

9/12/06
9/7/2006
9/6/2006
8/30/2006

98-O-06

AN ORDINANCE

Amending Ordinance 97-O-77 which Vacated a Portion of the North-South Alley in the Block Bounded by Lincoln Street, Orrington Avenue, Colfax Street, and Sherman Avenue to Delete the Reservation of Utility Rights, and to Release a Restrictive Covenant Restricting Use of the Vacated Portion of the Alley to Parking Purposes, Recorded Against 2408 Orrington Avenue for the Benefit of Kendall College ("Kendall")

WHEREAS, the City Council adopted Ordinance 85-O-06 on September 11, 2006 rezoning the property in the block bounded by Lincoln Street, Orrington Avenue, Colfax Street, and Sherman Avenue and commonly known as 2408 Orrington Avenue ("Subject Property") from U1 University Housing District to R1 Single-Family Residential District and granting a special use for planned development to permit the demolition of all existing structures located on the Subject Property and the construction of twenty (20) single-family dwellings; and

WHEREAS, the Subject Property was formerly owned and occupied by Kendall College which operated thereon its College, Culinary Institute, student dormitories, administrative offices and related training and instructional programs; and

WHEREAS, the City Council adopted Ordinance 97-O-77, recorded as document no. 24142766, attached hereto as Exhibit A and made a part hereof, on October 3, 1977, vacating a certain portion of the North-South alley on the Subject Property; and

WHEREAS, Kendall College received the benefits of this vacation, for which the consideration to the City was the sum of two thousand seven hundred and fifty dollars (\$2,750.00) and execution of a covenant running with the land restricting the use of the vacated portion of the alley to parking purposes only; and

WHEREAS, the aforescribed covenant, dated November 25, 1991, attached hereto as Exhibit B and made a part hereof, was recorded as document no. 91630061 on December 2, 1991; and

WHEREAS, Ordinance 97-O-77 reserved certain easement rights to the City and to all public utilities on the vacated portion of the said North-South alley; and

WHEREAS, Smithfield Properties XXXII, LLC, owner of the Subject Property, has requested amendment of Ordinance 97-O-77 to delete the reservation of utility rights and to allow for release of the covenant; and

WHEREAS, the aforescribed covenant serves no public purpose with respect to the use of the Subject Property with the adoption of Ordinance 85-O-06; and

WHEREAS, the City Council has determined that the best interests of the citizens of Evanston are served by amendment of Ordinance 97-O-77 to delete the reservation of utility rights and requirement of the covenant for parking, and by release of the said covenant; and

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

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

SECTION 2: That Ordinance 97-O-77 is hereby amended by deleting the following language from its Section 2: "and shall execute a covenant running with the land which shall restrict the use of the vacated alley to parking purposes only".

SECTION 3: That Section 3 of Ordinance 97-O-77, which read as follows, is hereby deleted in its entirety: "The City of Evanston hereby reserves to itself and to all public utilities owning public service facilities such rights of way, license and easement rights to equipment presently installed and located on those portions of the public way hereby closed, and further reserves the right of ingress and egress for the maintenance, renewal, and reconstruction thereof."

SECTION 4: That the covenant required by Ordinance 97-O-77 and recorded as document no. 91630061 on December 2, 1991 is hereby released.

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: That this Ordinance shall be in full force and effect from and after the date of its passage and approval in the manner provided by law, subject to the condition that Smithfield Properties XXXII, LLC, shall file Ordinance 85-O-06 and the Plat of Subdivision, Exhibit C to that Ordinance, with the Office of the Cook County Recorder and provide the City with a certified copy thereof at its cost, but in no event more than sixty (60) days after the date of adoption of this Ordinance 98-O-06.

Introduced: September 11, 2006

Approved:

Adopted: September 11, 2006

September 15, 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

97-0-77

AN ORDINANCE

Vacating A Portion Of The North-South Alley
In The Block Bounded By Lincoln Street, Orrington
Avenue, Colfax Street, And Sherman Avenue

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

SECTION 1: That portion of the North-South alley
in the block bounded by Lincoln Street,
Orrington Avenue, Colfax Street, and Sherman Avenue starting
at Lincoln Street and extending south 81.14 feet and legally
described as:

That part of the North and South Public Al-
ley lying West of and adjacent to Lots 1,
2 and 3, South of the North line of Lot 1
extended West and North of the South line
of the North 31 feet of Lot 2 extended West,
also, the triangular alley lying North and
East of Lot 1 in Owner's Resubdivision of
Lots 4, 5 and 6 in Block 1 in Orrington
Addition to Evanston, a Subdivision of part
of the Southwest 1/4 of Section 7, Township
41 North, Range 14, East of the Third Prin-
cipal Meridian, in the City of Evanston, of
Cook County, Illinois, as recorded June 27,
1894, as Document No. 2065672

as cross hatched and indicated by the words, "Hereby Vacated"
on the Plat hereto attached, and made a part of this ordinance,
is hereby vacated and closed, inasmuch as the alley presently

serves no public purpose and its vacation will be in the interest of the public in that it will help to alleviate the parking problems in the area of Kendall College.

