

5/18/2010
4/22/2010

29-R-10

AN RESOLUTION

**Authorizing the City Manager to Execute an Easement Agreement
with AT&T for the Placement of Utility Cabinets on the
East Side of Elmwood Avenue, South of Grove Street**

WHEREAS, the City of Evanston ("City") and Illinois Bell Telephone Company, doing business as AT&T Illinois, desire to enter into an Easement Agreement for the installation of utility cabinets on public property adjacent to the railroad line on the east side of Elmwood Avenue and south of Grove Street, in Lot 17 in Block 52; and

WHEREAS, the placement of the utility cabinets at this location allows the City to provide desirable landscaping and screening; and

WHEREAS, the utility cabinets will be located so as to encroach onto the north ten feet (10') of the south sixty-two feet, six inches (62.5') of the City's property in Lot 17 in Block 52;

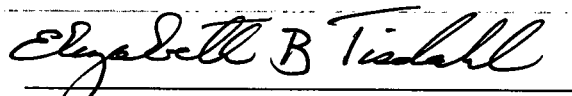
**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That the City Manager is hereby authorized and directed to sign, and the City Clerk is hereby authorized and directed to attest, on behalf of the City of Evanston, an Easement Agreement for the term of ninety-nine (99) years between the City of Evanston and AT&T Illinois, attached hereto as Exhibit A and incorporated herein by reference, providing for the installation of AT&T utility cabinets on City property as shown in the Plat of Lot 17 in Block 52, attached hereto as Exhibit B and incorporated herein by reference.

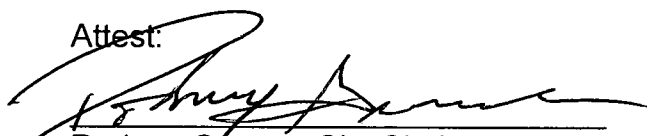
SECTION 2: That the City Manager is hereby authorized and directed to negotiate any additional terms and conditions of the Easement Agreement as may be determined to be in the best interests of the City.

SECTION 3: That AT&T Illinois shall, at its cost, record a certified copy of this resolution, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before the City may issue any permits related to the construction or installation of the utility cabinets on the Subject Property.

SECTION 4: That this resolution shall be in full force and effect from and after the date of its passage and approval in the manner provided by law.


Elizabeth B. Tisdahl, Mayor

Attest:


Rodney Greene, City Clerk

Adopted: 6/28, 2010

EXHIBIT A
EASEMENT AGREEMENT

COUNTY: COOK
TWP: 41 NORTH
RANGE: 14 EAST
SECTION: SW 18



Doc#: 1020434025 Fee: \$42.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 07/23/2010 09:08 AM Pg: 1 of 4

Easement No. N/A
Project No. 7567155

FOR THE USE OF THE COUNTY RECORDER

AT&T EXCLUSIVE EASEMENT

For good and valuable considerations, receipt of which is hereby acknowledged, the undersigned Grantor, City of Evanston, hereby grants and conveys to Illinois Bell Telephone Company, d/b/a AT&T Illinois, an Illinois Corporation ("Grantee"), an exclusive ninety-nine (99) year easement in, under, over, upon and across the Easement Area in Grantor's Property (both described below), for the purposes of and in order to construct, reconstruct, modify, supplement, maintain, operate and/or remove facilities, including anchors, messenger strand, equipment cabinets or enclosures and support posts or pads, cables, wires, pedestals or other above-ground cable or wire enclosures, marker posts and signs, and other related or useful equipment, fixtures, appurtenances and facilities, for the transmission of signals used in the provision of communication, video and/or information services and/or any other services or uses for which such facilities may be used, together with the right to have commercial electrical service extended across the Property and Easement Area to provide service to such facilities, and the right of ingress and egress across the Property and the Easement Area for the purpose of access to and use of the easement granted herein.

The Property is legally described as:

LOT 17 IN BLOCK 52 IN THE VILLAGE OF EVANSTON, IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

The Easement Area is legally described as:

THE NORTH 10 FEET OF THE SOUTH 62.50 FEET OF LOT 17 IN BLOCK 52 IN THE VILLAGE OF EVANSTON, IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Grantee shall indemnify, defend, keep, and save harmless the Grantor from any and all damages, injuries, deaths, losses, claims, liens, suits, liabilities, judgments, costs and expenses to any property or person(s) that should arise from this Easement Agreement, or which may in anyway result therefrom or from any work done hereunder.

Grantee shall not construct, modify, install, maintain, and/or remove any facilities in the Easement Area without first obtaining any and all permits from Grantor as required by the Evanston City Code.

