

**13-O-07**

**AN ORDINANCE**

**Authorizing the City Manager to Execute  
a Ninety-Nine Year Easement Agreement  
with Winthrop Properties, LLC, for  
Certain Above-Surface and Sub-Surface Encroachments  
Above and Below the Public Right-of-Way  
in the 1500 Block of Maple Avenue  
and the 1500 Block of Elmwood Avenue,  
in Connection with the Construction of  
the Planned Development Approved by Ordinance 115-O-05**

WHEREAS, Winthrop Properties, LLC, "Winthrop", owns the property at 1567 Maple Avenue, the "Subject Property", legally described in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, the City Council approved Ordinance 115-O-05 on October 24, 2005, to grant the application of Winthrop in case no. ZPD 04-10 PD, for a special use for a planned development to construct and operate a mixed-use development at the Subject Property, consisting of retail, parking, and multi-family residential; and

WHEREAS, a portion of the roof and balcony of said development will encroach above the surface of the public right-of-way on Elmwood Avenue, as described in Exhibit B, attached hereto and made a part hereof; and

WHEREAS, Winthrop intends to construct a concrete caisson bells below, and that encroach on, the Maple Avenue and Elmwood Avenue public rights-of-way as described in Exhibit C, attached hereto and made a part hereof; and

**WHEREAS**, the City and Winthrop are desirous of entering into an Easement Agreement providing for the afore-described encroachments above and below the public rights-of-way; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City to enter into said Easement Agreement, and

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

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

**SECTION 2:** That the City Manager is hereby authorized and directed to sign, and the City Clerk is hereby directed to attest on behalf of the City, the Easement Agreement between the City and Winthrop, attached hereto as Exhibit D, and made a part hereof, for the term of ninety-nine (99) years and the sum of, nine hundred fifty-four, and no/100 dollars (\$954.00), for the encroachment of the roof above, and the concrete caisson bells below, the public rights-of-way.

**SECTION 3:** That the City Manager is hereby authorized and directed to negotiate any additional terms and conditions of the Easement Agreement consistent with this Ordinance as she may determine to be in the best interests of the City.

**SECTION 4:** That 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 publication in the manner provided by law.

Introduced: February 12, 2007

Approved:

Adopted: February 26, 2007

March 2, 2007

*Juliana A. Wynne*

Mayor Pro Tem Wynne

Attest:

*Mary P. Morris*  
Mary P. Morris  
City Clerk

Approved as to form:

*[Signature]*  
Corporation Counsel

**EXHIBIT A****LEGAL DESCRIPTIONS**

**PARCEL 1:** LOT 1 IN WHEELER'S SUBDIVISION OF THE SOUTH 250 FEET WEST OF RAILROAD OF BLOCK 63 IN EVANSTON, EXCEPT THAT PART OF SAID LOT BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT AND RUNNING THENCE WEST ON THE SOUTH LINE OF SAID LOT 26.3 FEET; THENCE NORTHWESTERLY IN A STRAIGHT LINE TO A POINT IN THE NORTH LINE OF SAID LOT 29.1 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT; THENCE EAST 29.1 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTHEASTERLY ALONG THE EAST LINE OF SAID LOT 55.4 FEET TO THE POINT OF BEGINNING, LYING IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PARCEL 2:** LOT 2 (EXCEPT THAT PART THEREOF CONVEYED TO THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY BY WARRANTY DEED DATED FEBRUARY 2, 1906, AND RECORDED FEBRUARY 2, 1906, AS DOCUMENT 382472, IN BOOK 9336, PAGE 490), IN WHEELER'S SUBDIVISION OF THE SOUTH 250 FEET WEST OF RAILROAD IN BLOCK 63 (EXCEPT THAT PART TAKEN FOR ELMWOOD AVENUE) IN EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PARCEL 3:** THE NORTH 23.67 FEET OF LOT 1 IN PLAT OF CONSOLIDATION OF THE PART OF BLOCK 63 IN THE CITY OF EVANSTON IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 1981, AS DOCUMENT NUMBER 25888318.