SECTION 2: That Kendall College which shall receive the benefits of this vacation shall pay to the CITY OF EVANSTON the sum of TWENTY-SEVEN HUNDRED AND FIFTY DOLLARS (\$2750.00) in consideration for the vacation, and shall execute a covenant running with the land which shall restrict the use of the vacated alley to parking purposes only.

SECTION 3: The CITY OF EVANSTON hereby reserves to itself and to all public utilities owning public service facilities such rights of way, license and easement rights to equipment presently installed and located on those portions of the public way hereby closed, and further reserves the right of ingress and egress for the maintenance, renewal, and reconstruction thereof.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and payment of the consideration stated herein, all in accordance with the manner provided by law, subject to the

condition that the City Clerk shall file or cause to be filed for record in the office of the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance, together with the Plat made a part thereof.

Introduced September 26, 1977

Adopted October 3, 1977

Approved Oct 6, 1977

John C. [Signature]
Mayor

ATTEST:

Andrea H. Gross
City Clerk

Approved as to form John R. Siegel
Corporation Counsel

Recorded 10/11, 1977

Document No. 24117766

EXHIBIT B

671Y
111491

91530061

RESTRICTIVE COVENANT

This Restrictive Covenant is executed by Kendall College, an Illinois not-for-profit corporation, as of the 25th day of November, 1991.

WHEREAS, the City of Evanston has vacated the North-South alley running North from Colfax Street between Sherman Avenue and Orrington Avenue more fully described on Exhibit A attached hereto (the "Alley") pursuant to Ordinance 97-0-77, which was recorded in Cook County, Illinois as Document No. 24142766 (the "Ordinance"); and

WHEREAS, the Ordinance provides that Kendall College will execute a covenant, running with the land, which shall restrict the use of the Alley to parking purposes only.

NOW THEREFORE, Kendall College hereby declares as follows:

1. Use of the Alley shall be restricted to parking purposes only.

1991 DEC -2 PM 2:59 91630061

2. This covenant touches and concerns the land and shall run with the land and be the binding upon all persons and entities now or in the future having an interest in the Alley.

IN WITNESS WHEREOF, Kendall College has executed this Restrictive Covenant as of the day in our first above-written.

KENDALL COLLEGE

By: Thomas J. Kew
Title: President

91630061

STATE OF Illinois)
) SS
COUNTY OF Cook)

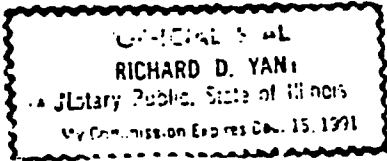
The foregoing instrument was acknowledged before me this 25th day of November, 1991 by Thomas J. Kerr the President of KENDALL COLLEGE, on behalf of said corporation.



Notary Public

Seal

My Commission Expires:



This instrument Prepared by:
 at *meets*:
Richard Demarest Yant
SEYFARTH, SHAW, FAIRWEATHER
& GERALDSO"
Suite 4200
55 East Monroe Street
Chicago, Illinois 60603
(312) 246-8000

316330061

EXHIBIT A

LEGAL DESCRIPTION:

That part of the North and South Public Alley in Block 1, Orrington Addition to Evanston, a subdivision of Part of the SW 1/4 of Section 7, Township 41 North, Range 14 East of the 3rd Principal Meridian as recorded June 23, 1892 as Document No. 2065672, lying West of and adjacent to Lots 1, 2 and 3, South of the North line of Lot 1 extended West and North of the South line of the North 31 feet of Lot 2 extended West all in said Block 1, also the triangular Alley lying North and East of Lot 1 in Owner's Resubdivision of lots 4, 5 and 6 in Block 1 in said Orrington Addition, all as depicted on the Plat of Vacation recorded October 11, 1977 as Document No. 24142765, in the City of Evanston, Cook County, Illinois.

Property Tax Index Number: 11-07-110-014 (Part)

725 Cuyfax
Evanston IL

01530061