

46-R-98

A RESOLUTION

**Authorizing the Grant of a License to the
First Presbyterian Society of Evanston Allowing a Light Pole
and Luminars in the Parkway at 1427 Chicago Avenue**

WHEREAS, The First Presbyterian Society of Evanston ("Licensee") is the owner of the property at 1427 Chicago Avenue, Evanston, Illinois; and

WHEREAS, the Licensee seeks to install and maintain one light pole and luminars on the parkway for the First Presbyterian Church at 1427 Chicago Avenue, Evanston, on said property described as follows:

That part of Lake Street commencing at the intersection of the East line of Chicago Avenue with the South line of Lake Street, thence East along the South line of Lake Street a distance of 32.0 feet, thence North 8.7 feet to the point of beginning, thence continuing North 9.2 feet, thence East 6.0 feet, thence South 9.2 feet, thence West 6.0 feet to the point of beginning all in the Southeast 1/4 of the fractional section 18, Township 41 North, range 14 East of the third principal meridian in Cook County, Illinois.

and;

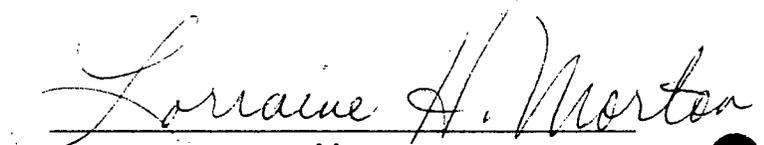
WHEREAS, the Licensee agrees to trim, at its expense and with the approval of the City Arborist, any trees that interfere with the proposed lighting unit; and

WHEREAS, the City Council of the City of Evanston finds and determines that the best interests of the City and its residents would be served by the granting of a license to allow the aforesaid lighting unit,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Evanston, Cook County, Illinois:

SECTION 1: That the City Manager is hereby authorized and directed to sign, and the City Clerk hereby authorized and directed to attest on behalf of the City of Evanston, a License Agreement in substantial conformity with that attached hereto as Exhibit 1 and made a part hereof, between the City, as Licensor, and the First Presbyterian Society of Evanston, as Licensee, providing for a lighting unit on the parkway for the First Presbyterian Church at 1427 Chicago Avenue, Evanston, Illinois.

SECTION 2: That this Resolution shall be in full force and effect from and after the date of its passage and approval in the manner required by law.



Mayor

ATTEST:



City Clerk

Adopted: August 17, 1998

EXHIBIT 1

REVOCABLE LICENSE AGREEMENT

The City of Evanston, an Illinois municipal corporation, ("City"), for good and valuable consideration, receipt of which is acknowledged, does hereby grant to the First Presbyterian Society of Evanston ("Licensee"), a license to allow the installation and maintenance of one light pole and luminars on the parkway for the First Presbyterian Church located at 1427 Chicago Avenue, Evanston. Said lighting unit is located in the area legally described as Exhibit A attached hereto and incorporated by reference. The License is made by the City and accepted by the Licensee upon these terms and conditions, and Licensee agrees that should the Licensee at any time violate any of said terms or conditions, or use or attempt to use said property for any other or different purpose than that specified herein, then the City may, at its option, immediately revoke this License:

1. That the License is for the exclusive purpose of allowing the installation and maintenance of a light pole and luminars on the parkway for the First Presbyterian Church at 1427 Chicago Avenue, described as follows:

See Exhibit A

2. That Licensee agrees to obtain any applicable permits required by the Evanston City Code, to install and maintain said lighting unit.

3. That Licensee agrees to trim, at its expense and with the approval of the City Arborist, any trees that interfere with the lighting unit.

4. That, as a material consideration to the City for entering into this License and without which the City would not enter into same, Licensee agrees to indemnify and save and hold harmless the City, its successors and assigns, from all liability for injuries to persons, deaths, or losses or damage to property resulting from the giving of this License or arising out of or caused by the construction, installation, maintenance, use, presence, or removal of the lighting unit by Licensee on the public right-of-way located in the area designated on Exhibit A. The Licensee shall, at its own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising from or incurred in connection with any of these provisions.

5. That, prior to the signing of this License, Licensee will provide the City with adequate and satisfactory insurance coverage against all risk of harm or any injury to any party through a recognized surety. Said insurance will name the City as an additional insured and will give the City thirty days' notice of cancellation. Licensee will keep said insurance in effect throughout the term of this License.

6. That this License is not assignable or otherwise transferable by Licensee.

The CITY OF EVANSTON expressly reserves the right to revoke this License upon thirty (30) days' written notice if it is determined in the best interest of the City to do so. In such event, Licensee shall have no recourse against the City, and, if directed by the City, Licensee shall promptly remove the lighting unit and promptly restore to its original condition, in compliance with applicable regulations, any city-owned area exposed by removal of the lighting unit.

IN WITNESS WHEREOF, this License is executed this _____ day of _____,
1998.

By: _____
Noel Jackson, President, Board of Trustees
First Presbyterian Society of Evanston

By: _____
Roger Crum, City Manager
City of Evanston

Attest: _____
Mary Morris, City Clerk

EXHIBIT "A" LICENSE AGREEMENT

THAT PART OF LAKE STREET DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF CHICAGO AVENUE WITH THE SOUTH LINE OF LAKE STREET, THENCE EAST ALONG THE SOUTH LINE OF LAKE STREET A DISTANCE OF 32.0 FEET, THENCE NORTH 8.7 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING NORTH 9.2 FEET, THENCE EAST 6.0 FEET, THENCE SOUTH 9.2 FEET, THENCE WEST 6.0 FEET TO THE POINT OF BEGINNING ALL IN THE SOUTHEAST 1/4 OF THE FRACTIONAL SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