**The subject Property is commonly known as 1567 Maple Avenue, and bears the following Permanent Identification Numbers:**

**PIN 11-18-310-010**  
**PIN 11-18-310-011**  
**PIN 11-18-310-025 (partial)**

**EXHIBIT B****LEGAL DESCRIPTIONS****AIR RIGHTS EASEMENT FOR ROOF AT 1567 MAPLE AVENUE:**

THAT PART OF ELMWOOD AVENUE IN THE CITY OF EVANSTON ABOVE A CERTAIN HORIZONTAL PLANE LOCATED 752.83 FEET ABOVE MEAN SEA LEVEL AS REFERENCED TO THE UNITED STATES COAST AND GEODETIC SURVEY DATUM OF 1929 AND LYING WITHIN THE VERTICALLY PROJECTED BOUNDARIES DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN WHEELER'S SUBDIVISION OF THE SOUTH 250.00 FEET WEST OF THE RAILROAD IN BLOCK 63 IN EVANSTON IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, SAID NORTHEAST CORNER OF LOT 1 BEING ALSO A POINT ON THE SOUTHWESTERLY LINE OF SAID ELMWOOD AVENUE AS WIDENED, 280.89 FEET NORTHWESTERLY DISTANT FROM ITS INTERSECTION WITH THE NORTH LINE OF GROVE STREET;

THENCE SOUTHEASTERLY ALONG THE SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE, A DISTANCE OF 41.17 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED;

THENCE EASTERLY ALONG THE ARC OF A NON-TANGENT CURVE, CONVEX TO THE NORTHEAST, HAVING A RADIUS OF 138.04 FEET, A CHORD DISTANCE OF 7.21 FEET TO A POINT 3.83 FEET PERPENDICULARLY DISTANT FROM THE AFORESAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE; THENCE A DISTANCE OF 4.58 FEET TO A POINT ON THE SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE, DISTANT 8.58 FEET SOUTHWESTERLY FROM THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG THE SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE, A DISTANCE OF 8.58 FEET TO THE POINT OF BEGINNING.

**Gross area of roof easement: 16.75 sq. ft.**

**AIR RIGHTS EASEMENT FOR BALCONIES AT 1567 MAPLE AVENUE:**

THAT PART OF ELMWOOD AVENUE IN THE CITY OF EVANSTON ABOVE A CERTAIN HORIZONTAL PLANE LOCATED 643.00 FEET ABOVE MEAN SEA LEVEL AS REFERENCED TO THE UNITED STATES COAST AND GEODETIC SURVEY DATUM OF 1929 AND LYING WITHIN THE VERTICALLY PROJECTED BOUNDARIES DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN WHEELER'S SUBDIVISION OF THE SOUTH 250.00 FEET WEST OF THE RAILROAD IN BLOCK 63 IN EVANSTON IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, SAID NORTHEAST CORNER OF LOT 1 BEING ALSO A POINT ON THE SOUTHWESTERLY LINE OF SAID ELMWOOD AVENUE AS WIDENED, 280.89 FEET NORTHWESTERLY DISTANT FROM ITS INTERSECTION WITH THE NORTH LINE OF GROVE STREET;

THENCE SOUTHEASTERLY ALONG THE SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE, A DISTANCE OF 46.83 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED;

THENCE SOUTHEASTERLY ALONG A LINE MAKING AN ANGLE OF 33 DEGREES 11 MINUTES 21 SECONDS MEASURED COUNTER-CLOCKWISE FROM THE LAST DESCRIBED COURSE EXTENDED, A DISTANCE OF 6.50 FEET TO A POINT 3.56 FEET PERPENDICULARLY DISTANT FROM THE AFORESAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE; THENCE SOUTHWESTERLY, A DISTANCE OF 4.25 FEET TO A POINT ON THE SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE; THENCE NORTHWESTERLY ALONG THE SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE, A DISTANCE OF 7.75 FEET TO THE POINT OF BEGINNING.