Grantee covenants and agrees that it shall comply with any and all statutes, laws, ordinances, and regulations of the City of Evanston, the County of Cook, the State of Illinois, and the United States of America, which, in any manner, affects this Easement, any work done hereunder, or the actions of Grantee, its agents, servants, and employees, or of any contractor or subcontractor of Grantee, or their employees.

Grantee shall construct, install, operate, maintain, and/or remove any facilities in a good and workmanlike manner at its sole cost, risk, and expense.

Grantee shall restore all property disturbed by its activities in use of the easement to the condition existing prior to the disturbance.

Grantee shall have the right to remove or trim such trees and brush in the Easement Area only to the extent necessary to exercise the rights conveyed herein.

Grantor represents and warrants to the Grantee that Grantor is the true and lawful owner of the Property and has full right and power to grant and convey the rights conveyed herein.

Grantor shall not construct improvements in the Easement Area or change the finish grade of the Easement Area without the consent of the Grantee.

Grantor agrees that, due to the exclusive nature of the grant herein conveyed, no other use of the Easement Area shall be made by anyone, including Grantor, without the consent of the Grantee.

This Easement Agreement may be altered, modified, amended, or terminated by and only by written instrument executed, acknowledged, delivered and recorded by Grantor and Grantee.

This Easement Agreement is binding upon and shall inure to the benefit of the heirs, successors, assigns, and licensees of the parties hereto.

