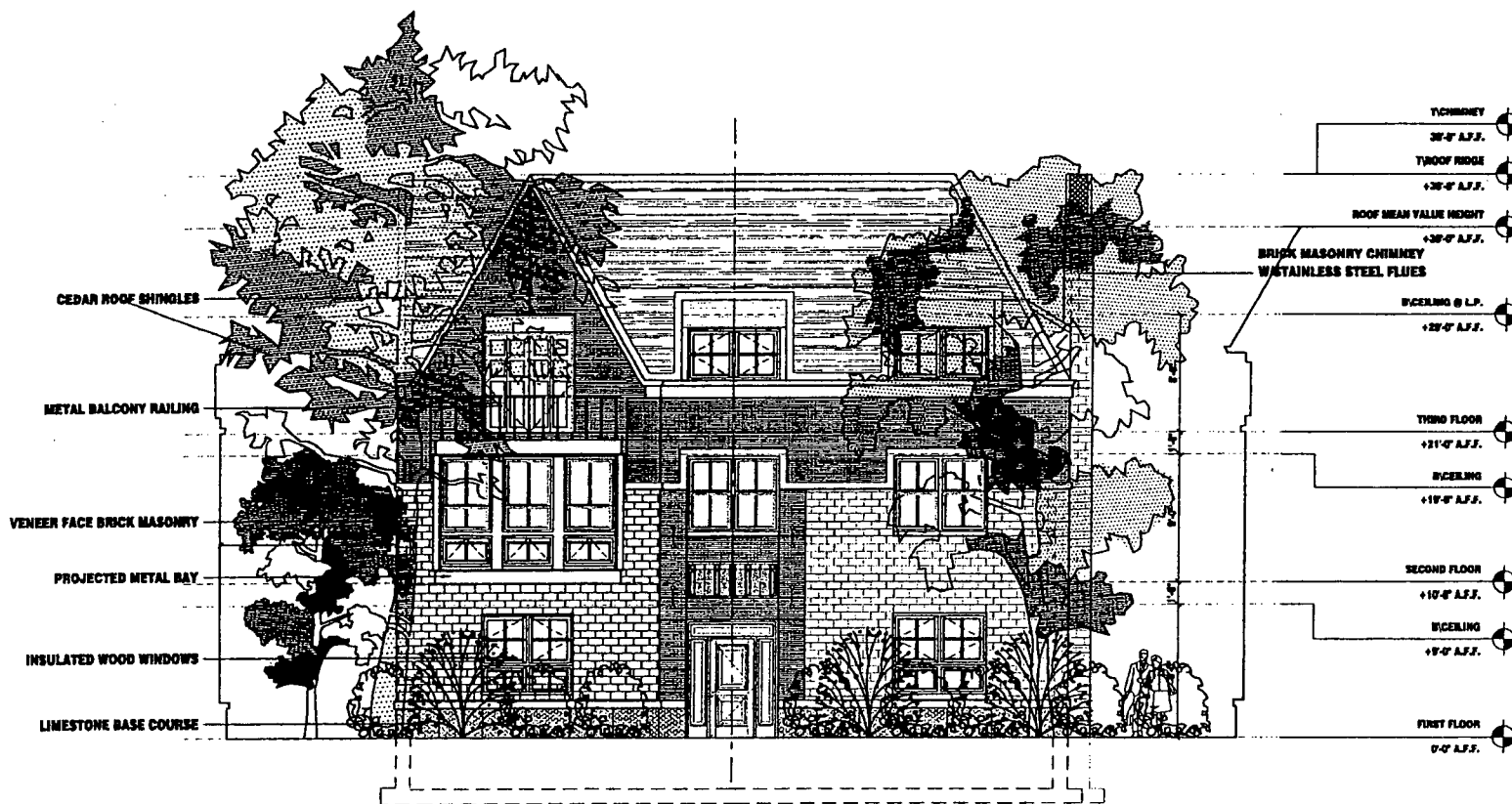
TYPICAL  
HOUSE  
ELEV A3.1B

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1 FRONT STREET ELEVATION  
HOUSE TYPE 02 - 40'-0" x 46'-0" NOMINAL



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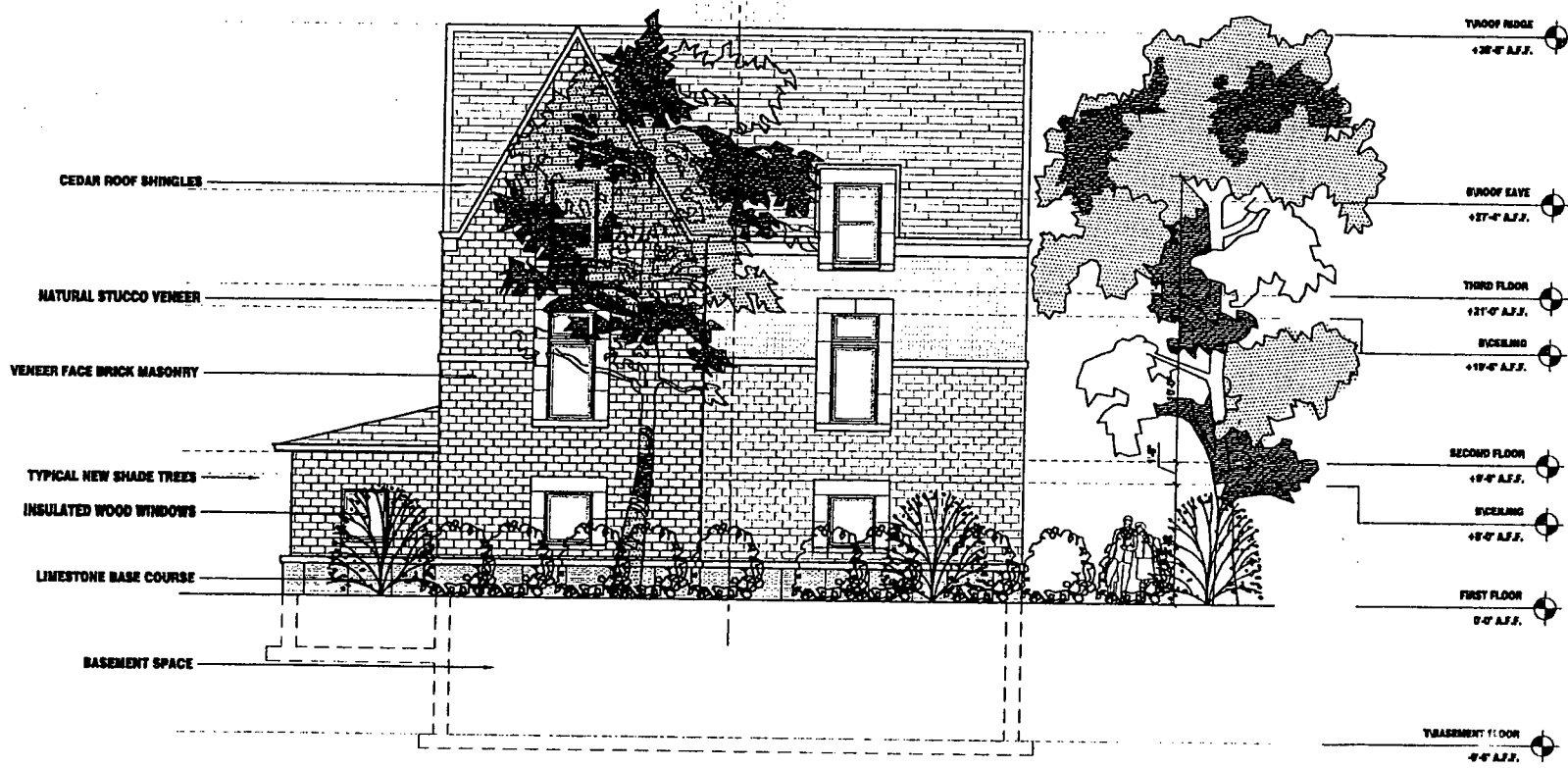
TYPICAL  
HOUSE  
ELEV A3.2

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2 SIDE ELEVATION - A  
HOUSE TYPE 02 - 40'-0" x 46'-0" (5,520 SF)

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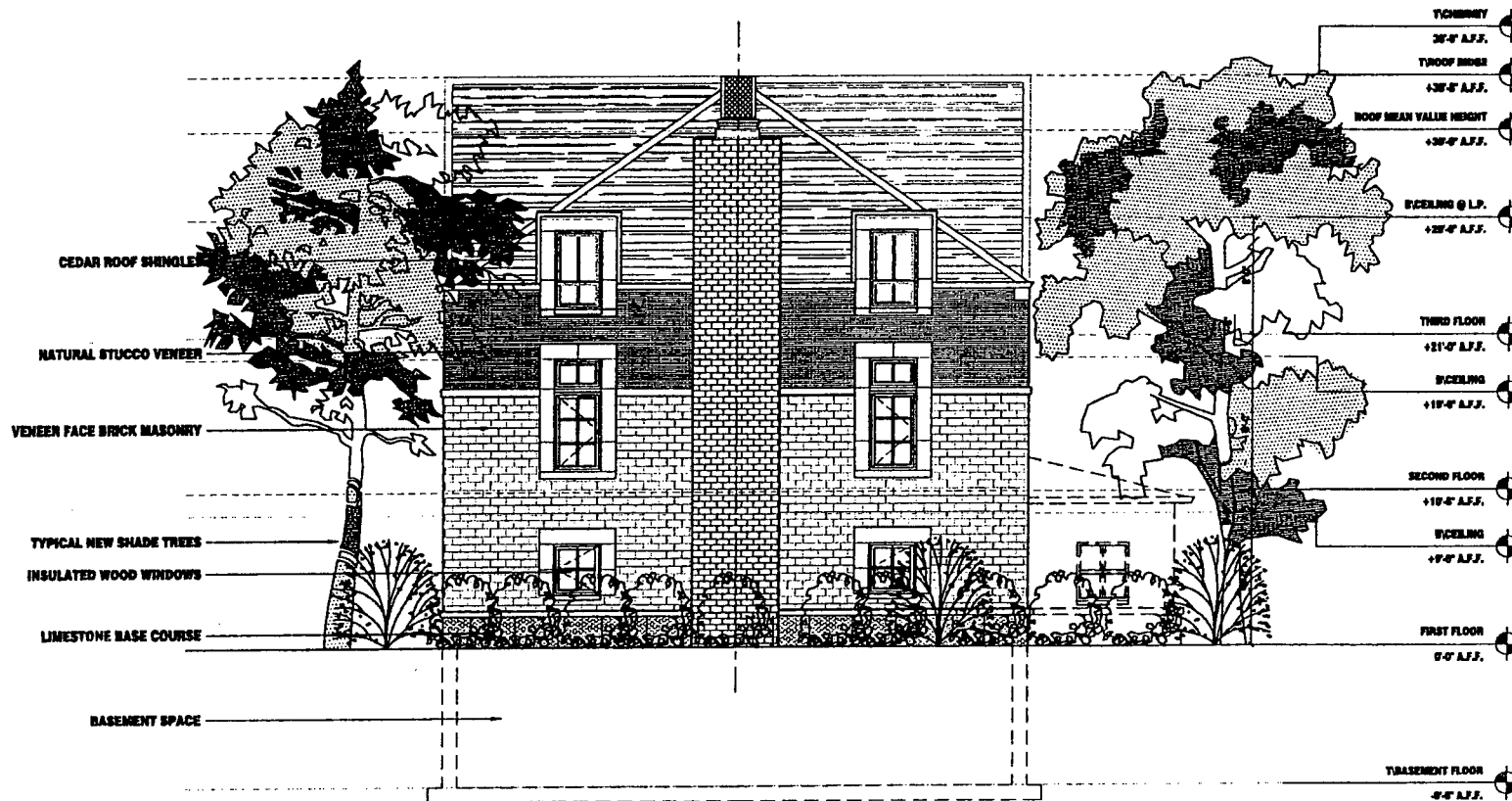
TYPICAL  
HOUSE  
ELEV A3.2A

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3 SIDE ELEVATION - B  
HOUSE TYPE 02 - 40'-0" x 46'-0"



