

44-R-02

A RESOLUTION

**Authorizing the City Manager to
Execute an Easement Agreement with
Optima Towers Evanston Condominium
Association to Construct Planting Beds**

WHEREAS, the property located at the southwest corner of Sherman Avenue and Davis Street (the "Condominium") has been subjected to the provisions of the Condominium Property Act of the State of Illinois (the "Act") and the Optima Towers Evanston Condominium Association ("Optima") is the Association for the owners of such Condominium, as provided in the declaration therefor and in the Act; and

WHEREAS, the Condominium consists of a twelve-story residential/commercial building with penthouse and parking; and

WHEREAS, Optima seeks to construct planters ("Planters") at grade within the public way; and

WHEREAS, the Planters will be used to grow landscape material for the Condominium; and

WHEREAS, the locations of the Planters are indicated on Exhibit 'A'; and

WHEREAS, the Planters are located so as to encroach on the City's public right-of-way to a maximum of 2.7 to 3.8 feet along the north property line along Davis Street and 3.8 feet along Sherman Avenue; and

WHEREAS, Optima and the City of Evanston are desirous of entering into an Easement Agreement providing for the aforescribed encroachment of the Planters on the public right-of-way,

NOW, THEREFORE, BE IT RESOLVED 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.

SECTION 2: That the City Council hereby authorizes and directs the City Manager to execute, and the City Clerk to attest, an Easement Agreement with the Optima Towers Evanston Condominium Association for construction of planting beds along the building at the corner of Sherman Avenue and Davis Street, attached hereto as Exhibit 1.

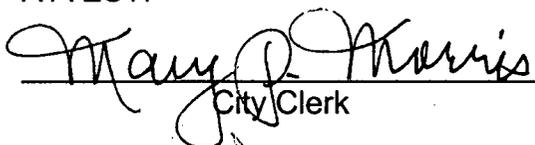
SECTION 3: That City Manager is authorized to negotiate any additional terms and conditions deemed to be in the public interest.

SECTION 4: 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 10, 2002