

9/20/06
9/19/06
9/15/06
9/14/06
9/13/06

101-O-06

AN ORDINANCE

Vacating the North-South Public Alley Located East of Sherman Avenue and North of Colfax Street to an Abutting Owner ("Smithfield")

WHEREAS, Ordinance 85-O-06, adopted on September 11, 2006, rezoned the property in the block owned by Smithfield Properties XXXII, L.L.C. and bounded by Lincoln Street, Orrington Avenue, Colfax Street, and Sherman Avenue ("Smithfield Property") from U1 University Housing District to R1 Single-Family Residential District, and granted a special use for planned development to permit the demolition of all existing structures located on the Smithfield Property and the construction of twenty (20) single-family dwellings; and

WHEREAS, Smithfield Properties XXXII, L.L.C. has requested the vacation of a dead-end, public alley ("the alley") located within the Smithfield Property, east of Sherman Avenue and north of Colfax Street, adjacent to parcel PIN 11-07-110-014-0000 to the west and parcels PIN 11-07-110-007-0000 and PIN 11-07-110-008-0000 to the east; and

WHEREAS, Smithfield Properties XXXII, L.L.C. intends to consolidate the alley into the Smithfield Property and then subdivide the Smithfield Property for the purpose of constructing the aforementioned special use for planned development; and

WHEREAS, the alley serves no public purpose with the adoption of Ordinance 85-O-06; and

WHEREAS, the corporate authorities of the City of Evanston have determined that vacation of the alley to Smithfield Properties XXXII, L.L.C. is in the best interests of the citizens of the City of Evanston ("City"), 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 hereby found as fact and made a part hereof.

SECTION 2: That the north-south public alley in the Smithfield Property and legally described as:

BEGINNING AT THE SOUTHWEST CORNER 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 WESTLINE 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.

and depicted in the Plat of Vacation, attached hereto as Exhibit A and made a part hereof, is hereby vacated and closed provided that said vacated property shall be conveyed to Smithfield Properties XXXII, L.L.C., upon its payment to the City of Evanston of the sum of one hundred forty-one thousand five hundred dollars and no/cents (\$141,500.00).

SECTION 3: Pursuant to 65 ILCS 5/11-91-1, any and all easements for their existing utilities as may be on, under or above the vacated property, including rights-of-way, license and easement rights, and rights of ingress and egress for the maintenance, renewal, and reconstruction thereof are hereby reserved to Commonwealth Edison ("ComEd").

SECTION 4: The City hereby reserves to Nicor Gas any rights Nicor Gas may have for gas service pipes extending from gas system mains, which pipes may provide gas service to the vacated property. Said gas service pipes are neither covered by recorded easement nor are their locations mapped.

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, L.L.C. shall file this Ordinance 101-O-06 and Ordinance 85-O-06 and all Exhibits to Ordinance 85-O-06, including but not limited to, the Plat of Subdivision, Exhibit C, and the Plat of Vacation, Exhibit G, 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 Ordinance 85-O-06.

Introduced: September 25, 2006

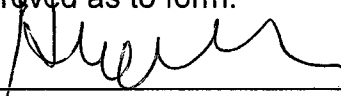
Approved:

Adopted: September 26, 2006

September 26, 2006

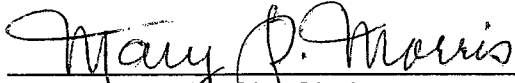
Lorraine H. Morton
Lorraine H. Morton, Mayor

Approved as to form:



Herbert D. Hill
First Assistant Corporation Counsel

Attest:



Mary P. Morris City Clerk

GREMLEY & BIEDERMANN

LICENSE NO. 184-002761

PROFESSIONAL LAND SURVEYORS

4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630

TELEPHONE: (773) 685-5102 FAX: (773) 286-4184 EMAIL: INFO@PLCS-SURVEY.COM

Plat of Vacation

The North-South Public Alley described as follows: Beginning at the Southwest Corner of Lot 3 in Orrington addition to Evanston thence South 89° 59' 51" West 20.00 feet to the Southwest 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.

