

9/1/2006
8/29/2006

99-O-06

AN ORDINANCE

**Repealing Ordinance 80-O-66 which Rezoned
721, 725, 731 Colfax, and 735 Colfax Street,
2351 Sherman Avenue, and 2348 Orrington Avenue
from U1 University District to U2 University District,
and Releasing a Restrictive Covenant Regarding
Limitation of Construction on the Rezoned Property
to Certain University Uses
("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 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 adopted Ordinance 80-O-66, attached hereto as Exhibit A and made a part hereof, on July 18, 1966, rezoning 721, 725, 731, and 735 Colfax Avenue, 2351 Sherman Avenue, and 2348 Orrington Avenue

from U1 University District to U2 University District under the 1960 Zoning Ordinance, and

WHEREAS, the properties rezoned by Ordinance 80-O-66 are part of, and located within, the Subject Property; and

WHEREAS, Ordinance 80-0-66 imposed certain conditions on the 721-735 Colfax Street, 2351 Sherman Avenue, and 2348 Orrington Avenue properties in consideration of the rezoning and required that the conditions be set forth in a recorded covenant running with the land; and

WHEREAS, the aforescribed covenant, dated May 22, 1970, attached hereto as Exhibit B and made a part hereof, was recorded as document no. 21186989 on June 18, 1970; and

WHEREAS, the conditions generally related to construction of a dormitory on the rezoned properties in accordance with approved plans and compliance with the U2 University District requirements; and

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

WHEREAS, Ordinance 80-0-66 provided that "this covenant is made in favor of the City of Evanston, a municipal corporation, and may be released only upon agreement with said City"; and

WHEREAS, Ordinance 80-O-66 and the covenant recorded as document no. 21186989 serve no public purpose with respect to the use of the Subject Property with the adoption of Ordinance 85-0-06; and

WHEREAS, the City Council has determined that the express repeal of Ordinance 80-O-66 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 80-O-66 adopted by the City Council on July 18, 1966 is hereby repealed and the covenant recorded as document no. 21186989 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 99-O-06.

Introduced: September 11, 2006

Adopted: September 11, 2006

Approved:

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

80-0-66

AN ORDINANCE

Amending the Evanston Zoning Ordinance, Adopted November 21, 1960.

WHEREAS, the Zoning Amendment Committee of the City of Evanston did meet on February 17, 1966 to consider amendments to regulations imposed under the Evanston Zoning Ordinance so as to rezone the property commonly described as 721, 725, 731, and 735 Colfax Street, 2351 Sherman Avenue, and 2348 Orrington Avenue, and legally described as -

Lots 1 and 2 in Owners Resubdivision of Lots 4, 5, and 6 in Block 1 and Lots 14, 15, and 16 in Block 7 of Orrington Addition to Evanston: Lots 1, 2, and 3 in Colfax Subdivision, a subdivision of Lots 3 and 4 in Owners Subdivision of Lots 4, 5, and 6 in Block 1 and Lots 14, 15, and 16 in Block 7 in Orrington Addition to Evanston: the north 31 feet of Lot 2 in Block 1 of Orrington Addition to Evanston: and the alley vacated by the City Council and purchased by the College in 1962, which alley comprises 2,127 square feet and runs east from Sherman Avenue between Colfax Street and Lincoln Street for half the distance to Orrington Avenue: all being located in Section 7, Township 41 North, Range 14 East, Cook County, Illinois.

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

SECTION 1: That the Zoning Ordinance of the City of Evanston, adopted November 21, 1960, as amended, be further amended as follows:

That the hereinafter described property, now zoned U1 University District, be and the same is hereby zoned U2

EXHIBIT A

University District, provided that Kendall College, by means of a conveyance to a nominee and reconveyance to Kendall College, with an appropriate covenant, be limited to the construction on said property of not more than one dormitory, designed to house not more than 125 students and constructed substantially in accordance with the plans submitted at the public hearing, plus any additional buildings or uses, except residential accommodations, which are permitted in the U2 University District. The regulations and restrictions applicable to U2 University District and penalties provided for in said ordinance, adopted November 21, 1960, as amended, shall hereafter apply to the following property -

Lots 1 and 2 in Owners Resubdivision of Lots 4, 5, and 6 in Block 1 and Lots 14, 15, and 16 in Block 7 of Orrington Addition to Evanston: Lots 1, 2, and 3 in Colfax Subdivision, a subdivision of Lots 3 and 4 in Owners Subdivision of Lots 4, 5, and 6 in Block 1 and Lots 14, 15, and 16 in Block 7 in Orrington Addition to Evanston: the north 31 feet of Lot 2 in Block 1 of Orrington Addition to Evanston: and the alley vacated by the City Council and purchased by the College in 1962, which alley comprises 2,127 square feet and runs east from Sherman Avenue between Colfax Street and Lincoln Street for half the distance to Orrington Avenue: all being located in Section 7, Township 41 North, Range 14 East, Cook County, Illinois.

SECTION 2: The Official District Map of the Zoning Ordinance of the City of Evanston, as amended, shall be further amended in accordance with the provisions of this ordinance.

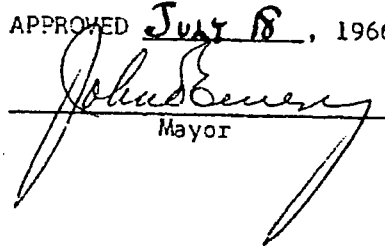
SECTION 3: All ordinances or parts of
ordinances in conflict
herewith are hereby repealed.

