

5/1/98

28-R-98

A Resolution

**Authorizing the City Manager to
Sign an Agreement With the Dominick's Finer Foods
for the Installation of a Temporary Traffic Signal
at the Intersection of Green Bay Road and Isabella Street**

WHEREAS, Dominick's Finer Foods ("Dominick's") has agreed to contract for the installation of a temporary traffic signal at the intersection of Green Bay Road and Isabella Street and to bear said costs; and

WHEREAS, the Village of Wilmette has approved the installation and construction within their corporate limits of a temporary traffic signal at said intersection; and

WHEREAS, the Union Pacific Railroad has approved the installation of temporary poles within their right-of-way at the east side of said intersection until November 27, 1998,

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

SECTION 1: That the City Manager, or his designee, is hereby authorized and directed to sign, and the City Clerk hereby authorized and directed to attest on behalf of the City, the aforescribed Agreement by and between the City of Evanston and Dominick's Finer Foods, attached as Exhibit A and incorporated herein.

SECTION 2: That the City Manager is hereby authorized and directed to negotiate any additional conditions on the aforescribed Agreement as may be determined to be in the best interests of the City.

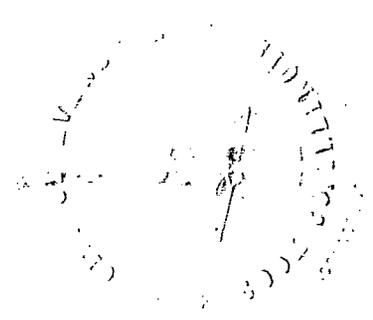
SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

Lorraine A. Norton
Mayor

ATTEST:

Mary P. Morris (mp)
City Clerk

Adopted: May 11, 1998



AGREEMENT

This Agreement entered this ____ day of May, 1998 by and between the City of Evanston ("City") and Dominick's Finer Foods ("Dominick's") both of Cook County, Illinois:

WITNESSETH:

WHEREAS, Dominick's Finer Foods ("Dominick's") has agreed to contract for the installation a temporary traffic signal at the intersection of Green Bay Road and Isabella Street and to bear said costs; and

WHEREAS, the Village of Wilmette has approved the installation and construction within their corporate limits of a temporary traffic signal at said intersection; and

WHEREAS, the Union Pacific Railroad has approved the installation of temporary poles within their right-of-way at the east side of said intersection until November 27, 1998,

NOW THEREFORE, in consideration of the premises and the mutual understandings and agreements of the parties, and in conformity with all applicable laws, IT IS AGREED AS

FOLLOWS:

1. The City agrees to permit Dominick's to have installed a temporary traffic signal at the intersection of Green Bay Road and Isabella Street.
2. Dominick's agrees to contract for the installation of a temporary traffic signal at the intersection of Green Bay Road and Isabella Street.
3. Dominick's agrees to pay all contract costs, including the cost of said installation.
4. Dominick's agrees to include in the installation contract a provision that the contractor hold the City and the Village of Wilmette harmless from any and all claims arising from the installation of the temporary traffic signal.
5. Dominick's agrees to require the contractor for said installation to obtain all the necessary and required permits.
6. Dominick's agrees to be responsible for the maintenance of the temporary signal.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF EVANSTON

DOMINICK'S FINER FOODS

By: _____
Roger Crum, City Manager

By: _____
John Turek, Vice President, Store
Planning and Construction

Attest: _____
City Clerk

Subscribed and sworn before me
this day of , 1998.

Notary Public