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

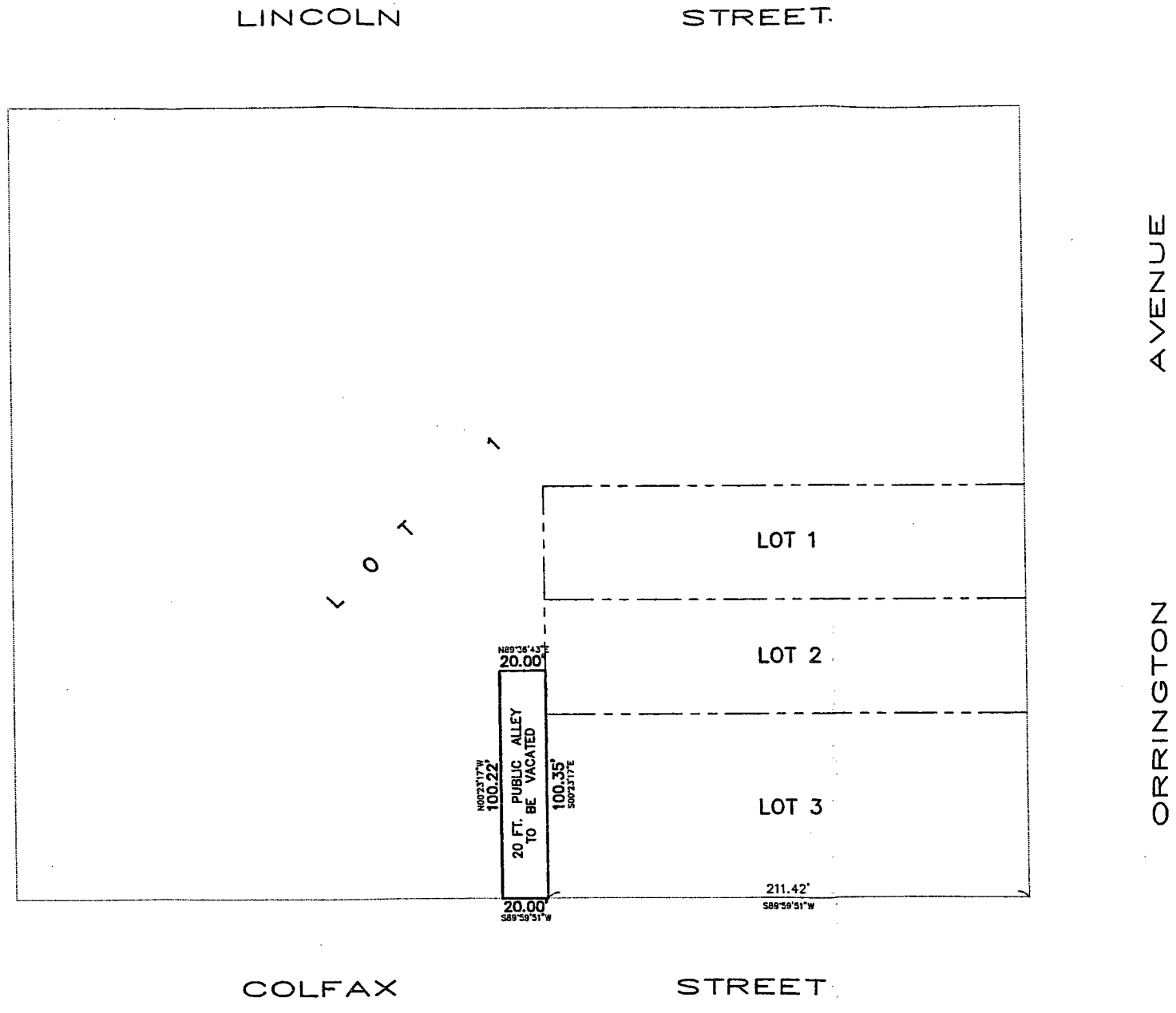
Approved this _____ day of _____ A.D. 2006

Director of Public Works, Evanston, Illinois

State of Illinois)
County of Cook)ss

Approved this _____ day of _____ A.D. 2006

Corporation Counsel, Evanston, Illinois



REVISED: 09-18-06 LEGAL DESCRIPTION (JRB)

REVISED: 09-11-2006 CERTIFICATES (MH)

REVISED: 08-29-2006 CERTIFICATES (RJT)

REVISED 3/3/06 CERTS (BB)

ORDERED BY: SHITHFIELD PROPERTIES	CHECKED: JRB	DRAWN: BB
ADDRESS: GREMLEY & BIEDERMANN		
LISENCE NO. 184-002761 PROFESSIONAL LAND SURVEYORS 4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630 TELEPHONE: (773) 685-5102 FAX: (773) 286-4184 EMAIL: INFO@PLCS-SURVEY.COM		

ORDER NO. 2006-05186-001	DATE: JANUARY 24, 2006	PAGE NO. 1 OF 1
SCALE: 1" = 30' FEET		

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.

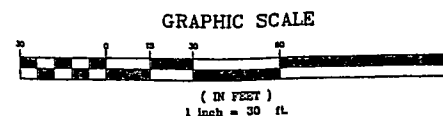
For easements, building lines and other restrictions not shown on survey plat refer to your abstract, deed, contract, title policy and local building line regulations.

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

Monumentation or witness points were not set at the clients request.

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

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[EXHIBIT A]

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 Illinois Land Surveyor #
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 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 FOR THE USES AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____ A.D. 20__

NOTARY PUBLIC