

9/12/06  
8/30/2006

**100-O-06**

**AN ORDINANCE**

**Repealing Ordinance 53-O-71 which Approved a Variation  
from the Off-Street Parking Provisions of the  
Zoning Ordinance, and Releasing a Restrictive Covenant  
Regarding Use of the Parking Lot at 2306 Noyes Court,  
and Limitations on Total Student Enrollment and  
Off-Street Parking  
("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 ("Subject Property") from 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 adopted Ordinance 53-O-71, attached hereto as Exhibit A and made a part hereof, on October 11, 1971, to grant a variation from the off-street parking regulations of the Zoning Ordinance on a portion of the Subject Property, legally described in said Ordinance 53-O-71, so as to permit

the continued use of the leased parking lot at 2306 Noyes Court to fulfill certain of said parking regulations; and

**WHEREAS**, the approval of Ordinance 53-O-71 was subject to conditions, generally requiring that Kendall College purchase or lease the parking lot at 2306 Noyes Court, that the total student enrollment not exceed one thousand seventy-five (1,075) students, that the off-street parking spaces not exceed one hundred ninety-two (192) spaces, and that these conditions be recorded in a covenant running with the land; and

**WHEREAS**, the aforescribed covenant, dated November 24, 1971 and attached hereto as Exhibit B and made a part hereof, was recorded as document no. 21739386 on December 8, 1971; and

**WHEREAS**, the covenant made provision for its release, including that it was "made in favor of the City of Evanston and may be released only upon agreement with the City of Evanston"; and

**WHEREAS**, Smithfield Properties XXXII, LLC, owner of the Subject Property, has requested release of the covenant; and

**WHEREAS**, Ordinance 53-O-71 and the aforescribed covenant serve 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 express repeal of Ordinance 53-O-71 and the release of the covenant are in the best interests of the citizens of Evanston; 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 53-O-71 adopted by the City Council on October 11, 1971 is hereby repealed and the covenant recorded as document no. 21739386 on December 8, 1971, is hereby released.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: 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 100-O-06.

Introduced: September 11, 2006

Approved:

Adopted: September 11, 2006

September 15, 2006

Lorraine H. Morton  
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris  
Mary P. Morris, City Clerk

Approved as to form:

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

AN ORDINANCE

Granting the Appeal of Kendall College  
for a Variation from the Off-Street  
Parking Provisions of the Evanston  
Zoning Ordinance, Adopted November 21,  
1960.

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

SECTION 1: That a variation from the off-  
street parking regulations of  
the Evanston Zoning Ordinance, adopted November 21, 1960, so  
far as said regulations pertain to the property located at  
2306 Noyes Court, in the City of Evanston, Illinois, and  
legally described as -

The East 463 feet of that part East of Ridge  
Road in the South 12 rods of the North half  
of the North half of the Southwest quarter  
of Section 7, Township 41 North, Range 14,  
East of the Third Principal Meridian (except  
the North 33 feet taken for Lincoln Street,  
and also except the East 20 feet taken for  
Orrington Avenue), in Cook County, Illinois;  
also known as: Lot 8 in Assessor's Division  
of fractional Section 7, Township 41 North,  
Range 14, East of the Third Principal Meridian,  
according to the Plat thereof, recorded Febru-  
ary 3, 1858, in Book 143 of Maps, on page 45,  
as Document No. 97526; also Lot 1 and the North  
31 feet of Lot 2 in Block 1 in Orrington Addi-  
tion to Evanston, in the Southwest quarter of  
said fractional Section 7, in the City of  
Evanston, Cook County, Illinois.

is hereby granted, permitted and made so as to permit the  
continued use of the leased parking lot at 2306 Noyes Court,  
to fulfill the requirements of Sections X.B.10.h and X.B.10.i.,  
subject to the following conditions:

- (1) that appellant shall purchase the parking  
lot at 2306 Noyes Court or shall lease it  
for a minimum period of 10 years and there-  
after shall maintain a lease agreement  
for the lot or this variation shall terminate;

- (2) that the total student enrollment shall not exceed 1,075 students, 850 during the day and 225 at night, and total faculty, staff and employees shall not exceed 150, and the appellant's requirement for off-street parking spaces based on all uses shall not exceed 192 spaces, or this variation shall terminate; and
- (3) that a covenant of agreement to the above conditions shall be submitted in recordable form by the appellant,

all in accordance with the recommendations of the Zoning Board of Appeals.

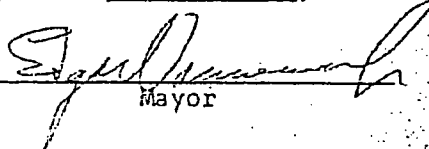
SECTION 2: The Director of Inspections and Permits is ordered and directed to grant a permit to Kendall College in accordance with the findings and recommendations of the Zoning Board of Appeals.