**Gross area per floor: 13.80 sq. ft. ten floor levels**

**EXHIBIT C****LEGAL DESCRIPTIONS****EASEMENT NO. 1****SUBSURFACE EASEMENT FOR CAISSON BELL:**

THAT PART OF AN UNDERGROUND CONCRETE CAISSON BELL LYING WITHIN THE RIGHT OF WAY OF MAPLE AVENUE IN EVANSTON, ILLINOIS DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF SAID MAPLE AVENUE BEING ALSO THE NORTHWEST CORNER OF LOT 1 IN WHEELER'S SUBDIVISION OF THE SOUTH 250.00 FEET WEST OF RAILROAD OF BLOCK 63 IN EVANSTON, A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

THENCE SOUTH ALONG THE SAID EAST LINE OF MAPLE AVENUE, A DISTANCE OF 27.91 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF A NON-TANGENT CURVE CONVEX TO THE WEST, HAVING A RADIUS OF 4.0 FEET, AN ARC DISTANCE OF 6.21 FEET, RETURNING TO THE AFORESAID EASTERLY LINE OF MAPLE AVENUE SAID EAST LINE OF MAPLE AVENUE BECOMING THE CHORD OF AFORE DESCRIBED CIRCULAR SEGMENT, THE MID-ORDINATE OF SAID SEGMENT BEING 1.15 FEET; THENCE NORTH ALONG THE SAID EAST LINE OF MAPLE AVENUE, A DISTANCE OF 5.61 FEET TO THE POINT OF BEGINNING; HEREIN DESCRIBED EASEMENT HAVING A CALCULATED AREA OF 4.42 SQUARE FEET.

**Gross area: 4.42 sq. ft.**

**EASEMENT NO. 2****SUBSURFACE EASEMENT FOR CAISSON BELL:**

THAT PART OF AN UNDERGROUND CONCRETE CAISSON BELL LYING WITHIN THE RIGHT OF WAY OF MAPLE AVENUE IN EVANSTON, ILLINOIS DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF SAID MAPLE AVENUE BEING ALSO THE NORTHWEST CORNER OF LOT 1 IN WHEELER'S SUBDIVISION OF THE SOUTH 250.00 FEET WEST OF RAILROAD OF BLOCK 63 IN EVANSTON, A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

THENCE SOUTH ALONG THE SAID EAST LINE OF MAPLE AVENUE, A DISTANCE OF 66.08 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF A NON-TANGENT CURVE CONVEX TO THE WEST, HAVING A RADIUS OF 5.25 FEET, AN ARC DISTANCE OF 9.45 FEET, RETURNING TO THE AFORESAID EASTERLY LINE OF MAPLE AVENUE, SAID EAST LINE OF MAPLE AVENUE BECOMING THE CHORD OF AFORE DESCRIBED CIRCULAR SEGMENT, THE MID-ORDINATE OF SAID SEGMENT BEING 1.987 FEET; THENCE NORTH ALONG THE SAID EAST LINE OF MAPLE AVENUE, A DISTANCE OF 8.22 FEET TO THE POINT OF BEGINNING; HEREIN DESCRIBED EASEMENT HAVING A CALCULATED AREA OF 11.37 SQUARE FEET.

**Gross area: 4.42 sq. ft.**



**EASEMENT NO. 3****SUBSURFACE EASEMENT FOR CAISSON BELL:**

THAT PART OF AN UNDERGROUND CONCRETE CAISSON BELL LYING WITHIN THE RIGHT OF WAY OF ELMWOOD AVENUE IN EVANSTON, ILLINOIS DESCRIBED AS FOLLOWS:

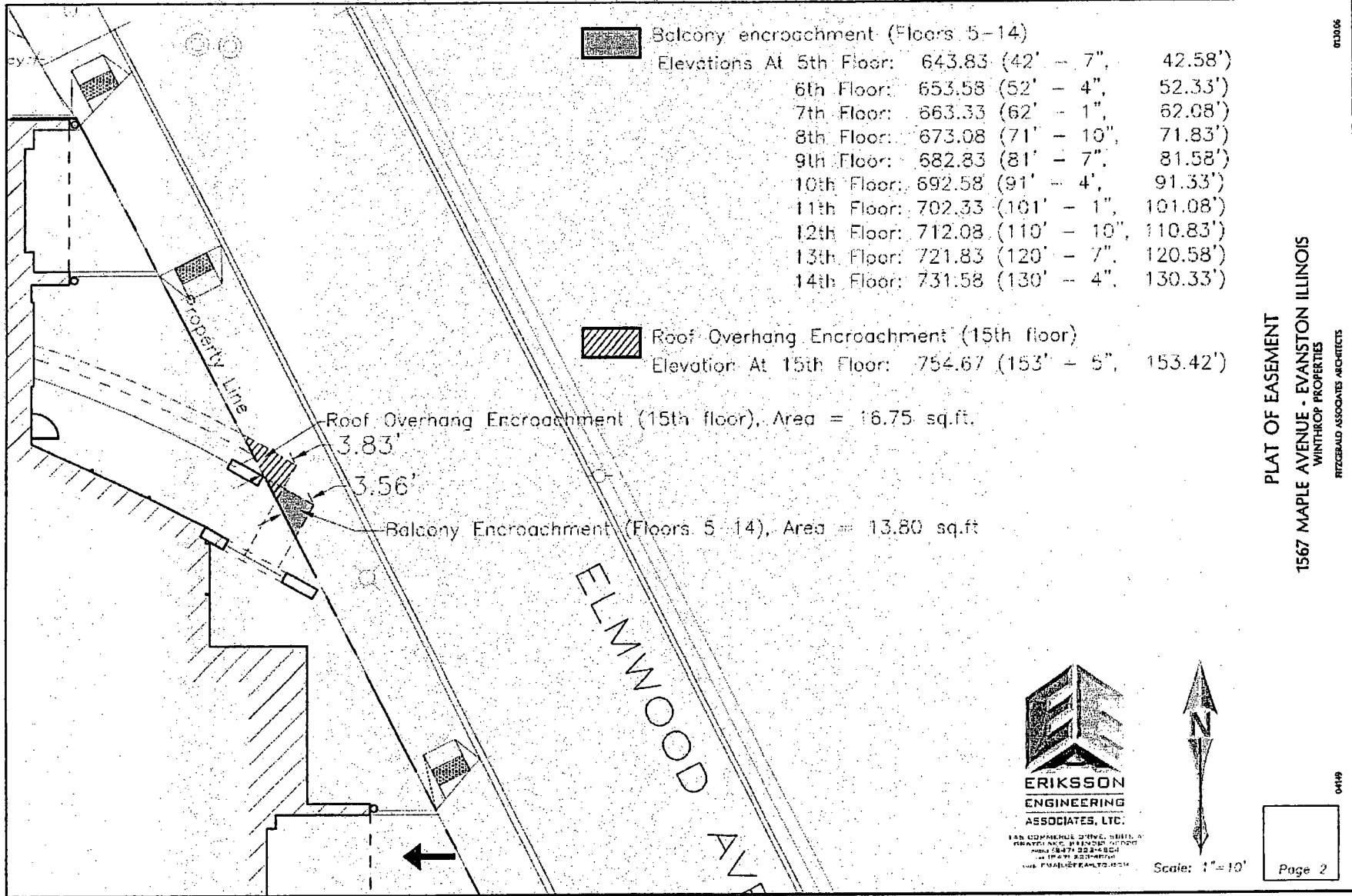
COMMENCING AT A POINT ON THE SOUTHWESTERLY LINE OF SAID ELMWOOD AVENUE, SAID POINT BEING ALSO A POINT ON THE NORTH LINE OF LOT 1 DISTANT 29.10 FEET WEST OF THE ORIGINAL NORTHEAST CORNER OF SAID LOT, IN WHEELER'S SUBDIVISION OF THE SOUTH 250.00 FEET WEST OF RAILROAD OF BLOCK 63 IN EVANSTON, A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE, A DISTANCE OF 42.92 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE EASTERLY, SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF A NON-TANGENT CURVE, CONVEX TO THE NORTHEAST, HAVING A RADIUS OF 7.00 FEET, AN ARC DISTANCE OF 10.73 FEET, RETURNING TO THE AFORESAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE, SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE BECOMING THE CHORD OF ABOVE DESCRIBED CIRCULAR SEGMENT, THE MID-ORDINATE OF SAID SEGMENT BEING 1.96 FEET; THENCE NORTHWESTERLY ALONG THE SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE, A DISTANCE OF 9.70 FEET TO THE POINT OF BEGINNING; HEREIN DESCRIBED EASEMENT HAVING A CALCULATED AREA OF 13.07 SQUARE FEET.