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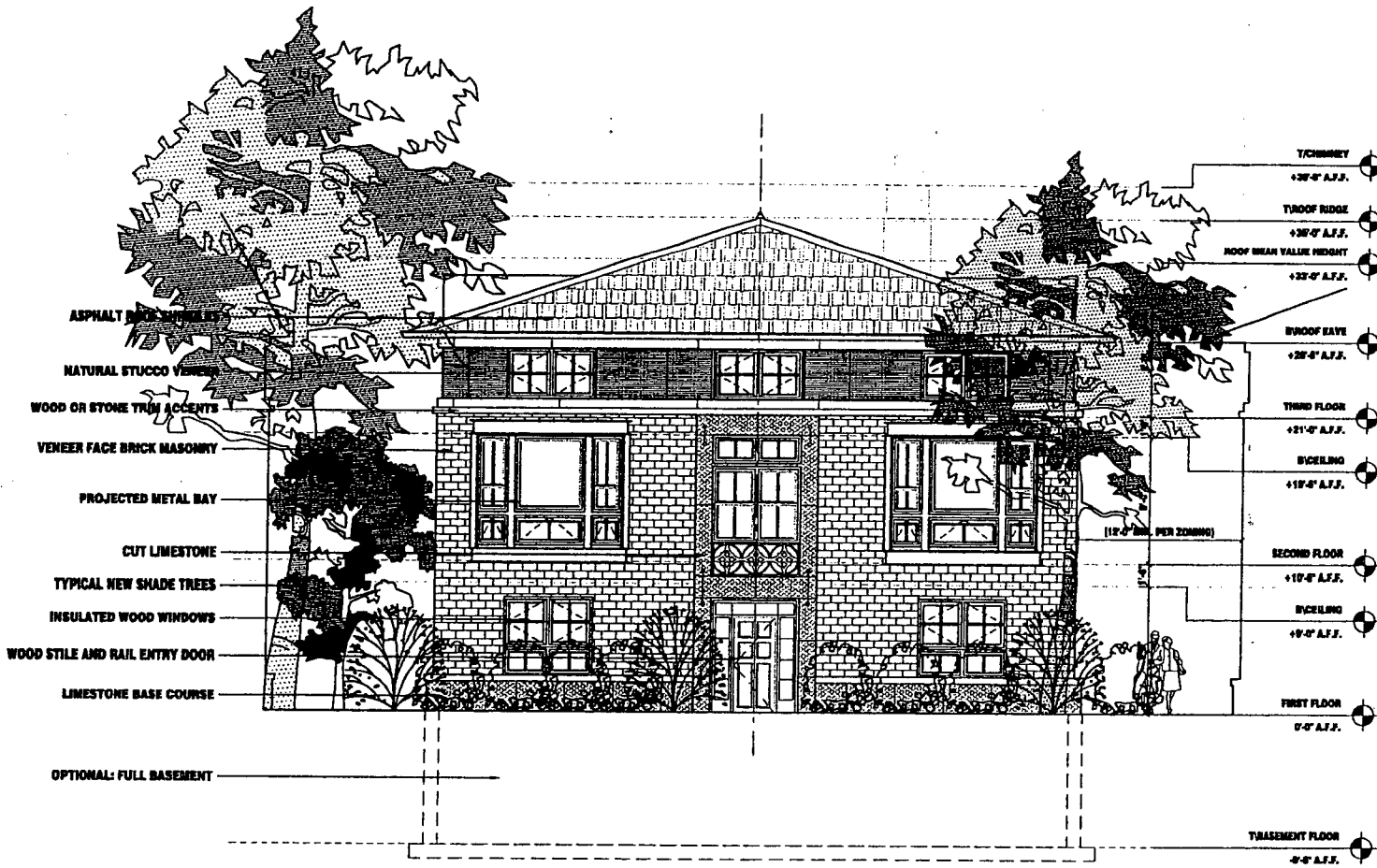
TYPICAL  
HOUSE  
ELEV A3.2B

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1 FRONT STREET ELEVATION  
HOUSE TYPE 03 - 40'-0" x 46'-0" NOMINAL



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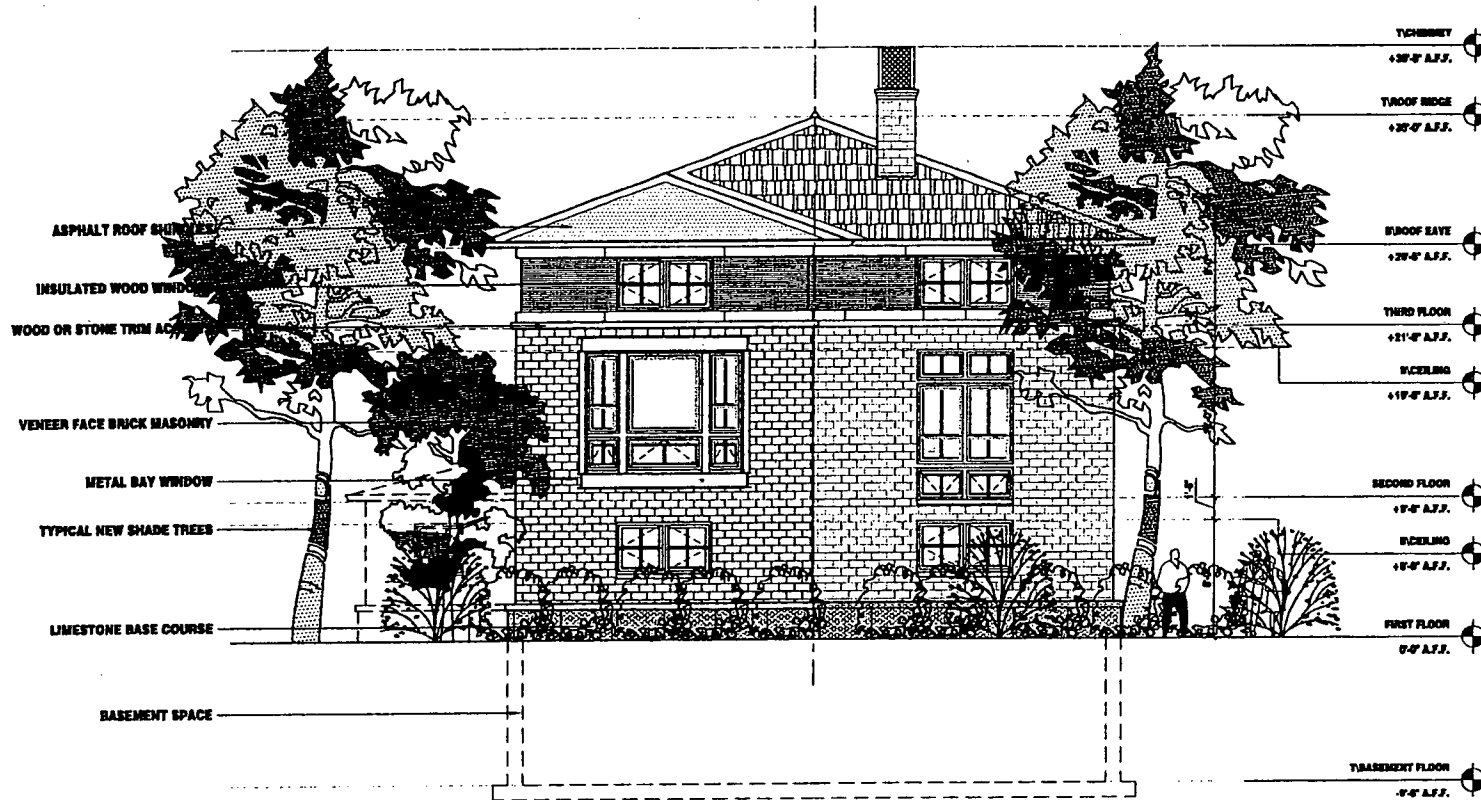
TYPICAL  
HOUSE  
ELEV A3.3

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Chicago, Illinois 60610



2 SIDE ELEVATION - A  
HOUSE TYPE 03 - 40'-0" x 46'-0"



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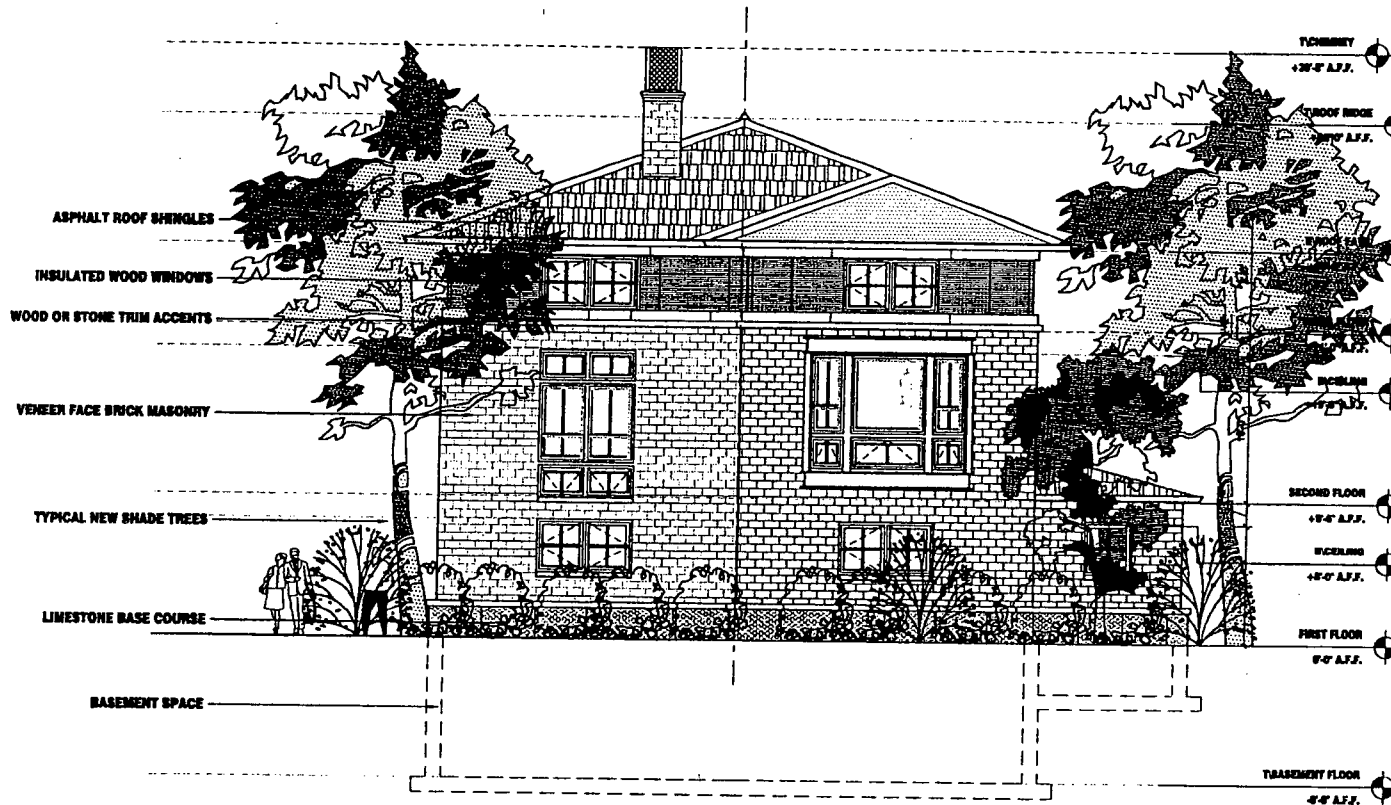
TYPICAL  
HOUSE  
ELEV A3.3A

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333 South Dear Plaines Street  
Chicago, Illinois 60661

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XXXII, LLC

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400 West Huron  
Chicago, Illinois 60610



