

6/23/99

43-R-99  
A RESOLUTION

Authorizing a License Agreement  
Allowing a Fence to be Retained on the Right-of-way at 1210 Dobson Street

WHEREAS, Ms. Kimberly Dion (1210 Dobson Street) has requested a permit to repair a fence damaged in a recent storm; and

WHEREAS, it has been determined that the fence encroaches into the alley right-of-way south of the subject property for a distance of 8 (eight) feet; and

WHEREAS, the portion of the alley occupied by the fence is not surfaced, nor used for the travel way of the alley, which is clearly defined by concrete pavement; and

WHEREAS, a permit for a fence on the right-of-way may not be issued without Council approval; and

WHEREAS, the City Council of the City of Evanston finds that it is in the best interests of the City to grant a license to allow the repair of the subject fence at 1210 Dobson Street and to allow the fence to remain on the alley right-of-way,

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 a license agreement in substantial agreement with Exhibit A (attached) which will allow the fence at 1210 Dobson Street to remain in the unused portion of the alley right-of-way (an area 8 feet wide by 45 feet long).

SECTION 2: That this resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

  
Mayor

ATTEST:

  
City Clerk

Adopted: June 28, 1999

EXHIBIT A  
REVOCABLE LICENSE AGREEMENT

The City of Evanston, an Illinois municipal corporation, ("City"), does hereby grant to Ms. Kimberly Dion ("Licensee"), a license to retain a fence in the public right-of-way in the alley behind 1210 Dobson Street in the City of Evanston. Said fence has been determined to be located 8 feet south of and parallel to the south border of the property in question, which is further identified by the following legal description:

LOT 1 IN THE RESUBDIVISION OF PART OF LOTS 10, 11, AND 13 IN THE COUNTY CLERK'S DIVISION OF UNSUBDIVIDED LANDS IN THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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 the terms and conditions 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 Licensee to repair and maintain a fence on the right-of-way.
2. That the area enclosed by the fence totals 360 square feet and is defined by a rectangle beginning at the south property line of 1210 Dobson Street and extending 8 feet south of the south property line of 1210 Dobson Street and extending 45 feet from west to east parallel to the south property line of 1210 Dobson Street.
3. That Licensee agrees to obtain any applicable permits required by the Evanston City Code to construct and maintain said fence.
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, presence, or removal of the fence covered by this agreement. 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 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 fence in compliance with applicable regulations.

IN WITNESS THEREOF, this license is executed this 1 day of July, 1999.

BY: Kimberly M. Dion  
Kimberly M. Dion  
1210 Dobson Street  
Evanston, Illinois

BY: R. D. Crum  
Roger D. Crum, City Manager  
City of Evanston

Attest: Mary Morris  
Mary Morris, City Clerk