**Gross area: 13.07 sq. ft.**







PLAT OF EASEMENT  
 1567 MAPLE AVENUE - EVANSTON ILLINOIS  
 WINTHROP PROPERTIES

FITZGERALD ASSOCIATES ARCHITECTS

03006



148 COMMERCIAL DRIVE, SUITE 100  
 EVANSTON, ILLINOIS 60201  
 TEL: (847) 323-8554  
 FAX: (847) 323-8554



Scale: 1" = 10'

**AIR RIGHTS EASEMENT FOR ROOF AT 1567 MAPLE AVENUE:**

THAT PART OF ELMWOOD AVENUE IN THE CITY OF EVANSTON ABOVE A CERTAIN HORIZONTAL PLANE LOCATED 754.67 FEET ABOVE MEAN SEA LEVEL AS REFERENCED TO THE UNITED STATES COAST AND GEODETIC SURVEY DATUM OF 1929 AND LYING WITHIN THE VERTICALLY PROJECTED BOUNDARIES DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN WHEELER'S SUBDIVISION OF THE SOUTH 250.00 FEET WEST OF THE RAILROAD IN BLOCK 63 IN EVANSTON IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, SAID NORTHEAST CORNER OF LOT 1 BEING ALSO A POINT ON THE SOUTHWESTERLY LINE OF SAID ELMWOOD AVENUE AS WIDENED, 280.89 FEET NORTHWESTERLY DISTANT FROM ITS INTERSECTION WITH THE NORTH LINE OF GROVE STREET;

THENCE SOUTHEASTERLY ALONG THE SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE, A DISTANCE OF 41.17 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED;

THENCE EASTERLY ALONG THE ARC OF A NON-TANGENT CURVE, CONVEX TO THE NORTHEAST, HAVING A RADIUS OF 138.04 FEET, A CHORD DISTANCE OF 7.21 FEET TO A POINT 3.83 FEET PERPENDICULARLY DISTANT FROM THE AFORESAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE; THENCE A DISTANCE OF 4.58 FEET TO A POINT ON THE SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE, DISTANT 8.58 FEET SOUTHWESTERLY FROM THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG THE SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE, A DISTANCE OF 8.58 FEET TO THE POINT OF BEGINNING.

**Gross area of roof easement: 16.75 sq. ft. @ 153.42 feet above grade**

**AIR RIGHTS EASEMENT FOR BALCONIES AT 1567 MAPLE AVENUE:**

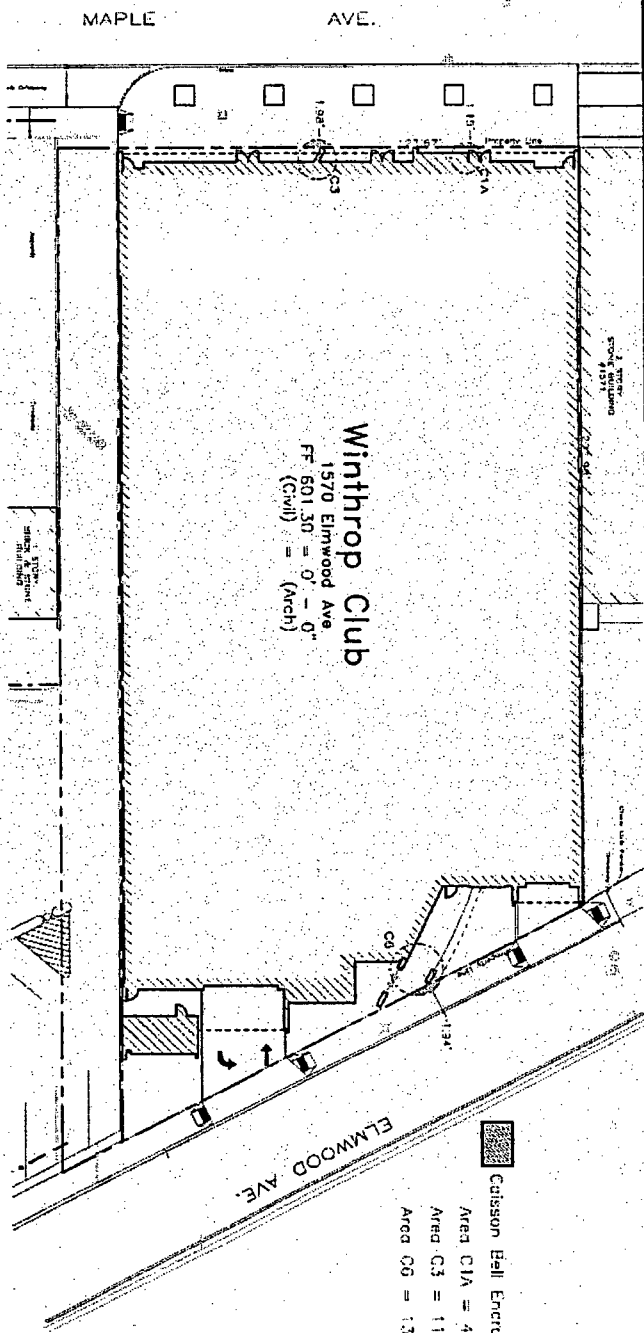
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COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN WHEELER'S SUBDIVISION OF THE SOUTH 250.00 FEET WEST OF THE RAILROAD IN BLOCK 63 IN EVANSTON IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, SAID NORTHEAST CORNER OF LOT 1 BEING ALSO A POINT ON THE SOUTHWESTERLY LINE OF SAID ELMWOOD AVENUE AS WIDENED, 280.89 FEET NORTHWESTERLY DISTANT FROM ITS INTERSECTION WITH THE NORTH LINE OF GROVE STREET;