3 SIDE ELEVATION - B  
HOUSE TYPE 03 - 40'-0" x 46'-0"



8 August, 2006

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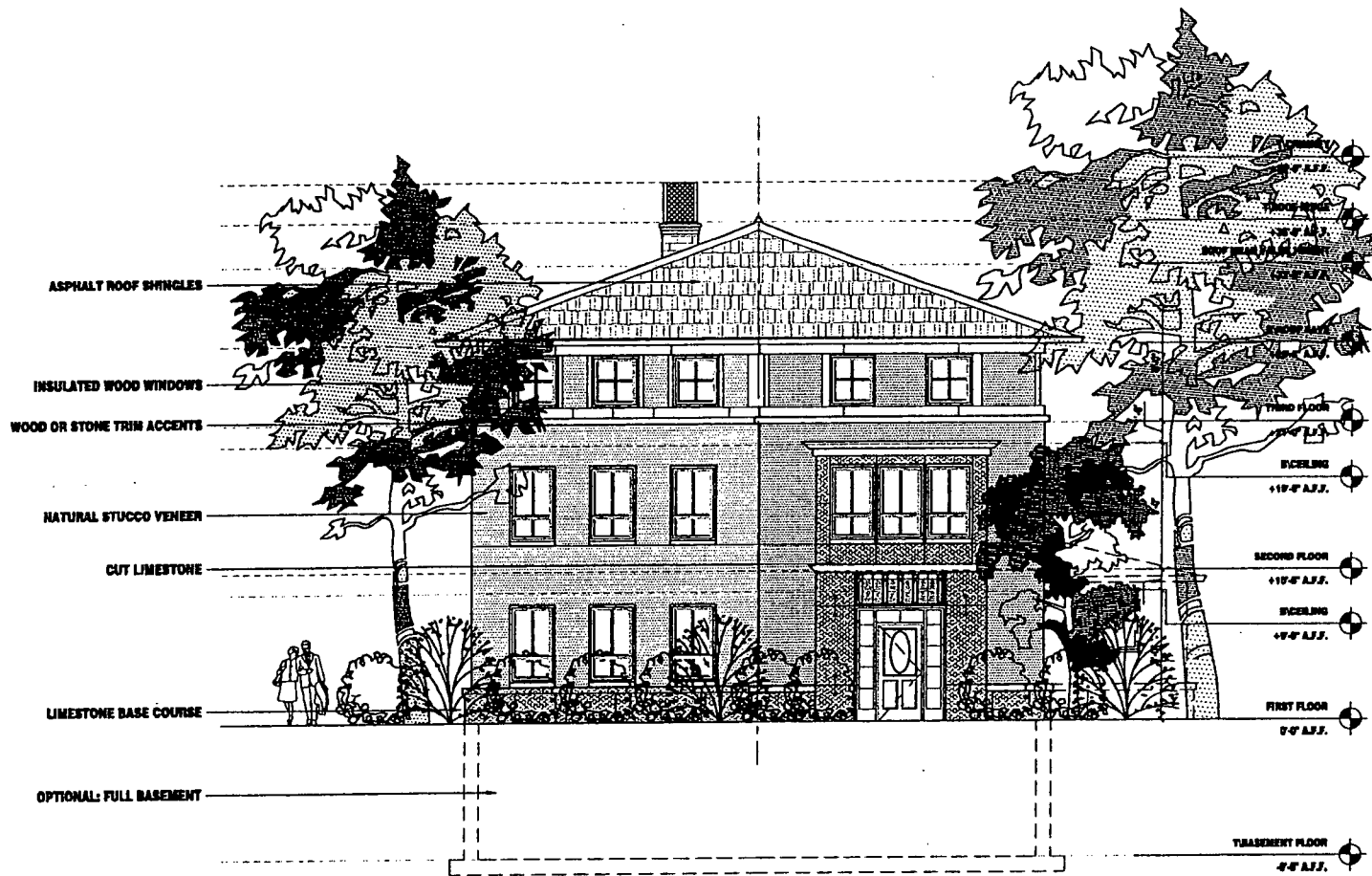
TYPICAL  
HOUSE  
ELEV A3.3B

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Developer  
400 West Huron  
Chicago, Illinois 60610



1 FRONT STREET ELEVATION  
HOUSE TYPE 04 - 40'-0" x 46'-0" NOMINAL

8 AUGUST, 2006

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Evanston, IL 60201

TYPICAL  
HOUSE  
ELEV

A3.4

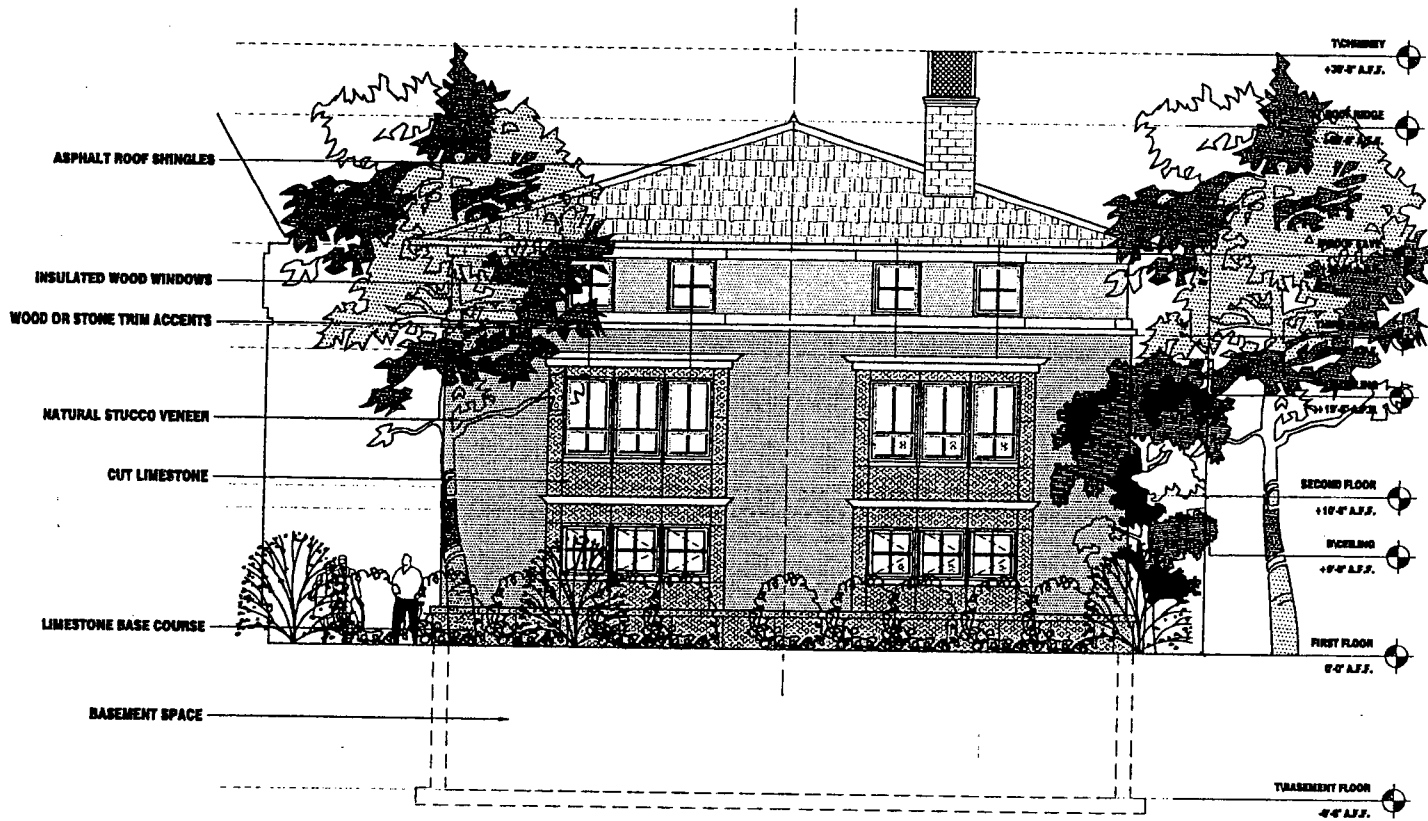


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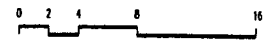
Architecture - Interiors - Planning  
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Chicago, Illinois 60661

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XXXII, LLC

Developer  
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Chicago, Illinois 60610



2 SIDE ELEVATION - A  
HOUSE TYPE 04 - 40'-0" x 46'-0"



8 August, 2006

**EVANSTON HOMES**  
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Evanston, IL 60201

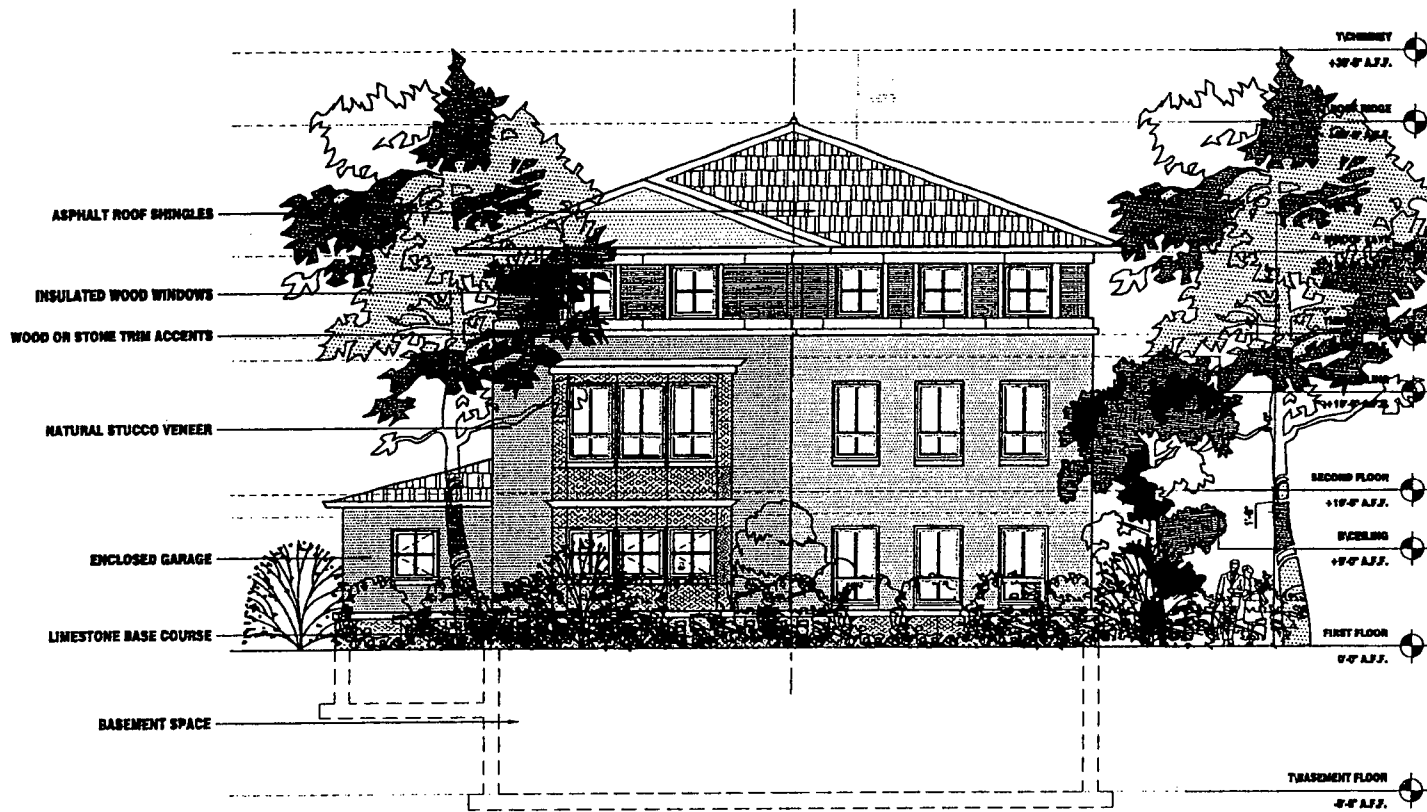
TYPICAL HOUSE ELEV **A3.4A**

BOOTH HANSEN

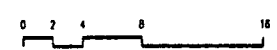
Architecture - Interiors - Planning  
333 South Dear Pines Street  
Chicago, Illinois 60651

