

11/21/2011

63-R-11

A RESOLUTION

**Authorizing the City Manager to Execute an Easement Agreement
with ComEd for Electric Facilities at Fireman's Park**

WHEREAS, Commonwealth Edison Company (hereinafter, "ComEd") intends to install facilities, related to the transmission and distribution of electricity (hereinafter, "Facilities"), near the intersection of Maple Avenue and Simpson Street as shown in the Easement Agreement attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, ComEd's Facilities will be located so as to encroach on the City of Evanston's property known as Fireman's Park as shown in Exhibit A; and

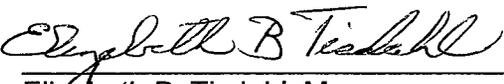
WHEREAS, the City and ComEd seek to enter into an easement agreement providing for said encroachment of the Facilities on the public right-of-way,

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

SECTION 1: 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, the Easement Agreement set forth in Exhibit A, by and between the City of Evanston and ComEd, for the term of ninety-nine (99) years and the sum of Ten and 00/100 Dollars (\$10.00), providing for the encroachment on the City of Evanston's property known as Fireman's Park.

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

SECTION 3: 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: December 12, 2011

EXHIBIT A

Easement Agreement Between the City and ComEd

GRANT OF EASEMENT

The Grantor(s), **CITY OF EVANSTON**, in consideration of the sum of Ten Dollars and other valuable consideration, receipt of which is hereby acknowledged, hereby give(s) and grant(s) to **COMMONWEALTH EDISON COMPANY**, an Illinois corporation, its licensees, successors and assigns, an easement to construct, operate, repair, maintain, modify, reconstruct, replace, supplement, relocate and remove, from time to time cables, conduits, manholes, transformers, pedestals and other facilities used in connection with underground transmission and distribution of electricity, sounds and signals, together with right of access to the same and the right, from time to time, to trim or remove trees, bushes and saplings and to clear all obstructions from the surface and subsurface as may be required incident to the grant herein given, in, under, across, along and upon the surface of property situated in Section 18, Township 41 North, Range 14, East of the Third Principal Meridian in Cook County, Illinois, described below. No structures or obstructions shall be placed over Grantee facilities or in, upon or over the Easement Area by Grantor without prior written consent of the Grantee. After installation of any facilities by Grantee, the grade of the property shall not be altered in a manner so as to interfere with the operation and maintenance thereof.

That part of the North 10.64 rods of the Northwest 1/4 of the Northwest 1/4 of Section 18, Township 41 North, Range 14, East of the Third Principal Meridian, (lying east of Ridge Road), described as follows:

Commencing at a point 138.5 feet south of the south line of Simpson Street and 33 feet west of center of Maple Avenue; thence south 35 feet; thence west 136 feet; thence north 35 feet; thence east 136 feet to the place of beginning, in Cook County, Illinois.

**PROPERTY ADDRESS: 2036 Maple Avenue
Evanston, Illinois**

P.I.N.: 11-18-102-018-0000

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

For Corporate or Trust Signature

IN WITNESS WHEREOF, the Grantor, Wally Bukunany has caused this instrument to be executed on its behalf and its corporate seal to be affixed hereto this 20th day of December, 2011.

ATTEST: [Signature] By City Clerk
Secretary (_____ President) (Trust Officer)

Approved as to form:

[Signature]
W. Grant Farrar
Corporation Counsel

Complete the Appropriate Acknowledgment on Reverse Side Hereof

If grantor is a corporation or trust, complete the following:

State Of Illinois
County Of Cook

I, the undersigned, a Notary Public in and for the said County and State aforesaid, do hereby certify that Wally Bobkewicz, City Manager,
(President) (Trust Officer) of the City of Evanston
and Rodney Greene, City Clerk Secretary of said corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered said instrument as their own free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein set forth; and the said Secretary then and there acknowledged that he/she, as custodian of the seal of said corporation, did affix the seal to the foregoing instrument as his/her free and voluntary act and the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and NOTARIAL SEAL this 20th day of December, 2011.

Elaine Autwell

Notary Public



This instrument prepared by Mary K. LaBoske, Three Lincoln Centre, 4th Floor, Oakbrook Terrace, Illinois 60181, on behalf of Commonwealth Edison Company.