THENCE SOUTHEASTERLY ALONG THE SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE, A DISTANCE OF 46.83 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED;

THENCE SOUTHEASTERLY ALONG A LINE MAKING AN ANGLE OF 33 DEGREES 11 MINUTES 21 SECONDS MEASURED COUNTER-CLOCKWISE FROM THE LAST DESCRIBED COURSE EXTENDED, A DISTANCE OF 6.50 FEET TO A POINT 3.56 FEET PERPENDICULARLY DISTANT FROM THE AFORESAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE; THENCE SOUTHWESTERLY, A DISTANCE OF 4.25 FEET TO A POINT ON THE SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE; THENCE NORTHWESTERLY ALONG THE SAID SOUTHWESTERLY LINE OF ELMWOOD AVENUE, A DISTANCE OF 7.75 FEET TO THE POINT OF BEGINNING.

**Gross area per floor: 13.80 sq. ft. ten floor levels as indicated upon drawing**



**Winthrop Club**  
 1570 Elmwood Ave  
 FF 501.30' = 0' - 0"  
 (Cm'd) = (Arch)

█ Caisson Ball Encroachment  
 Area C1A = 4.42 sq.ft.  
 Area C3 = 11.27 sq.ft.  
 Area C6 = 13.67 sq.ft.

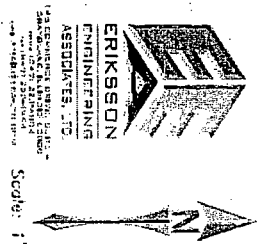
MAPLE AVE.

ELMWOOD AVE.

STATE OF ILLINOIS ) S.S.  
 COUNTY OF COOK ) S.S.  
 APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF EVANSTON,  
 COOK COUNTY, ILLINOIS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

BY: \_\_\_\_\_  
 CITY CLERK, EVANSTON, ILLINOIS  
 EVANSTON, \_\_\_\_\_ 20\_\_\_\_

STATE OF ILLINOIS ) S.S.  
 COUNTY OF COOK ) S.S.  
 We, the undersigned, Licensed Professional Engineer, do hereby certify that we have prepared  
 this plat of easement in accordance with the provisions of the Illinois Easement Law  
 and the Illinois Easement Law, and that the same is a true and correct copy of the  
 original as recorded in the office of the County Clerk of Cook County, Illinois.  
 \_\_\_\_\_  
 Licensed Professional Engineer  
 \_\_\_\_\_  
 Illinois Professional and Surveyor No. \_\_\_\_\_  
 License Expiration Date \_\_\_\_\_



**PLAT OF EASEMENT**  
 1567 MAPLE AVENUE - EVANSTON ILLINOIS  
 WINTHROP PROPERTIES  
 FITZGERALD ASSOCIATES ARCHITECTS