Smithfield Properties  
XXXII, LLC

Developer  
400 West Huron  
Chicago, Illinois 60610



3 SIDE ELEVATION - B  
HOUSE TYPE 04 • 40'-0" x 46'-0"



8 August, 2006

EVANSTON  
HOMES  
@ Kendall College  
Evanston, IL 60201

TYPICAL  
HOUSE  
ELEV A3.4B

BOOTH HANSEN

Architecture - Interiors - Planning  
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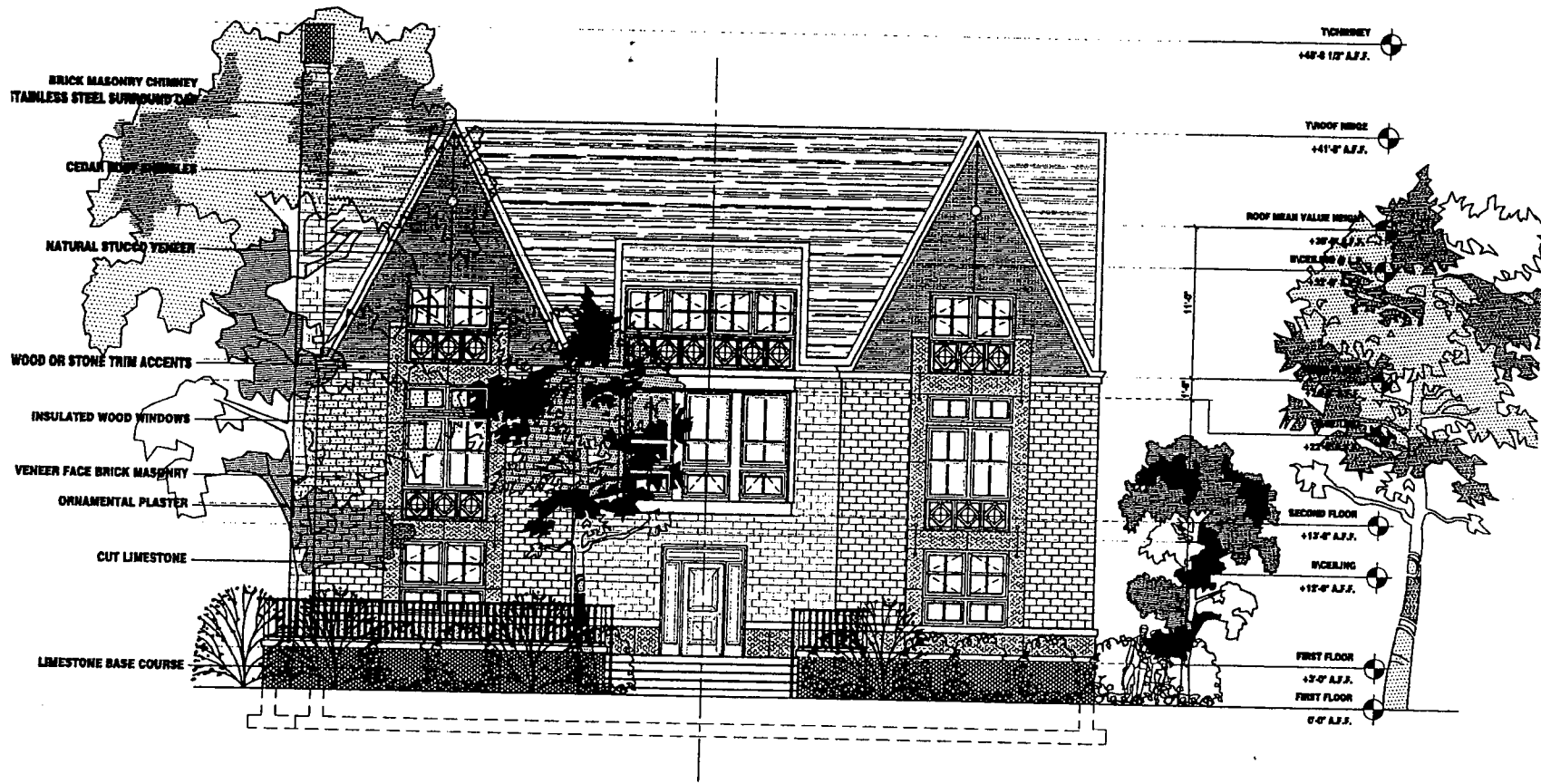
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8 AUGUST, 2006

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TYPICAL  
HOUSE  
ELEV      A3.5



1 FRONT STREET ELEVATION  
HOUSE TYPE 05 - 40'-0" x 58'-0" NOMINAL

BOOTH HANSEN

Architecture - Interiors - Planning  
333 South Des Plaines Street  
Chicago, Illinois 60661

Smithfield Properties  
XXXII, LLC

Developer  
400 West Huron  
Chicago, Illinois 60610



2 SIDE ALLEY ELEVATION - A  
HOUSE TYPE 05 - 40'-0" x 58'-0"

8 August, 2006

EVANSTON  
HOMES  
@ Kendall College  
Evanston, IL 60201

TYPICAL  
HOUSE  
ELEV A3.5A

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Chicago, Illinois 60661

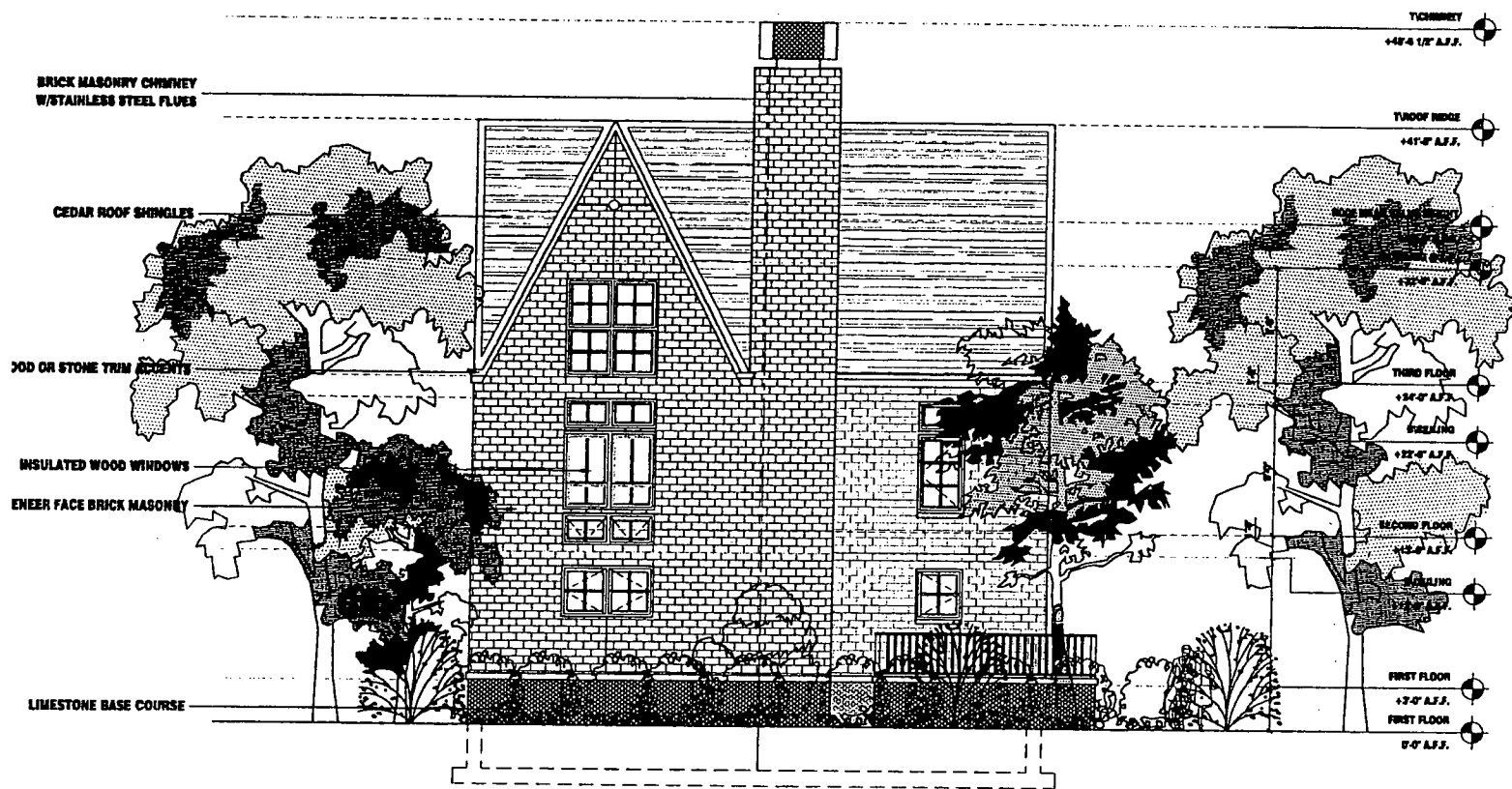
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8 August, 2006

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TYPICAL  
HOUSE  
ELEV **A3.5B**



**3** SIDE ELEVATION - B  
HOUSE TYPE 05 - 40'-0" x 58'-0"

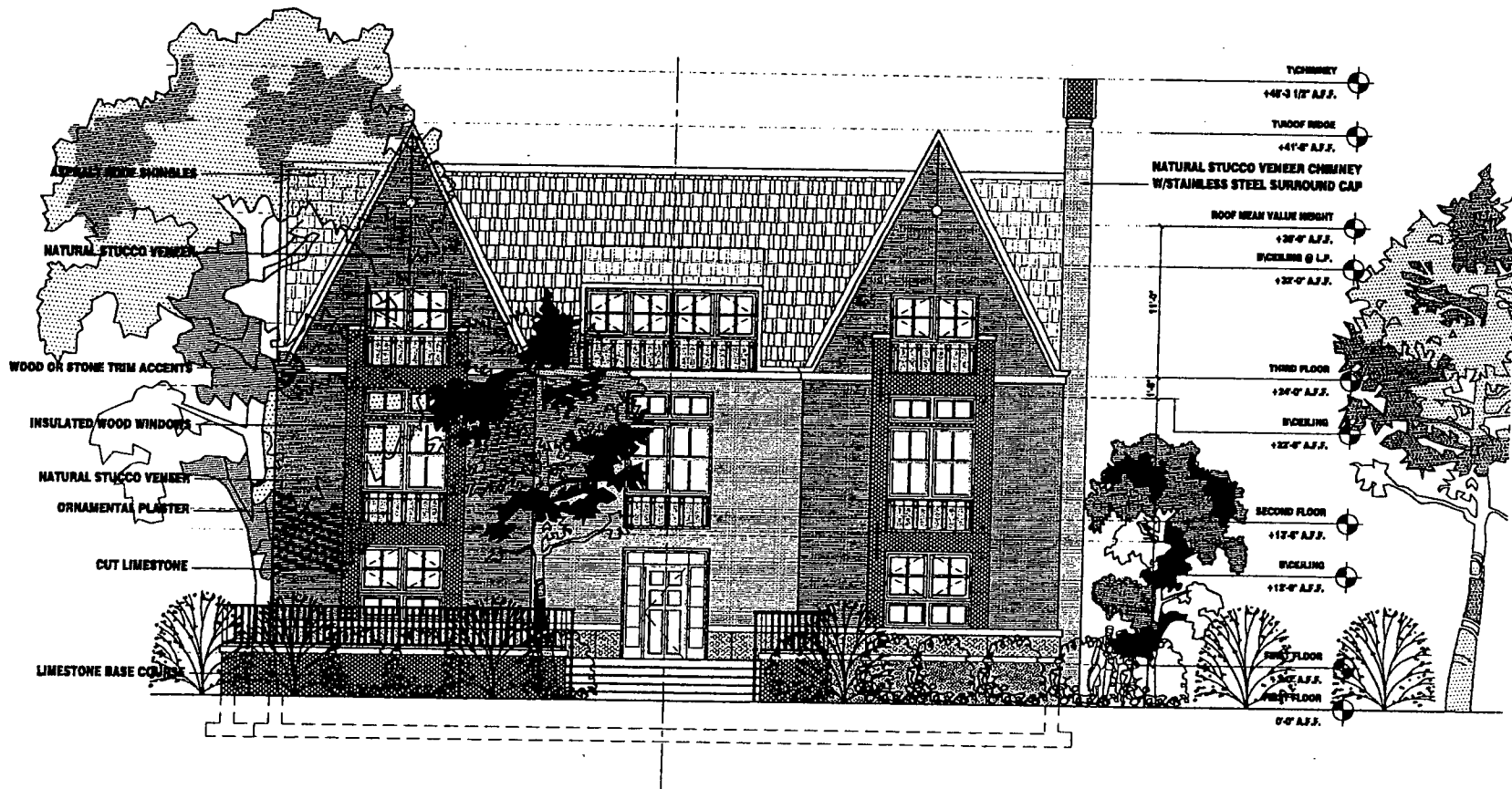


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2 SIDE ELEVATION - A  
HOUSE TYPE 06 • 40'-0" x 58'-0" NOMINAL



8 AUGUST, 2006

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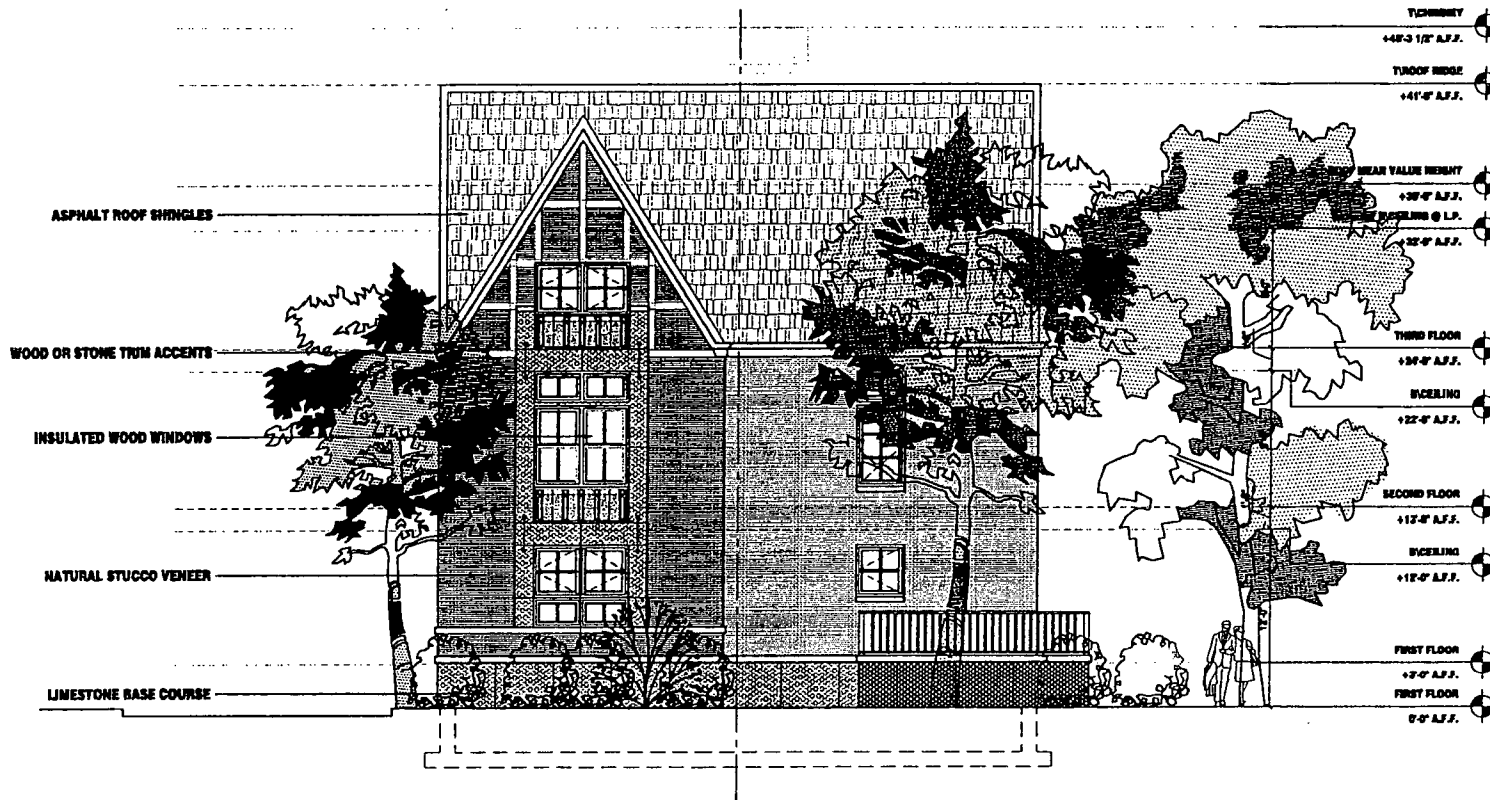
TYPICAL  
HOUSE  
ELEV A3.6

