

11/17/2010

92-O-10

AN ORDINANCE

**Authorizing the City Manager to Sell a Certain Portion of
Sewer Service, Owned by the City of Evanston
and Located Beneath McCormick Boulevard
and 2010 Hawthorne Lane, to the Abutting Owner**

WHEREAS, the City Council of the City of Evanston (the "City") has determined that it is no longer necessary, practical, or economical for the City to retain ownership of that certain portion of twelve-inch (12") diameter, reinforced concrete storm sewer service, identified as FacilityID SMC_00104-B_00104 in the City sewer atlas, thirty-eight feet (38') in length, located between the connection to the storm sewer main in McCormick Boulevard and the pre-cast concrete drainage structure, and the pre-cast concrete drainage structure in the parkway, identified as FacilityID SMC_00104-B in the City sewer atlas (the "Sewer Service"), as depicted in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Evanston to sell the Sewer Service to the owner of the abutting property,

**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 incorporated herein by reference.

SECTION 2: That, pursuant to Subsection 1-17-3-(B) of the Evanston City Code of 1979, as amended (the "City Code"), the City Council hereby authorizes and directs the City Manager to sell the Sewer Service, upon terms and conditions he deems reasonable, necessary, and in the best interests of the City, to Marvin Kantor (the "Purchaser"), owner of the abutting property legally described in Exhibit B, attached hereto and made a part hereof, commonly known as 2010 Hawthorne Lane, Evanston, Illinois (the "Subject Property").

SECTION 3: That, upon Purchaser's payment of the agreed-upon price of six hundred ninety-five dollars and sixty-four cents (\$695.64) to the City, the City Manager is hereby authorized to convey evidence of ownership of the Sewer Service to the Purchaser.

SECTION 4: That Purchaser acknowledges and agrees that, pursuant to Subsection 7-13-7-D of the City Code, he is and shall be solely responsible for the maintenance and repair of the existing sanitary sewer service for the Subject Property, the storm sewer lateral from the Subject Property to the parkway catch basin and the sewer connection in McCormick Boulevard, said parkway catch basin, and said sewer connection.

SECTION 5: That, within thirty (30) days of paying the City for the Sewer Service, the Purchaser shall record, against the Subject Property and at his cost, a certified copy of this ordinance with the Cook County Recorder of Deeds. Purchaser shall provide the City with proof of said recordation within thirty (30) days thereof.

SECTION 6: That, when necessary to effectuate the terms, conditions, and purposes of this ordinance, "Purchaser" shall be read as "Purchaser's agents, assigns, and successors in interest."

SECTION 7: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: That if any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid application of this ordinance is severable.

SECTION 9: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: December 13, 2010 Approved:

Adopted: January 10, 2011 January 13, 2011

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, City Attorney

EXHIBIT A

MAP

Exhibit 1

To The Agreement Between Mr. Marvin Kantor and the City of Evanston

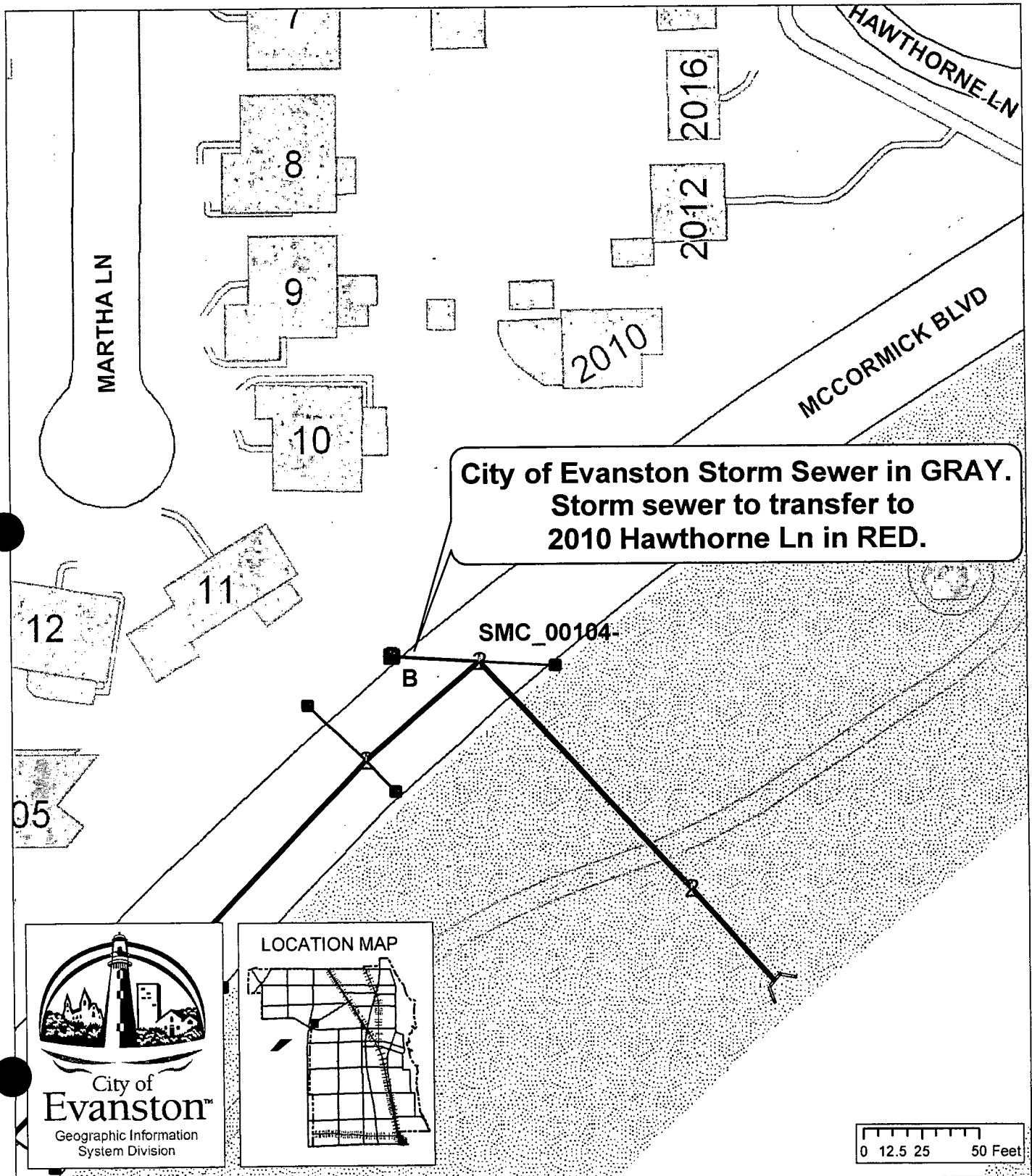


EXHIBIT B**LEGAL DESCRIPTION**

ALL THAT PART OF LOT 16 LYING SOUTH AND SOUTHEASTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT IN THE WEST LINE OF LOT 16, 50 FEET SOUTH OF THE NORTH LINE OF SAID LOT 16; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT 16, 150 FEET, THENCE NORTHEASTERLY 104.85 FEET; MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF SAID LOT, 27.78 FEET SOUTHERLY (MEASURED ON SAID EASTERLY LINE) FROM THE NORTHEASTERLY CORNER OF SAID LOT, ALL IN OWNERS' SUBDIVISION OF LOT 1 (EXCEPT THE WEST 100 FEET THEREOF) AND THAT PART OF LOT 2 (EXCEPT THE WEST 100 FEET THEREOF) IN THE CIRCUIT COURT PARTITION OF THE NW ¼ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; RUNNING THENCE NORTHEASTERLY TO A POINT IN THE NORTH LINE OF SAID LOT 2, 550 FEET EAST OF THE NORTHWEST CORNER THEREOF, IN THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS.

PIN: 10-13-100-012-0000

COMMONLY KNOWN As: 2010 Hawthorne Lane, Evanston, Illinois.