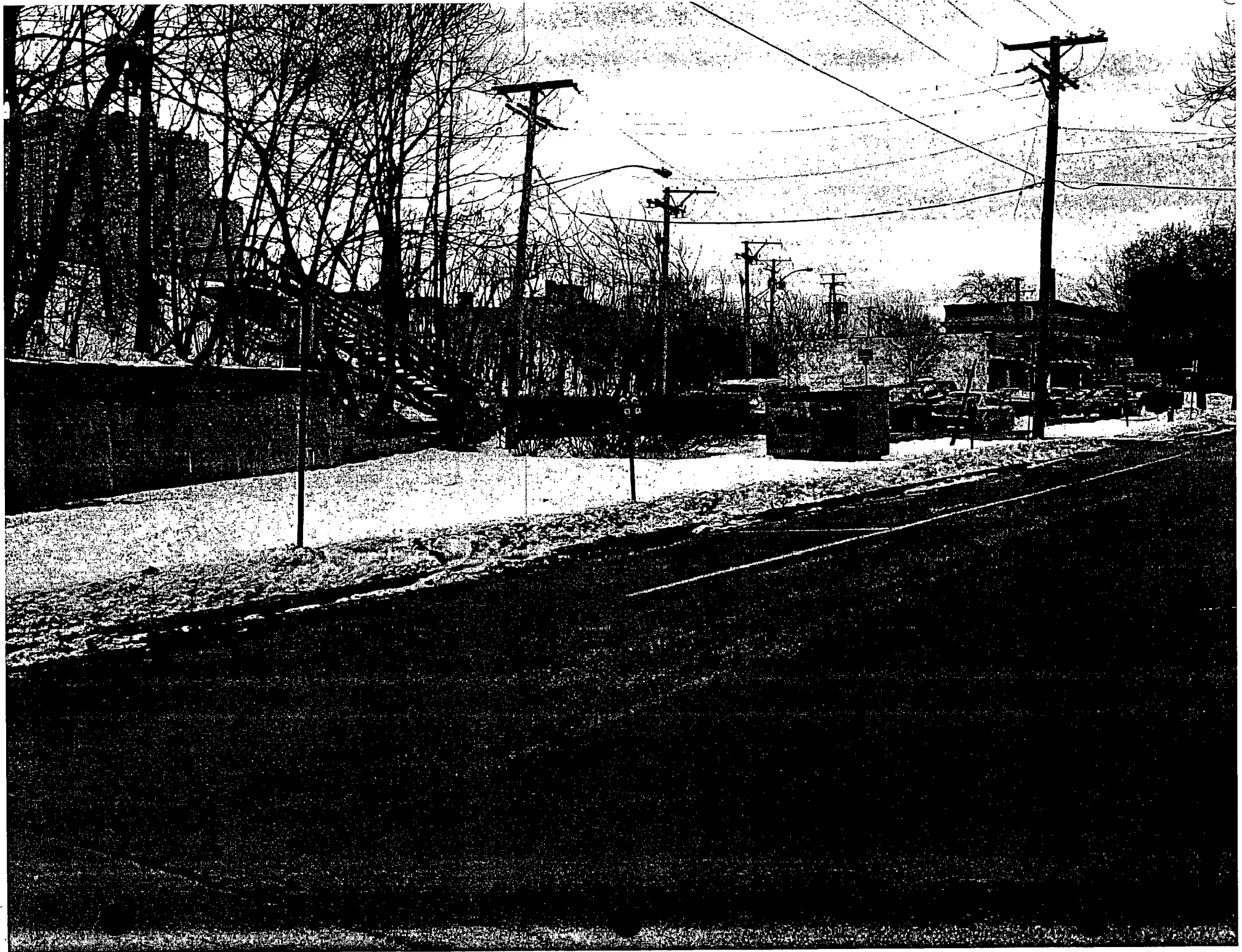


EXHIBIT B

PLAT OF LOT 17 IN BLOCK 52

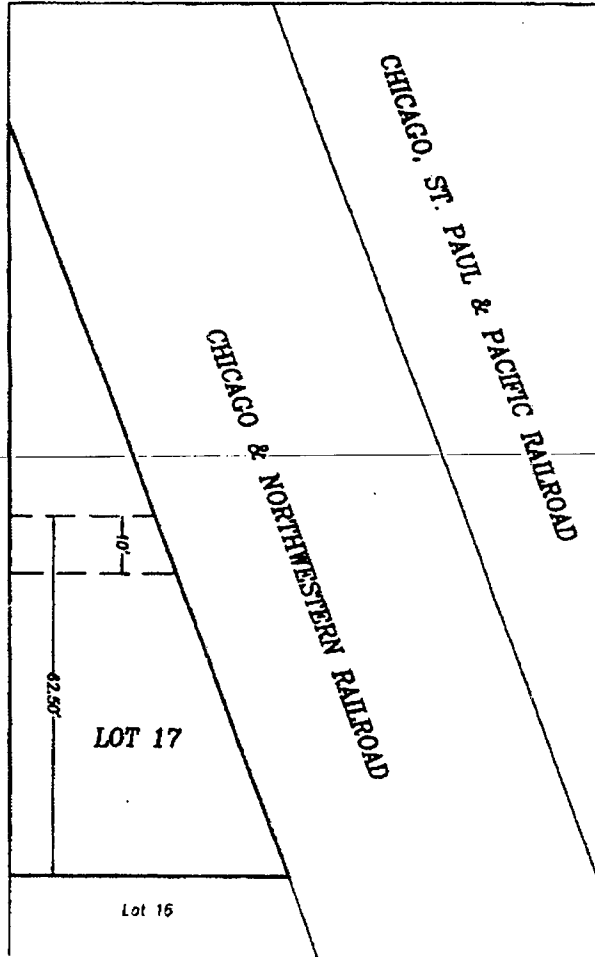


PLAT OF EASEMENT

THE NORTH 10 FEET OF THE SOUTH 62.50 FEET OF LOT 17 IN BLOCK 52 IN THE VILLAGE OF EVANSTON, IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

GROVE STREET

ELMWOOD AVENUE
(80' Right of Way)



STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

I, MICHEL C. ENSALACO, AN ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2768, DO HEREBY CERTIFY THAT WE HAVE PREPARED THIS PLAT OF EASEMENT FROM EXISTING PLATS AND PLANS, FOR THE PURPOSE OF GRANTING AN AT&T EASEMENT, AS SHOWN HEREON.

DATED AT YORKVILLE, ILLINOIS ON FEBRUARY 22, 2010.

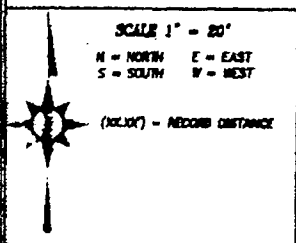
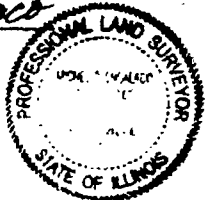
Michel C. Ensalaco

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

APPROVED AND ACCEPTED BY THE CITY COUNCIL COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS ON THE 22nd DAY OF February, 2010.

[Signature]
CITY CLERK, EVANSTON, ILLINOIS

AT&T Illinois
Submitted By:
Matt Robinson



MICHEL C. ENSALACO P.L.S. 2768 EXP. 11/30/2010

TODD SURVEYING

PROFESSIONAL LAND SURVEYING SERVICES
SITE SURVEYING, INC.
1800 SUNSET AVENUE, SUITE E
YORKVILLE, ILLINOIS 60550
PHONE 800-888-1309 FAX 815-888-8844

Survey is valid only if covered and is shown in red.

Client	PCS US 764775
Acct#	8071
Drawn By	PT13
Field Work Completed	02/16/10
Project Number	2010-0086