BOOTH HANSEN

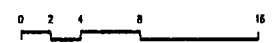
Architecture - Interiors - Planning  
333 South Des Plaines Street  
Chicago, Illinois 60661

Smithfield Properties  
XXXII, LLC

Developer  
400 West Huron  
Chicago, Illinois 60610



1 FRONT STREET ELEVATION  
HOUSE TYPE 06 - 40'-0" x 58'-0"



8 August, 2006

**EVANSTON HOMES**  
@ Kendall College  
Evanston, IL 60201

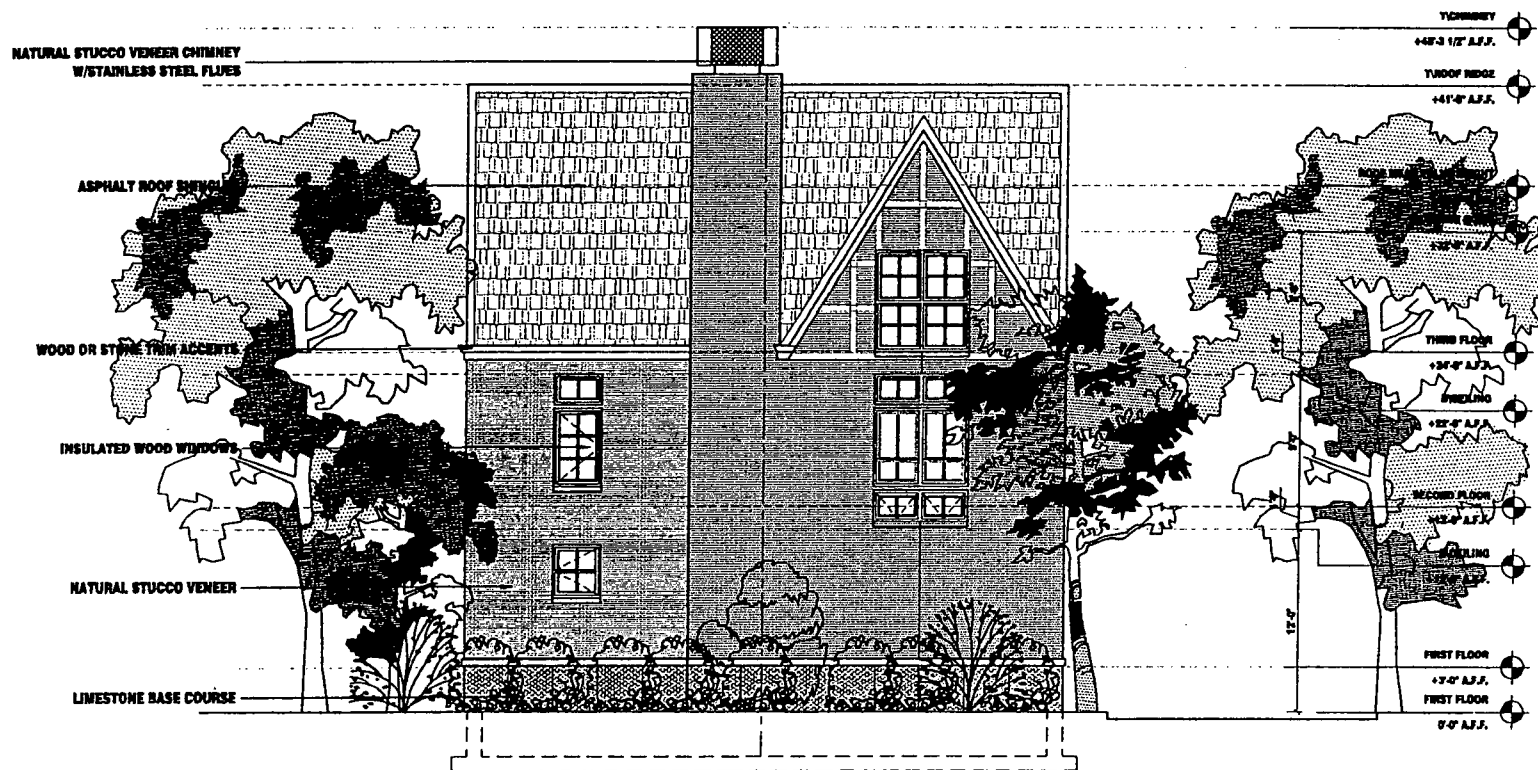
TYPICAL HOUSE ELEV A3.6A

BOOTH HANSEN

Architecture - Interiors - Planning  
333 South Des Plaines Street  
Chicago, Illinois 60661

Smithfield Properties  
XXXII, LLC

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400 West Huron  
Chicago, Illinois 60610



3 SIDE ELEVATION - B  
HOUSE TYPE 06 - 40'-0" x 58'-0"



8 August, 2006

**EVANSTON HOMES**  
© Kendall College  
Evanston, IL 60201

TYPICAL HOUSE ELEV **A3.6B**

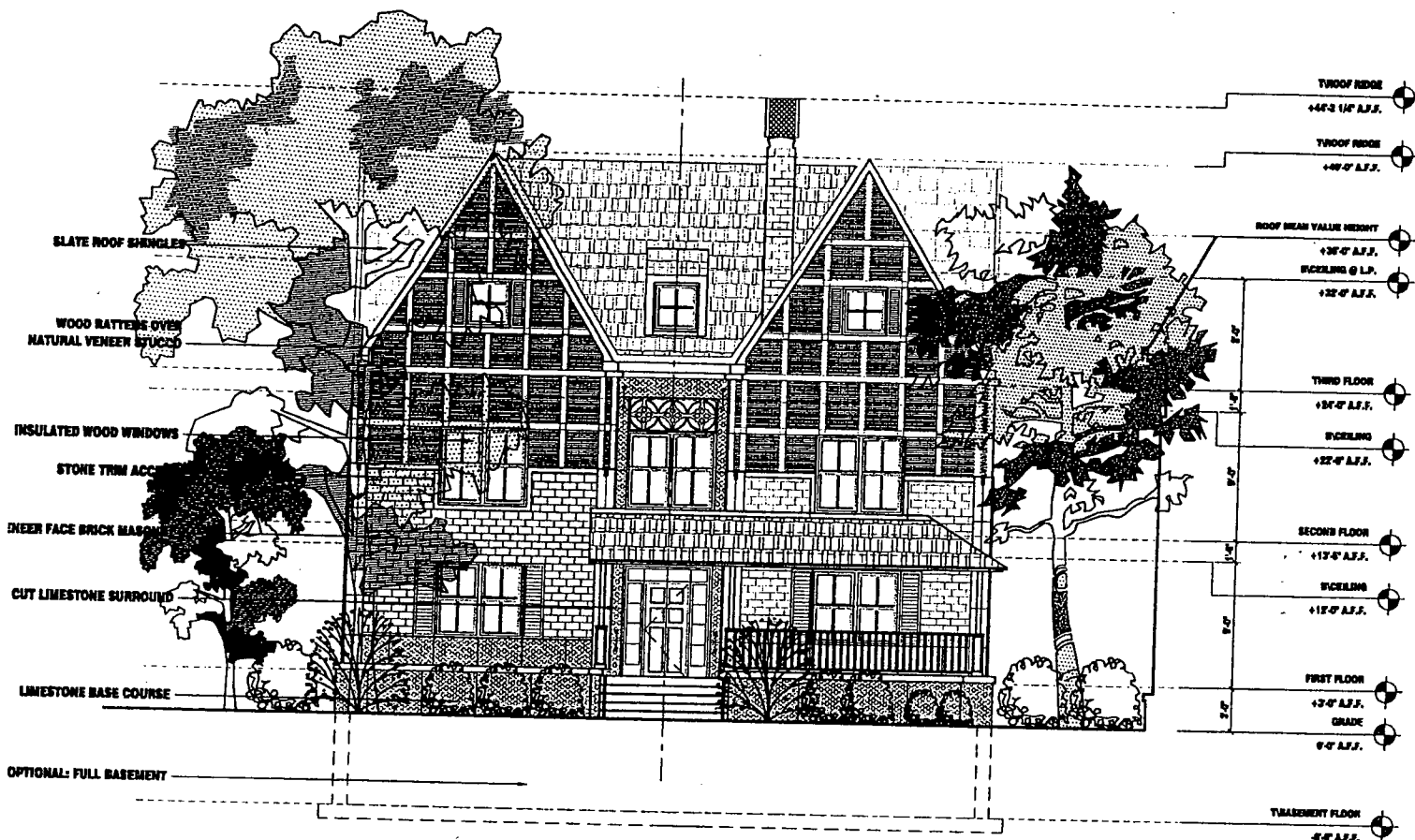


BOOTH HANSEN

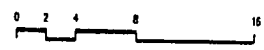
Architecture - Interiors - Planning  
333 South Des Plaines Street  
Chicago, Illinois 60661

