

66-R-02

A RESOLUTION

**Authorizing the City Manager to
Accept an Assignment to Optima Towers
Evanston Commercial Condominium Association of
an Easement Agreement with Optima Center Evanston, LP,
For an Existing Sidewalk Vault and
Foundation Wall Easement on the Public Way**

WHEREAS, the City of Evanston ("City") and Optima Center Evanston, LP ("Optima Center") entered into an Existing Sidewalk Vault and Foundation Wall Easement on Public Way Ninety-Nine Year Easement Agreement ("Agreement") dated November 8, 2001, recorded November 16, 2001 as document number 11083077 at the Southwest corner of Sherman Avenue and Davis Street; and

WHEREAS, said Agreement requires that the City consent to any Assignment by Optima Center of the Agreement; and

WHEREAS, Optima Center desires to assign and Optima Towers Evanston Commercial Condominium Association agrees to accept the rights and responsibilities under the Agreement; and

WHEREAS, the City Council has determined it is in the best interest of the City to consent to the proposed Assignment of the Agreement,

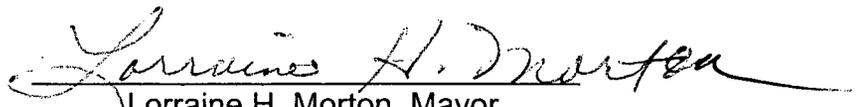
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

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, consent to an Assignment to Optima Towers Evanston Commercial Condominium Association of an Easement Agreement with Optima Center Evanston, LP, for an existing sidewalk vault and foundation wall at the southwest corner of Sherman Avenue and Davis Street marked as Exhibit A attached hereto and incorporated herein by reference.

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


Lorraine H. Morton, Mayor

ATTEST:


Mary P. Morris
City Clerk

Adopted: September 9, 2002

This Instrument was prepared by and after recording should be returned to:

Jordan H. Peters
Freeborn & Peters
311 South LaSalle Street
Suite 3000
Chicago, Illinois 60606

**ASSIGNMENT OF EXISTING SIDEWALK VAULT AND
FOUNDATION WALL EASEMENT ON PUBLIC WAY
NINETY-NINE YEAR EASEMENT AGREEMENT**

FOR VALUE RECEIVED, the undersigned, Optima Center Evanston Limited Partnership, an Illinois limited partnership ("Assignor"), hereby assigns, transfers and sets over to Optima Towers Evanston Condominium Association, an Illinois not-for-profit corporation, and Optima Towers Evanston Commercial Condominium Association, an Illinois not-for-profit corporation (together, the "Assignees"), all of the rights, title and interest of the Assignor in, to and under that certain Existing Sidewalk Vault and Foundation Wall Easement on Public Way Ninety-Nine Year Easement Agreement, dated November 8, 2001, by and between the City of Evanston, as Grantor, and Assignor, as Grantee, which instrument was recorded November 16, 2001 in the office of the Recorder of Deeds of Cook County, Illinois as document number 11083077 (the "Easement Agreement"). Said Easement Agreement affects the real property described on Exhibit A, attached hereto and made a part hereof. Assignees hereby accept the foregoing assignment and agree, from and after the date hereof, to perform and observe all covenants of the Grantee, as set forth in the Easement Agreement.

IN WITNESS WHEREOF, Assignor and Assignees have executed this instrument as of the 1st day of August, 2002.

Optima Center Evanston Limited Partnership,
an Illinois limited partnership

By: Optima Center Evanston Development
L.L.C., an Illinois limited liability company
and the sole general partner of Optima
Center Evanston Limited Partnership

By: 
David C. Hovey, Manager

Optima Towers Evanston Condominium Association, an Illinois not-for-profit corporation

By: [Signature]

Title: PRESIDENT

Optima Towers Evanston Condominium Commercial Condominium Association, an Illinois not-for-profit organization

By: [Signature]

Title: PRESIDENT

CONSENT BY CITY OF EVANSTON

The City of Evanston Illinois, an Illinois municipal corporation, hereby consents to the foregoing assignment, as required by Paragraph 9 of the Easement Agreement.

IN WITNESS WHEREOF, the City has executed this Consent the ____ day of _____, 2002.

City of Evanston, Illinois

By: _____

Title: _____

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Kathy Zaczynski, a Notary Public in and for said County, in the State aforesaid, do hereby certify that David C. Hovey, who is personally known to me to be the Manager of Optima Center Evanston Development, L.L.C., general partner of Optima Center Evanston Limited Partnership, an Illinois limited partnership, and the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as such Manager and as his free and voluntary act and as the act and deed of such general partner, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 1st day of Aug., 2002.

Kathy Zaczynski
Notary Public
(Type or Print Name)



STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Kathy Zaczynski, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Charles Benick, who is personally known to me to be the President of Optima Towers Evanston Condominium Association, an Illinois not-for-profit corporation and the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as such President and as his free and voluntary act and as the act and deed of such corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 1st day of Aug., 2002.

Kathy Zaczynski
Notary Public
(Type or Print Name)



STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Kathy Zaczynski, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Hadley Lande who is personally known to me to be the President of Optima Towers Evanston Commercial Condominium Association, an Illinois not-for-profit corporation and the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as such President and as his free and voluntary act and as the act and deed of such corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 1st day of Aug, 2002.

Kathy Zaczynski
Notary Public
(Type or Print Name)



STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, _____, a Notary Public in and for said County, in the State aforesaid, do hereby certify that _____, who is personally known to me to be the City Manager of the City of Evanston, Illinois, a municipal corporation, and the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as such City Manager and as his free and voluntary act and as the act and deed of such general partner, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this _____ day of _____, 2002.

Notary Public
(Type or Print Name)

EXHIBIT A

LEGAL DESCRIPTION EASEMENT AGREEMENT

Description of the existing "sidewalk vaults" at the Southwest corner of Sherman and Davis Streets in the City of Evanston, IL.

Existing "sidewalk vaults" at the Southwest corner of Sherman and Davis Streets in the City of Evanston, IL, lying between the Westerly line of Sherman Avenue, and a line 15.4 feet normally Easterly thereof, Northerly of a line normal thereto at a point on said West line which is 93.5 feet Southerly of the Southwest corner of Davis Street, and Southerly of the Southerly line of Davis Street:

and lying between the Southerly line of Davis Street and a line 9.6 feet normally Northerly thereof, Easterly of a line normal thereto at a point in said Southerly line which is 55.1 feet Westerly of the Southwest corner of Sherman Avenue, and Westerly of the Westerly line of Sherman Avenue:

all contiguous to the property platted as "Plat of Consolidation" of part of Block 64 in the Village (now City) of Evanston, in the Southwest Quarter of Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, according to the plat thereof recorded March 24, 1983 as Document 26546834, in Cook County, Illinois.