SECTION 3: This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

Introduced JULY 13, 1971

Adopted OCTOBER 11, 1971

Approved OCTOBER 11, 1971

  
Mayor

Attest:

  
City Clerk

Approved as to form:   
Corporation Counsel

21 739 386

COVENANT

The undersigned, being the owner of the following legally described premises located in the City of Evanston -

The East 463 feet of that part East of Ridge Road of the South 12 rods of the North 1/2 of the North 1/2 of the South West 1/4 of Section 7, Township 41 North, Range 14, East of the Third Principal Meridian (except the North 33 feet taken for Lincoln Street, and also except the East 20 feet taken for Orrington Avenue), in Cook County, Illinois; also known as: Lot 8 in Assessor's Division of fractional Section 7, Township 41 North, Range 14, East of the Third Principal Meridian, according to the Plat thereof, recorded February 3, 1858, in Book 143 of Maps, on page 45, as document number 97526; also lot 1 and the North 31 feet of lot 2 in block 1 in Orrington Addition to Evanston, in the South West 1/4 of said fractional Section 7, in the City of Evanston, Cook County, Illinois.

commonly known as 2408 Orrington Avenue, Evanston, Cook County, Illinois,

For and in consideration of the granting of a variation by the City Council of the City of Evanston from the off-street parking regulations of the Evanston Zoning Ordinance, so far as said regulations pertain to the property located at 2408 Orrington Avenue, Evanston, Cook County, Illinois, the undersigned for itself, its heirs, successors and assigns, hereby covenants and agrees as follows:

- (1) that the undersigned shall purchase the parking lot located at 2308 Hayes Court, Evanston, Cook County, Illinois, or shall lease it for a minimum period of ten (10) years and thereafter maintain such lease agreement for the lot or the variation shall terminate; and
- (2) that total student enrollment shall not exceed 1,075 students, 850 during the day and 225 at night, and total faculty, staff and employees shall not exceed 150, and that the requirement for off-street parking spaces, based on all uses, shall not exceed 192 spaces or the variation granted shall terminate.

This covenant shall be binding and run with the land, not only upon the owner, but upon its successors in right, title and



JACK M. SIEGEL  
CORPORATION COUNSEL  
1501 OAK AVENUE, EVANSTON 60204  
GR 5-3100

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interest.

This covenant is made in favor of the City of Evanston and may be released only upon agreement with the City of Evanston or at such time as the Zoning Ordinance of the City of Evanston may be amended to eliminate the off-street parking requirement from which a variation has been granted, or at such time as a further variation is granted after a proper notice and hearing.

KENDALL COLLEGE, a not-for-profit Corporation  
by Wesley H. Westerberg  
Wesley H. Westerberg,  
President

ATTEST: Parker Thorne  
Parker Thorne,  
Secretary

(CORPORATE SEAL)

STATE OF ILLINOIS )  
                          ) SS  
COUNTY OF COOK )

I, Ralph E. Miller, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Wesley M. Westerberg, personally known to me to be the President of KENDALL COLLEGE, a not-for-profit Corporation, and Parker Thorne, personally known to me to be the Secretary of KENDALL COLLEGE, a not-for-profit 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 Secretary, they signed and delivered the said instrument, as President and 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 deed of said Corporation, for the uses and purposes therein set forth.

Witness under my hand and notarial seal, this 24th day of December, 1971.

Ralph E. Miller  
Notary Public

My commission expires January 19, 1975.

500 MAIL

2173056

53-0-71

*Extra copy of Exhibit*

AN ORDINANCE

Granting the Appeal of Kendall Collet for a Variation from the Off-Street Parking Provisions of the Evanston Zoning Ordinance, Adopted November 21, 1960.

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

SECTION 1: That a variation from the off-street parking regulations of the Evanston Zoning Ordinance, adopted November 21, 1960, so far as said regulations pertain to the property located at 2306 Noyes Court, in the City of Evanston, Illinois, and legally described as -

The East 463 feet of that part East of Ridge Road in the South 12 rods of the North half of the North half of the Southwest quarter of Section 7, Township 41 North, Range 14, East of the Third Principal Meridian (except the North 33 feet taken for Lincoln Street, and also except the East 20 feet taken for Orrington Avenue), in Cook County, Illinois; also known as: Lot 3 in Assessor's Division of fractional Section 7, Township 41 North, Range 14, East of the Third Principal Meridian, according to the Plat thereof, recorded February 3, 1858, in Book 143 of Maps, on page 45, as Document No. 97526; also Lot 1 and the North 31 feet of Lot 2 in Block 1 in Orrington Addition to Evanston, in the Southwest quarter of said fractional Section 7, in the City of Evanston, Cook County, Illinois,

is hereby granted, permitted and made so as to permit the continued use of the leased parking lot at 2306 Noyes Court, to fulfill the requirements of Sections X.B.10.h and X.B.10.i., subject to the following conditions:

- (1) that appellant shall purchase the parking lot at 2306 Noyes Court or shall lease it for a minimum period of 10 years and thereafter shall maintain a lease agreement for the lot or this variation shall terminate;



- (2) that the total student enrollment shall not exceed 1,075 students, 850 during the day and 225 at night, and total faculty, staff and employees shall not exceed 150, and the appellant's requirement for off-street parking spaces based on all uses shall not exceed 192 spaces, or this variation shall terminate; and
- (3) that a covenant of agreement to the above conditions shall be submitted in recordable form by the appellant,

all in accordance with the recommendations of the Zoning Board of Appeals.

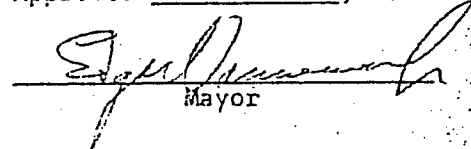
SECTION 2: The Director of Inspections and Permits is ordered and directed to grant a permit to Kendall College in accordance with the findings and recommendations of the Zoning Board of Appeals.

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