Smithfield Properties  
XXXII, LLC

Developer  
400 West Huron  
Chicago, Illinois 60610



1 FRONT STREET ELEVATION  
HOUSE TYPE 07 - 40'-0" x 46'-0" NOMINAL



8 AUGUST, 2006

EVANSTON  
HOMES  
@ Kendall College  
Evanston, IL 60201

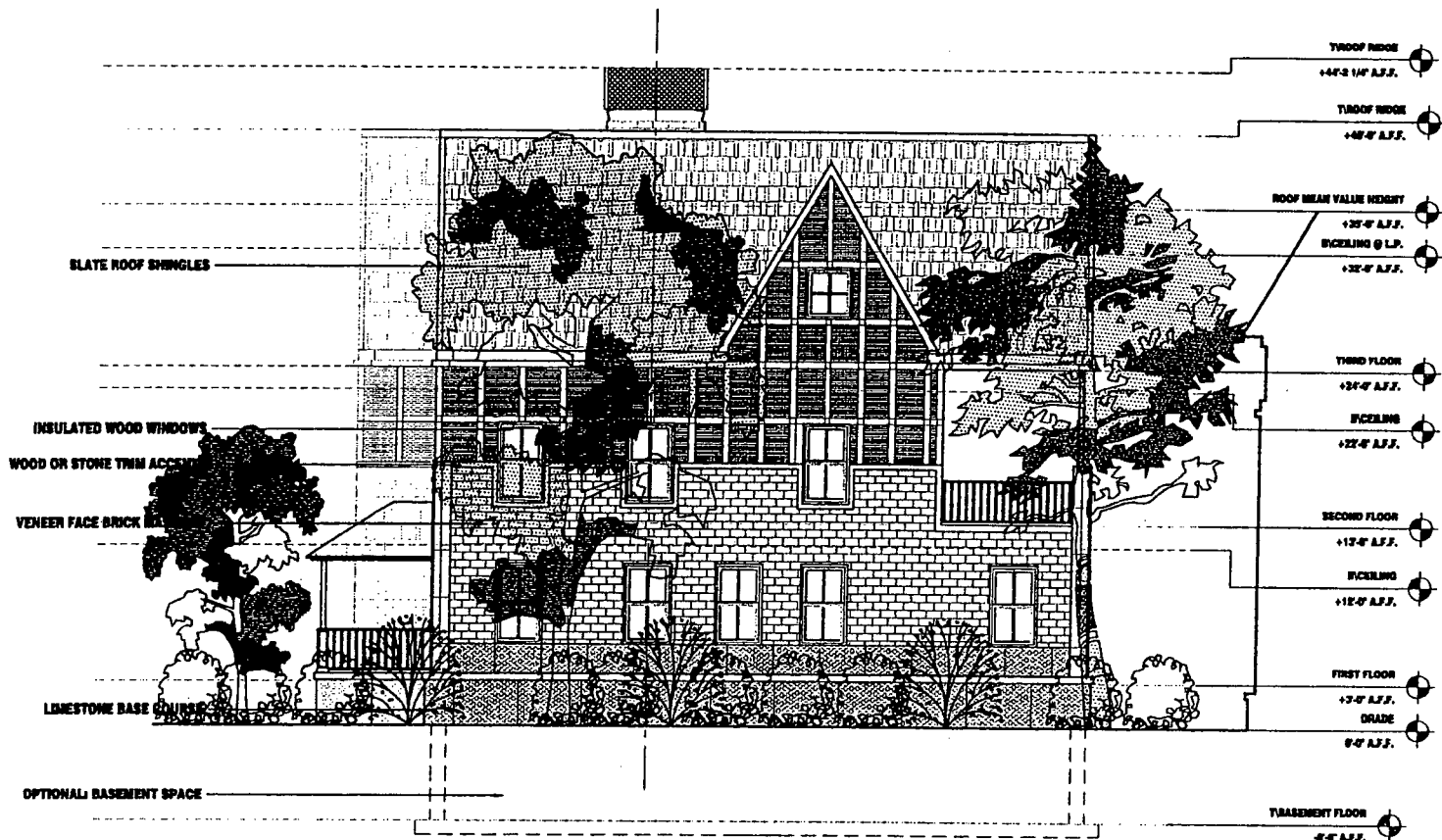
TYPICAL  
HOUSE  
ELEV A3.7

BOOTH HANSEN

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333 South Des Plaines Street  
Chicago, Illinois 60661

Smithfield Properties  
XXXII, LLC

Developer  
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Chicago, Illinois 60610



2 SIDE ELEVATION - A  
HOUSE TYPE 07 - 40'-0" x 46'-0" NOMINAL



8 August, 2006

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HOMES  
@ Kendall College  
Evanston, IL 60201

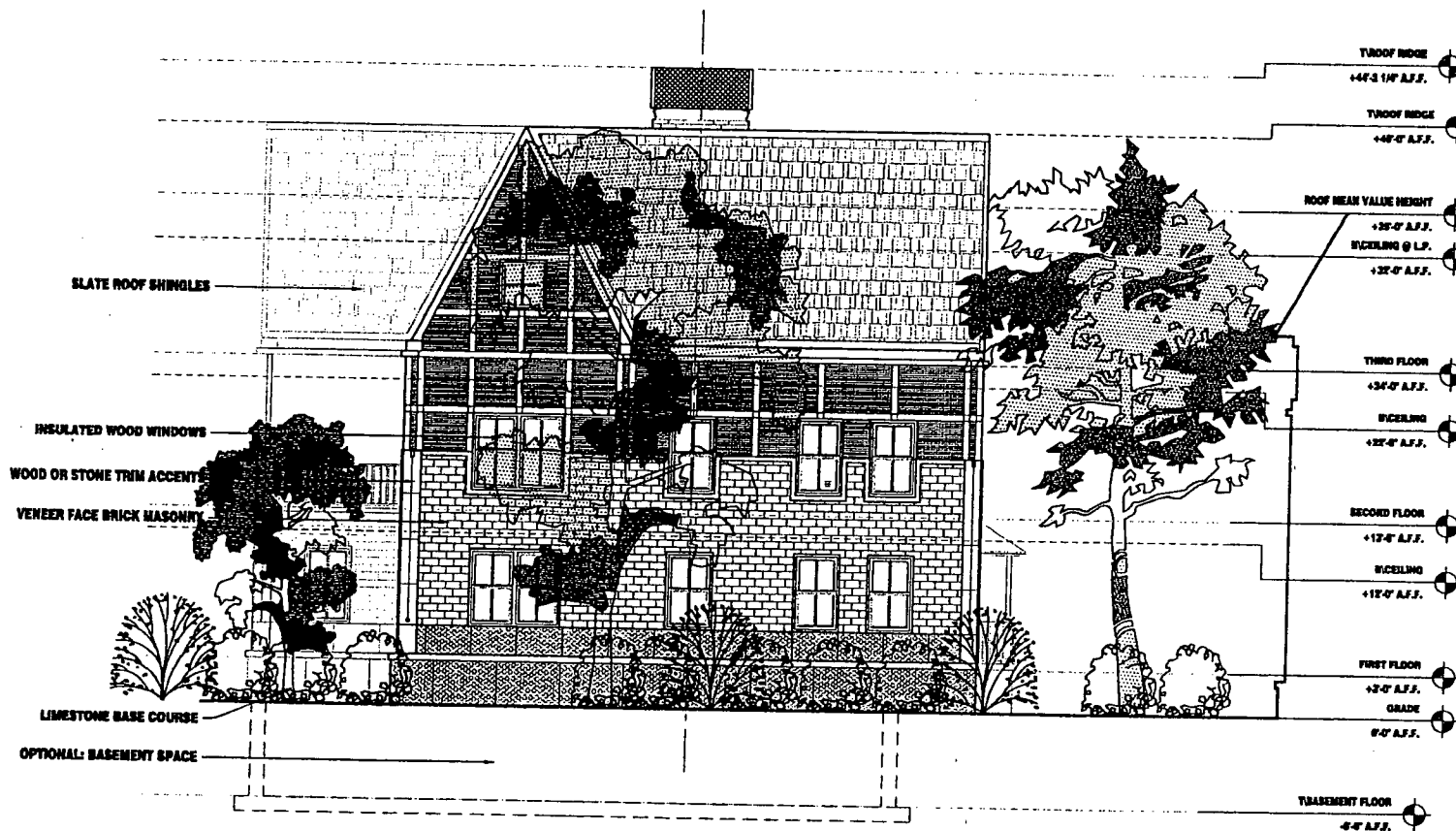
TYPICAL  
HOUSE  
ELEV. A3.7A

BOOTH HANSEN

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333 South Dear Pines Street  
Chicago, Illinois 60651

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XXXII, LLC

Developer  
400 West Huron  
Chicago, Illinois 60610



3 **SIDE ELEVATION - B**  
**HOUSE TYPE 07 • 40'-0" x 46'-0" NOMINAL**

8 August, 2006

**EVANSTON HOMES**  
@ Kendall College  
Evanston, IL 60201

TYPICAL  
HOUSE  
ELEV **A3.7B**

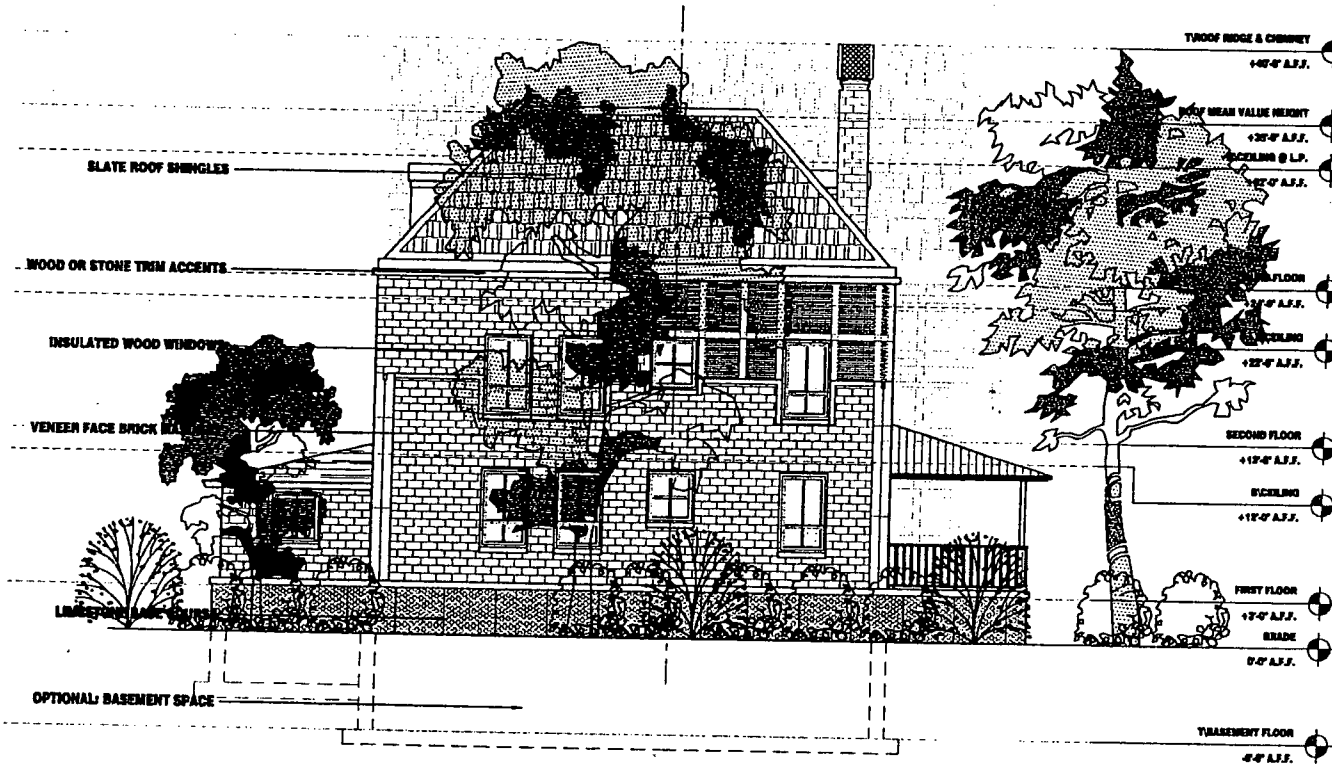


BOOTH HANSEN

Architecture - Interiors - Planning  
333 South Des Plaines Street  
Chicago, Illinois 60661

Smithfield Properties  
XXXII, LLC

Developer  
400 West Huron  
Chicago, Illinois 60610



2 SIDE ELEVATION - A

HOUSE TYPE 08 - 40'-0" x 46'-0"



8 August, 2006

EVANSTON  
HOMES  
@ Kendall College  
Evanston, IL 60201

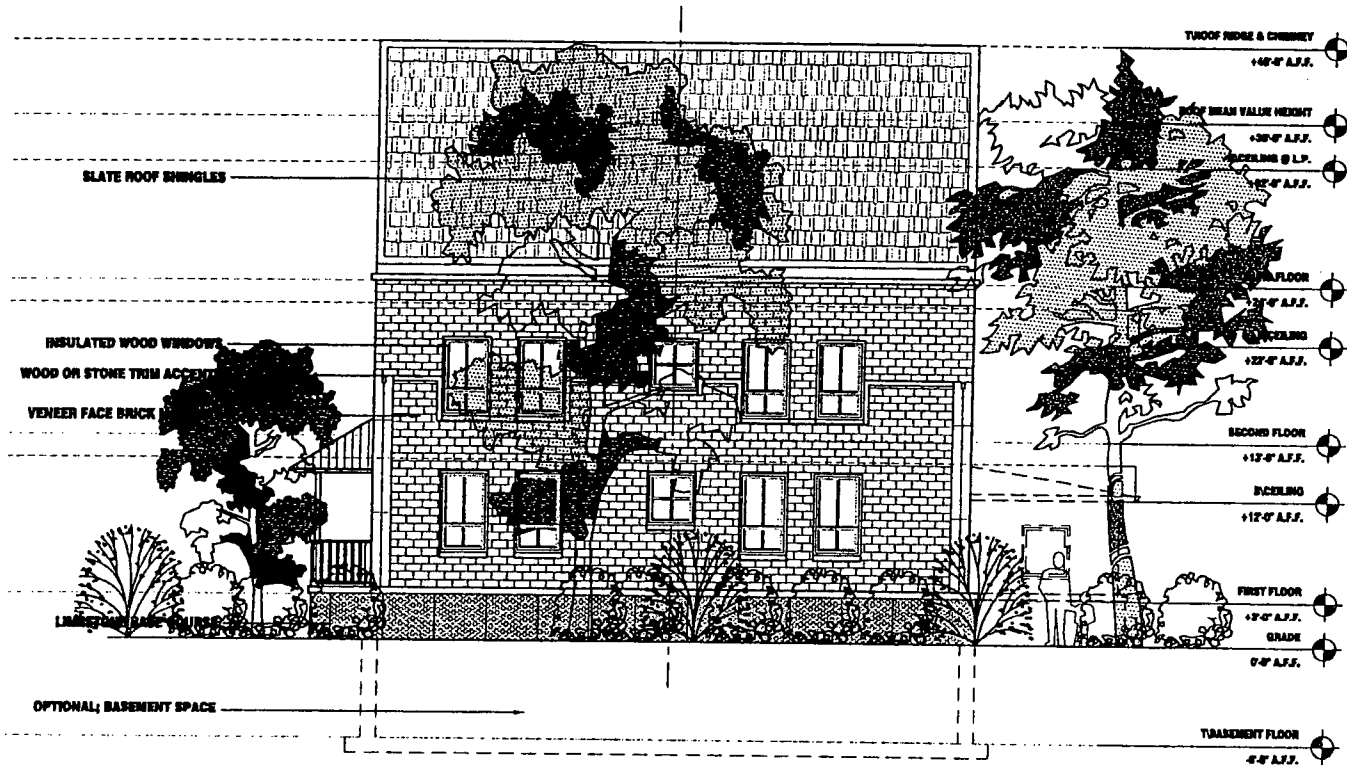
TYPICAL  
HOUSE  
ELEV A3.8A

BOOTH HANSEN

Architecture - Interiors - Planning  
333 South Dear Pines Street  
Chicago, Illinois 60661