SECTION 4: This ordinance shall be in
full force and effect from
and after its passage, approval, and publication in the manner
provided by law.

INTRODUCED July 5, 1966

ADOPTED July 18, 1966

APPROVED July 18, 1966



Mayor

ATTEST:



City Clerk

Approved as to form:



Corporation Counsel

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 following described property located in the City of Evanston, County of Cook, State of Illinois:

Lots 1 and 2 in Owners Resubdivision of Lots 4, 5, and 6 in Block 1 and Lots 14, 15, and 16 in Block 7 of Orrington Addition to Evanston: Lots 1, 2, and 3 in Colfax Subdivision, a subdivision of Lots 3 and 4 in Owners Subdivision of Lots 4, 5, and 6 in Block 1 and Lots 14, 15, and 16 in Block 7 in Orrington Addition to Evanston: the north 31 feet of Lot 2 in Block 1 of Orrington Addition to Evanston: and the alley vacated by the City Council and purchased by the College in 1962, which alley comprises 2, 127 square feet and runs east from Sherman Avenue between Colfax Street and Lincoln Street for half the distance to Orrington Avenue: all being located in Section 7, Township 41 North, Range 14 East of the Third Principal Meridian, Cook County, Illinois,

and commonly known as 721-735 Colfax Street, 2351 Sherman Avenue, and 2348 Orrington Avenue, Evanston, Illinois.

In consideration of the City Council of the City of Evanston rezoning the said property from a U-1 University District to a U-2 University District as to the premises previously described, it is hereby covenanted and agreed as follows:

- (1) that the said Kendall College shall convey the aforementioned premises to a nominee and that any reconveyance by said nominee to Kendall College shall be accompanied by this covenant;
- (2) that the construction on the said property shall be limited to not more than one dormitory designed to house not more than 125 students;

FILED To: CK M. SIEGEL CORPORATION COUNSEL 31 OAK AVENUE, EVANSTON, ILL. 60204 5-3100



EXHIBIT B

21 186 989

- (3) that said construction shall be constructed substantially in accordance with the plans dated, approved, and identified, by the signature of the Chairman of the Land Use Committee of the Evanston City Council; and
- (4) that any additional uses or buildings which are placed on the area shall be only those as are permitted in the U-2 University District and the undersigned agrees to be bound by the rules, regulations and restrictions applicable to a U-2 University District all as contained in the Zoning Ordinance of the City of Evanston as adopted on November 21, 1960, as amended.

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 Secretary, this 22nd day of May, 1970.

KENDALL COLLEGE, A CORPORATION

BY *Harry H. Janke* President
Chairman

ATTEST:
Robert Beart
 Secretary

STATE OF ILLINOIS) SS.
 COUNTY OF COOK)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Harry H. Janke personally known to me to be the President of the KENDALL COLLEGE corporation, and Robert Beart personally known to me to

21 136 989

JUNE 18, 1970

be the 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, ^{William} this day in person, and severally acknowledged that as such ^{William} President and Secretary they signed and delivered the said instrument as ^{William} 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 as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this 22 day of May 1970.

Melba D. Peterson
Notary Public

MY Commission Expires:
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXP. RES NOV. 13, 1973
ISSUED THRU ILLINOIS NOTARY ASSOCIATION

21186989

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80-0-66

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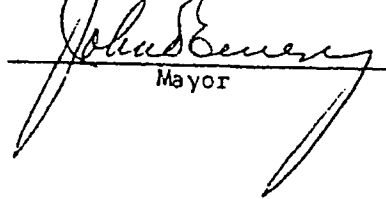
SECTION 3: All ordinances or parts of
ordinances in conflict
herewith are hereby repealed.

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full force and effect from
and after its passage, approval, and publication in the manner
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INTRODUCED July 5, 1966

ADOPTED July 18, 1966

APPROVED July 18, 1966



Mayor

ATTEST:



City Clerk

Approved as to form:



Corporation Counsel

21 186 989

COVENANT

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- (2) that the construction on the said property shall be limited to not more than one dormitory designed to house not more than 125 students;

ALL TO:
CK M. SIEGEL
CORPORATION COUNSEL
31 OAK AVENUE, EVANSTON, ILL. 60204
5-3100



EXHIBIT B

21 186 989

- (3) that said construction shall be constructed substantially in accordance with the plans dated, approved, and identified, by the signature of the Chairman of the Land Use Committee of the Evanston City Council; and
- (4) that any additional uses or buildings which are placed on the area shall be only those as are permitted in the U-2 University District and the undersigned agrees to be bound by the rules, regulations and restrictions applicable to a U-2 University District all as contained in the Zoning Ordinance of the City of Evanston as adopted on November 21, 1960, as amended.

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 Secretary, this 22nd day of May, 1970.

KENDALL COLLEGE, A CORPORATION

BY *H. H. Janke* President
Chairman

ATTEST:

Robert Beart
 Secretary

STATE OF ILLINOIS) SS.
 COUNTY OF COOK)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Harry H. Janke personally known to me to be the President of the KENDALL COLLEGE corporation, and Robert Beart personally known to me to

21 186 989

JUNE 18, 1970

be the 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 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 as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this 22 day of May 1970.

Melba D. Peterson
Notary Public

MY Commission Expires:
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES NOV. 13, 1973
ISSUED THROUGH ILLINOIS NOTARY ASSOCIATION

21186989

Shirley A. Allen
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