

48-R-04

A RESOLUTION

**Releasing a Deed Restriction for Right of the City Relative to the
Maintenance of an Overhead Pedestrian Crossing
Over the 1700 Block of Oak Avenue**

WHEREAS, the City Council approved Ordinance 5-O-04 on January 26, 2004 granting a special use for planned development at 1100 Clark Street / 1719 Ridge Avenue ("subject property"); and

WHEREAS, the subject property is bounded by Ridge Avenue on the west, Clark Street on the north, Oak Avenue on the east, and an alley (to the north of Church Street) on the south; and

WHEREAS, the subject property consists of two parcels of land, 1719 Ridge Avenue and 1100 Clark Street; and

WHEREAS, a Wieboldt's Department Store existed on the east side of Oak Avenue (at the northeast intersection of Oak Avenue and Church Street) until the early 1980s when it was razed to make way for construction of the Shand Morahan Building at 1007 Church Street; and

WHEREAS, the Wieboldt's Store was connected by an overhead pedestrian crossing to its parking garage on the subject property, located on the west side of Oak Avenue; and

WHEREAS, the overhead pedestrian crossing and the parking garage were razed when the Wieboldt's Store was razed; and

WHEREAS, the City did not require the 1007 Church Street building to be served by an overhead pedestrian crossing to its surface parking lot located on the subject property (the former site of the parking garage) and no such crossing was constructed; and

WHEREAS, pursuant to a warranty deed dated July 1, 1950, recorded as document number 14851344, Wieboldt Stores, Inc. conveyed the 1007 Church Street property and the subject property to the Equitable Life Assurance Society of the United States; and

WHEREAS, this deed provided that the conveyance was subject to, among other things, "rights of the City of Evanston relative to maintenance of overhead pedestrian crossing"; and

WHEREAS, the deed restriction is a title exception on Ticor Title Insurance Company Loan Policy number 539346 disclosed by document number 14851344 obtained by the Developer of the subject property in connection with its acquisition of the 1100 Clark Street parcel; and

WHEREAS, the planned unit development approved by the City Council in Ordinance 5-O-04 does not provide for an overhead pedestrian crossing nor will the City require same; and

WHEREAS, the Developer has requested that the City release the aforescribed deed restriction; and

WHEREAS, continuation of the deed restriction serves no public purpose; and

WHEREAS, release of the deed restriction to allow continuation of the planned development for the four-building multi-family residential complex approved by Ordinance 5-O-04 is in the best interests of the citizens of Evanston,

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 made a part hereof.

SECTION 2: That the City Council hereby releases any and all rights in the City to the "maintenance of overhead pedestrian crossing" set forth in the July 1, 1950 warranty deed from Wieboldt Stores, Inc. to the Equitable Life Assurance Society of the United States, recorded as document number 14851344.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage in the manner provided by law.

Adopted: September 13, 2004


Lorraine H. Morton, Mayor

Attest:


Mary P. Morris, City Clerk