Smithfield Properties  
XXXII, LLC

Developer  
400 West Huron  
Chicago, Illinois 60610



3 SIDE ELEVATION - B  
HOUSE TYPE 08 - 40'-0" x 46'-0"



8 August, 2006

**EVANSTON HOMES**  
@ Kendall College  
Evanston, IL 60201

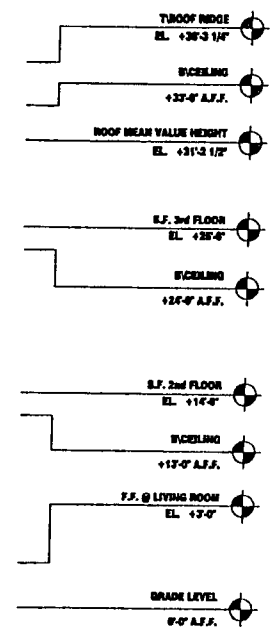
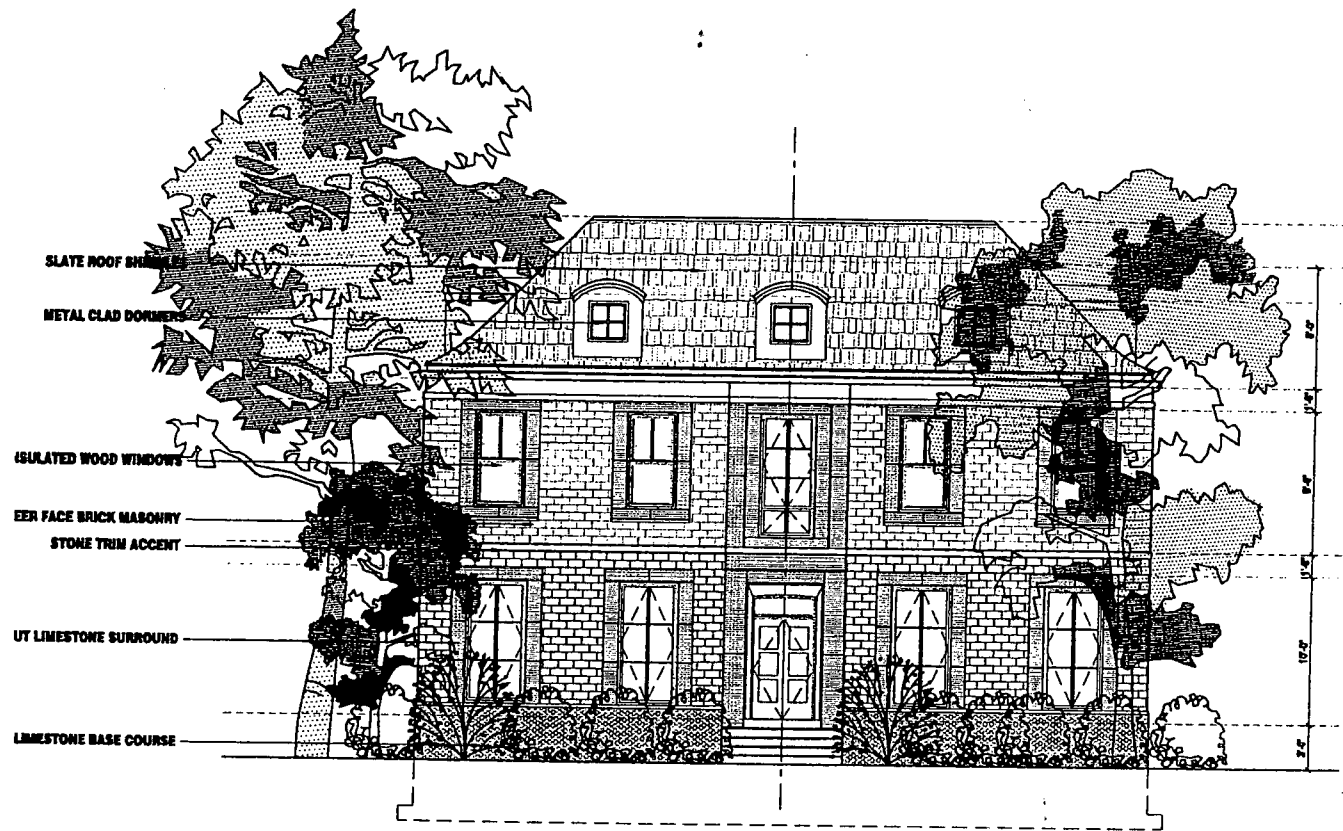
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BOOTH HANSEN

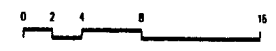
Architecture - Interiors - Planning  
333 South Des Plaines Street  
Chicago, Illinois 60661

Smithfield Properties  
XXXII, LLC

Developer  
400 West Huron  
Chicago, Illinois 60610



1 FRONT STREET ELEVATION  
HOUSE TYPE 09 • 30'-0" x 49'-0" NOMINAL



8 AUGUST, 2006

EVANSTON  
HOMES  
@ Kendall College  
Evanston, IL 60201

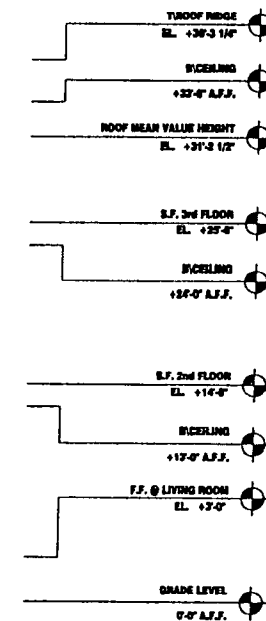
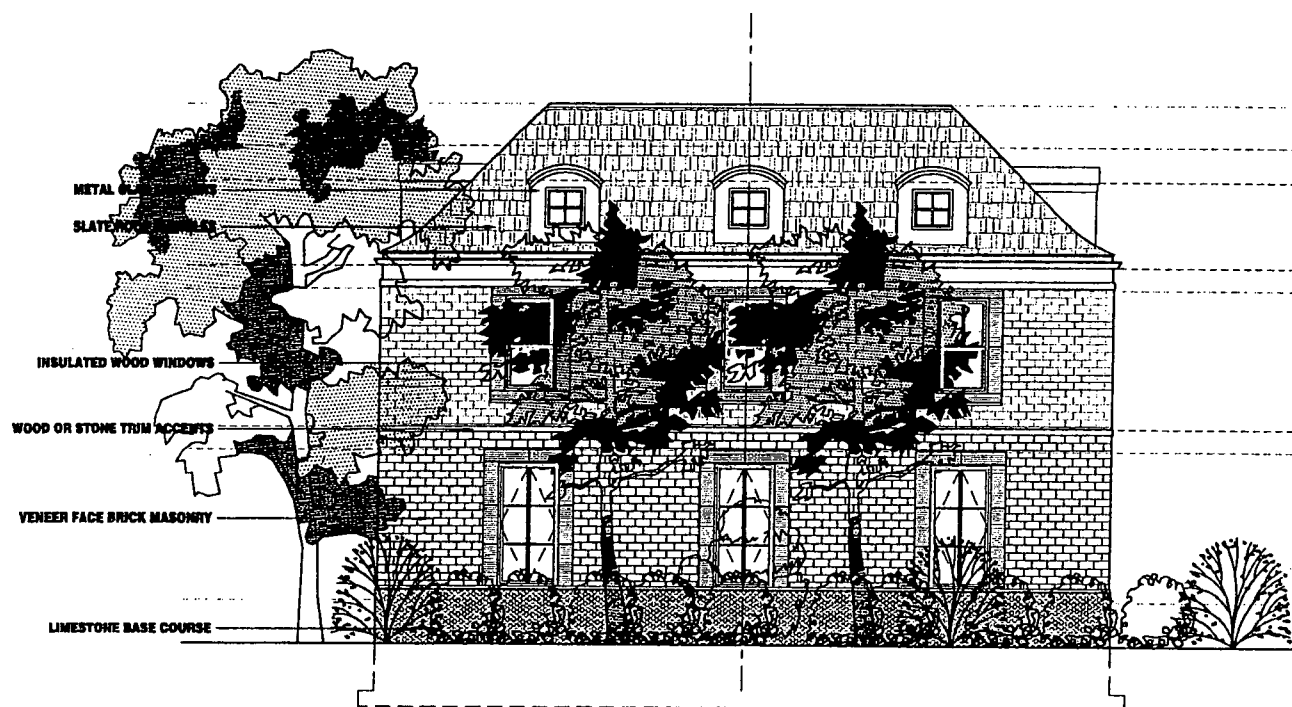
TYPICAL  
HOUSE  
ELEV A3.9

BOOTH HANSEN

Architecture - Interiors - Planning  
333 South Dear Plaines Street  
Chicago, Illinois 60661

Smithfield Properties  
XXXII, LLC

Developer  
400 West Huron  
Chicago, Illinois 60610



2 SIDE ELEVATION - A  
HOUSE TYPE 09 - 30'-0" x 49'-0" NOMINAL



8 August, 2006

EVANSTON HOMES  
@ Kendall College  
Evanston, IL 60201

TYPICAL  
HOUSE  
ELEV. A3.9A

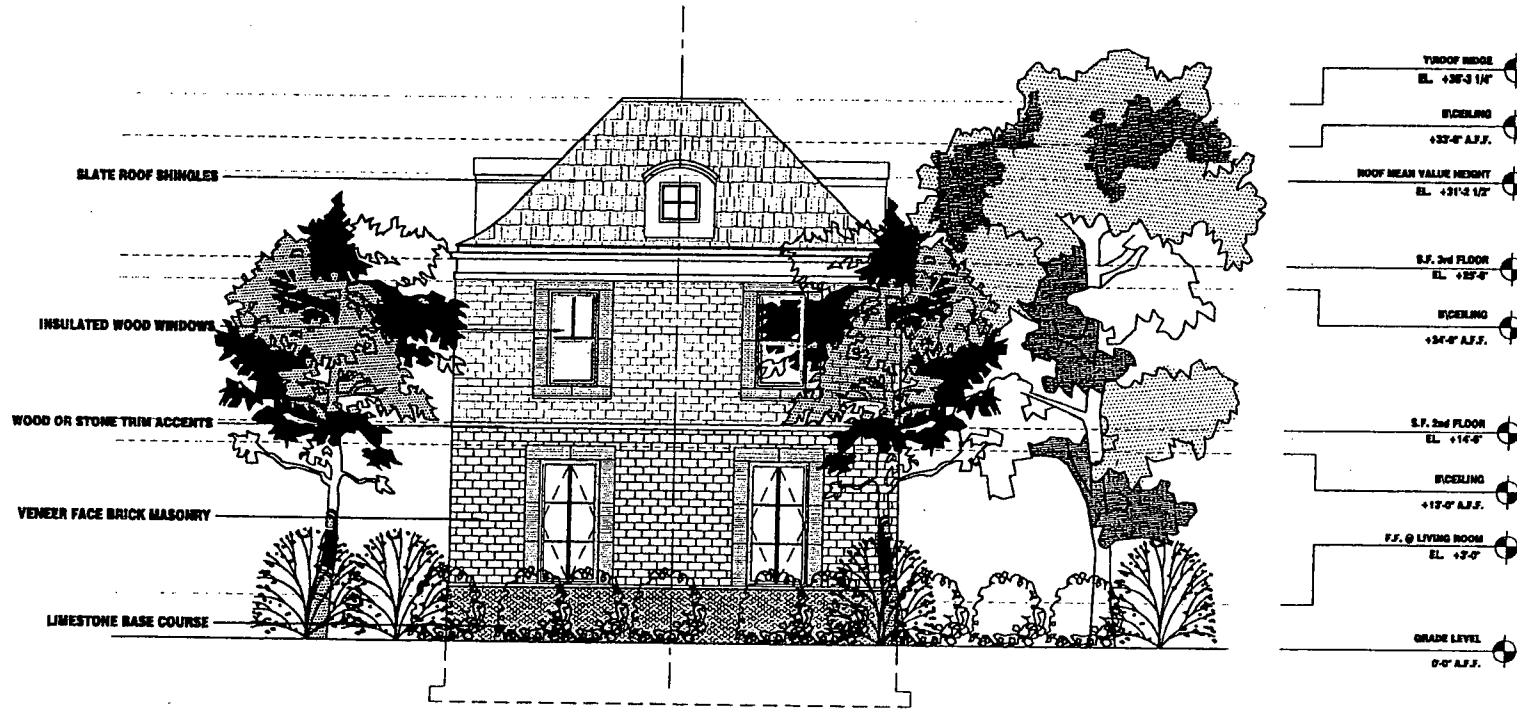


BOOTH HANSEN

Architecture - Interiors - Planning  
333 South Dearborn Street  
Chicago, Illinois 60661

