

5/15/00, 5/18/00

46-R-00

**A RESOLUTION**

**Authorizing the City Manager to Execute  
An Agreement of Reciprocal, Covenants,  
Conditions, Restrictions and Easement  
for the 1210-1238 Chicago Avenue with  
with TR Chicago Avenue Partners, L.P.**

WHEREAS, the City of Evanston is the fee simple owner of the City Parcel situated in Evanston, Cook County, Illinois, legally described in Exhibit "A" of Exhibit 1 attached hereto, and the Developer is the fee simple owner of the Condominium Parcel situated in Evanston, Cook County, Illinois legally described in Exhibit "B" of Exhibit 1 attached hereto; and

WHEREAS, the total parcel is or will be improved with four, multi-story buildings identified as Building A, Building B, Building C and Building D in the Plans, respectively, which contain or will contain approximately 156 residential condominium units, commercial condominium units in Building A, two parking garage levels in the basement and ground floor of Building A, Building B and Building C, and three parking garage levels in the basement, ground floor and second floor of Building D; and

WHEREAS, no portion of Building A, Building B or Building C is or will be located on any portion of the City parcel; however, Building D is or will be constructed below and above the City Parcel, and the improvements constructed or to be constructed on the City Parcel, consisting of municipal parking lot, will be supported and partially enclosed by portions of Building D.

WHEREAS, neither the Condominium Property nor the City Property will be functionally independent of the other and each will depend upon the other, to some extent, for structural support, enclosure, ingress and egress, utility services or other facilities and components necessary to the efficient operation and intended use of the Condominium Property and the City Property; and

WHEREAS, the Parties desire to provide for the efficient operation of each respective portion, estate and interest in the Total Parcel, to assure the harmonious relationship of the Owner of each such respective portion, estate or interest in the Total Parcel, by providing for, declaring and creating (i) certain easements, covenants and restrictions against and affecting the Condominium Property which will be binding upon each present and future Owner of the Condominium Property, or of any portion thereof or interest or estate therein, and which will inure to the benefit of each the present and future Owners of the City Property, or of any portion thereof or interest or estate therein, to the extent provided herein, and (ii) certain easements, covenants and restrictions against and affecting the City Property, which will be binding upon each present and future Owner of the City Property, or any portion thereof or interest or estate therein, and which will inure to the benefit of each the present and future Owners of the Condominium Property, or of any portion thereof or interest or estate therein, including any Unit in the Condominium Property; and

WHEREAS, the parties desire by this Agreement of Reciprocal Covenants, Conditions, Restrictions and Easements to ensure the availability of municipal parking on

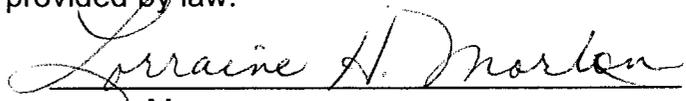
the City Parcel, subject to the terms and conditions therein contained,

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

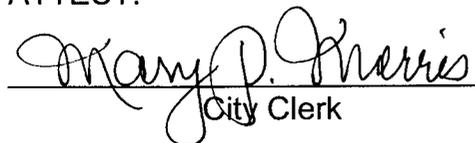
SECTION 1: That the City Manager is hereby authorized and directed to sign, and the City Clerk hereby authorized and directed to attest on behalf of the City of Evanston, for 1234-1238 Agreement of Reciprocal Covenants, Conditions, Restrictions and Easement, for 1210 Chicago Avenue Development by and between the City of Evanston and TR Chicago Avenue Partners, L.P., for a mixed-use development, attached hereto as Exhibit 1.

SECTION 2: That the City Manager is hereby authorized and directed to negotiate any additional terms of the 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.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Adopted: May 22, 2000