Smithfield Properties  
XXXII, LLC

Developer  
400 West Huron  
Chicago, Illinois 60610



3 SIDE ELEVATION - B  
HOUSE TYPE 09 - 30'-0" x 49'-0" NOMINAL



8 August, 2006

EVANSTON  
HOMES  
@ Kendall College  
Evanston, IL 60201

TYPICAL  
HOUSE  
ELEV A3.9B

EXHIBIT F

**APPROVED MATERIALS**

300 CHANWEN

## MEMORANDUM

TO: ROB BUONO  
FROM: Kerl LaJeune, Booth Hansen  
DATE: August 8, 2006  
SUBJECT: **EVANSTON HOMES  
PROJECT EXTERIOR MATERIALS LIST  
SUPPLIER CONTACTS**

PROJECT NAME: Evanston Homes II  
PROJECT NUMBER: 0509.00  
PAGE 1 OF 1  
DISTRIBUTION: BH, File

### MATERIALS:

#### 1. WINDOWS:

08810 - Aluminum Clad Contact: **Dover Building Supply LTD LLC, Willmar Windows, Andersen**  
08550 - Wood (Stained) Contact: **Marvin Windows, Andersen Windows and Doors**  
08810 - Insulated Glazing Contact: **Dover Building Supply LTD LLC (847)-249-7670 or Viracon Solarscreen 2000**

#### 2. ROOFING:

07317 - Slate Shingles/Tiles Contact: **Camara Slate Products (842) 265-3200**  
07317 - Synthetic Slate Contact: **Majestic Slate / Ecostar Carlisle (800) 211-7170**  
07311 - Asphalt Shingles Contact: **GAF Materials Incorporation (815) 372-9701**  
07310 - Cedar Shingles Contact: **Dover Building Supply LTD LLC (847)-249-7670**  
07318 - Wood Shakes Contact: **Dover Building Supply LTD LLC (847)-249-7670**

#### 3. WALLS:

09220 - Natural Stucco Contact: **Chicago Plastering Institute, Larsen Products 800.633.6668**  
04210 - Veneer Face Brick Contact: **Brann Clam Products 708-422-1000**  
06200 - Cedar Siding Contact: **Cedar Siding Inc. 800-345-9471, Alcoa, Certainteed**  
06200 - Composite Siding Contact: **"Max Shake" or Bradco Supply Corp. 708.396.0247**

#### 4. ACCENTS: Fascias, soffits, gutters, downspouts, flashings

04430 - Cut Limestone Contact: **Northfield Block Company (847)-816-9000**  
04730 - Renaissance Stone Contact: **Northfield Block Company (847)-816-9000**  
05505 - Galvanized Steel Contact: **Morse Industries, GS Metals Corporation**  
06200 - Exterior Wood Trim Contact:  
04210 - Brick Pavers Contact: **Hanover Architectural Products (717) 637-0500**  
04210 - Concrete Pavers Contact: **Northfield Block Company (847)-816-9000**  
06152 - Composite Decking Contact: **Harry's (773)-631-6568 TREX Decking: (800)-BUY-TREX**

EXHIBIT G

**PLAT OF VACATION**

[SUBJECT TO APPROVAL BY THE CITY COUNCIL]

# GREMLEY & BIEDERMANN

LICENSE NO. 06-00734

PROFESSIONAL LAND SURVEYORS

4555 NORTH ELSTON AVENUE, CHICAGO, IL 60630  
 TELEPHONE: (773) 485-5102 FAX: (773) 284-4343 EMAIL: INFO@PLCS-SURVEY.COM

## Plat of Vacation

The North-South Public Alley described as follows: Beginning at the Southwest Quarter of Lot 3 in Ordington Addition to Evanston Thence South 89° 51' 51" West 52.00 feet to the Southeast Corner of Lot 1 in Kendall College Consolidation; Thence North 00° 23' 17" East 100.22 feet; Thence North 89° 30' 42" East 20.00 feet to the West line of Lot 2; Thence South 00° 23' 17" West along the West line of Lots 2 and 3 in Ordington Addition aforesaid 100.22 feet to Point of Beginning, in the Southwest Quarter of Section 7, Township 41 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

State of Illinois)  
 County of Cook)ss

Approved by the Council of the City of Evanston, Illinois, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2006, in witness whereof, I set my hand and affix the Corporate Seal of said City, this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2006.

City Clerk, Evanston, Illinois

State of Illinois)  
 County of Cook)ss

I, \_\_\_\_\_ Director of Finance of the City of Evanston, Illinois, do hereby certify that there are no delinquent or unpaid current or forfeited special assessments, or any deferred installments thereon that have been apportioned against the tract of land included in this plat of Consolidation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2006.

Director of Finance, Evanston, Illinois

State of Illinois)  
 County of Cook)ss

Approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2006

Zoning Enforcement Officer, Evanston, Illinois

State of Illinois)  
 County of Cook)ss

Approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2006

Director of Public Works, Evanston, Illinois

State of Illinois)  
 County of Cook)ss

Approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2006

Corporation Counsel, Evanston, Illinois

LINCOLN STREET

SHERMAN AVENUE

ORRINGTON AVENUE

COLFAX STREET

LOT 1

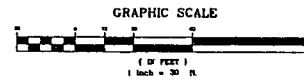
LOT 1

LOT 2

LOT 3

20.00  
 100.22  
 20 FT. PUBLIC ALLEY  
 TO BE VACATED  
 100.35  
 20.00

211.42  
 58759.51'



MSD: 06-29-2006 CERTIFICATES [RJY]

MSD: 3/3/06 CERTS (88)

|   |          |            |          |
|---|----------|------------|----------|
| SEARCHED  | INDEXED  | SERIALIZED | FILED    |
| FILED   | FILED    | FILED      | FILED    |
| GREMLEY & BIEDERMANN  |          |            |          |
| LAWYERS & SURVEYORS   |          |            |          |
| 4555 NORTH ELSTON AVENUE, CHICAGO, IL 60630                             |          |            |          |
| TELEPHONE (773) 485-5102 FAX (773) 284-4343 EMAIL: INFO@PLCS-SURVEY.COM |          |            |          |
| DATE  | SCALE    | DATE       | SCALE    |
| 006-05186-001   | 1" = 30' | 11/27/06   | 1" = 30' |
| 1 OF 1  |          |            |          |

Distances are marked in feet and decimal parts thereof. Compare all points BEFORE building by same and at once report any differences BEFORE damage is done.

For assessments, building lines and other restrictions not shown on survey plat refer to your abstract, deed, contract, site policy and local building line regulations.

NO dimensions shall be assumed by scale measurement upon this plat.

Monumentation or witness points were not set at the client's request.

Unless otherwise noted hereon the Bearing Data, Elevation Datum and Coordinate Datum if used is ASSUMED.

COPYRIGHT GREMLEY & BIEDERMANN, INC. 2006 "All Rights Reserved"

State of Illinois)  
 County of Cook )ss

Gremlay & Biedermann Inc., does hereby certify that it has prepared this Plat of Vacation of the alley as shown hereon drawn.

Dated, this \_\_\_\_\_ of \_\_\_\_\_ A.D. 2006.

Gremlay & Biedermann Inc.  
 Professional Land Surveyors

By: \_\_\_\_\_  
 Professional Land Surveyor of  
 My license expires November 30, 2006

87447620

IBM #1  
R.O

### COVENANT

Kendall College, a not-for-profit corporation, duly organized and existing under the laws of the State of Illinois, being the owner of The Culinary School of Kendall College, an accredited school for the training and education of students preparing for careers in the restaurant, hotel and foodservice industries, all located in the City of Evanston, County of Cook, State of Illinois at 2408 Orrington Avenue,

in consideration of the City of Evanston permitting said Culinary School and Kendall College to operate certain of its facilities to provide a training and instructional environment supporting The Culinary School's educational program and needs as described in architectural exhibits on file with the City of Evanston, it is hereby covenanted and agreed as follows:

1. Kendall College shall continue to maintain a full four-year degree program in order to assure that The Culinary School is classified as part of Kendall College and not lapse into the zoning ordinance definition as a "trade school".
2. Attached to and part of this COVENANT is Exhibit A, a site plan of the banquet room(s) and dining room(s) including a final floor plan for all of the expected improvements through July, 1990. This plan includes the maximum seating in the final design for each meal service facility.
3. Kendall College, through The Culinary School, will operate all of its dining facilities on the following schedule.

Banquet Night: Monday, 6:45 - 9:00 p.m.  
Luncheon: Monday through Saturday, 11:30 a.m. - 2:00 p.m.  
Dinner: Tuesday through Saturday, 5:45 p.m. - 9:00 p.m.

Expansion of this regular schedule must be approved by the City of Evanston. The schedule is inclusive of all planned banquet, luncheon, dinner and other daily food services necessary to the operation of the educational program.

4. The Culinary School program shall be limited to a maximum of 252 full-time students on campus at any one time.
5. There shall be no advertising specifically directed to the general public regarding meal services. This restriction respects the "not-for-profit" and "non-commercial" nature of food services incidental and integral to the conduct of the educational programs of The Culinary School.
6. The dining facilities and services shall be restricted to College faculty, staff, students and guests of the College. All services of The Culinary School shall be either incidental to or an integral part of the culinary and other educational programs of the College and are provided solely to support and extend the College's capacity to fulfill the educational intent of the program. Guests admitted to the dining facilities are considered both patrons and evaluators and are provided an opportunity to participate in the instructional program as such. Attendance restrictions shall be posted at or near the entrance to each dining room and shall apply to all food services of The Culinary School.

EXHIBIT B

134 61  
R.O

7. As a not-for-profit entity, it shall be the policy of Kendall College and The Culinary School to limit all meal charges to all participants to the actual cost of preparing and serving the food. The College is not involved, nor does it wish or intend to become involved, in operating a "for-profit" enterprise on its campus even though it recognizes the importance to its culinary program of simulating as closely as possible and in a laboratory environment an operation that seeks to realize the real world environment of a commercial "for-profit" food-related service.
8. All gratuities are and shall continue to be gifts to The Culinary School Scholarship Fund. The College maintains in its monthly gift report a separate item in which all gratuities are recorded. This report is available to the City of Evanston on request.
9. Kendall College understands that the City of Evanston reserves its right to proceed against Kendall College for violation of this covenant in the event that any of the provisions contained herein are breached.

This agreement shall be binding, not only on the owners hereof, but their successors, and assigns, and shall run with the land and shall be binding upon and be a part of all future covenants and agreements.

This covenant is made in favor of the City of Evanston, a municipal corporation, and may be released only upon agreement with said City.

IN WITNESS WHEREOF, said Kendall College, a corporation, has caused its corporate seal to be hereto affixed, and has caused its name to be signed hereto by its President, and attested by its Recording Secretary, this day of July, 1987.

KENDALL COLLEGE, A CORPORATION

BY Andrew M. Cothran  
President

87447620

ATTEST:

Sandra Forrester  
Recording Secretary

DEPT-91 RECORDING 121.53  
781111 TOWN 5801 68/12/87 14:56:04  
97373 2A \*-87-447620  
COOK COUNTY RECORDER

STATE OF ILLINOIS  
COUNTY OF COOK

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Andrew N. Cothran, personally known to me to be the President of the KENDALL COLLEGE corporation, and Sandra Forrester, personally known to me to be the Recording Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and severally acknowledged that as such President and Recording Secretary, they signed and delivered the said instrument as President and Recording Secretary of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said Corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

87447620

Given under my hand and official seal, this 17<sup>th</sup> day of July, 1987

Ernest Smith  
Notary Public

My Commission Expires:

City Commission Expires May 26, 1991

*Handwritten initials and scribbles*

