

3/22/2013

15-R-13

A RESOLUTION

**Authorizing the City Manager to Execute an Easement Agreement
with ComEd for Electric Facilities at the Municipal Service Center**

WHEREAS, Commonwealth Edison Company (hereinafter, "ComEd") intends to install facilities, related to the transmission and distribution of electricity (hereinafter, "Facilities"), near the intersection of Asbury Avenue and Simpson Street as shown in the Easement Agreement attached hereto as Exhibit 1 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 the Municipal Service Center, located at 2020 Asbury Avenue, as depicted in Exhibit 1; and

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

**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 1, by and between the City of Evanston and ComEd, for the annual sum of five hundred twenty-nine and 00/100 dollars (\$529.00), providing for the encroachment on the City of Evanston's Municipal Service Center.

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: April 1, 2013

EXHIBIT 1

Easement Agreement Between the City and ComEd

GRANT OF EASEMENT – PL 438181

The Grantor(s) **THE CITY OF EVANSTON, a municipal corporation** 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, wires, 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, over, under, across, along and upon the surface of property situated in Sections **13**, Township **41** North, Range **13**, 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.

AN EASEMENT AS DEPICTED ON THE EXHIBIT 'A' ATTACHED HERETO MADE A PART HEREOF OF THE GRANTOR'S PROPERTY LEGALLY DESCRIBED ON THE EXHIBIT 'B'

Permanent Index Number (PIN): 10-13-206-002

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.

This instrument prepared by Lora Reader, 3 Lincoln Centre 4th Floor, Oakbrook Terrace, Illinois 60181, on behalf of Commonwealth Edison Company.

For Corporate or Trust Signature

IN WITNESS WHEREOF, the Grantor **THE CITY OF EVANSTON, a municipal corporation** has caused this instrument to be executed on its behalf and its corporate seal to be affixed hereto this _____ day of _____, 2013.

By: _____ (_____ President) (Trust Officer)

_____ (_____ President) (Trust Officer)

ATTEST: _____

TITLE: _____

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

State Of _____
County Of _____

I, the undersigned, a Notary Public in and for the said County and State aforesaid, do hereby certify that

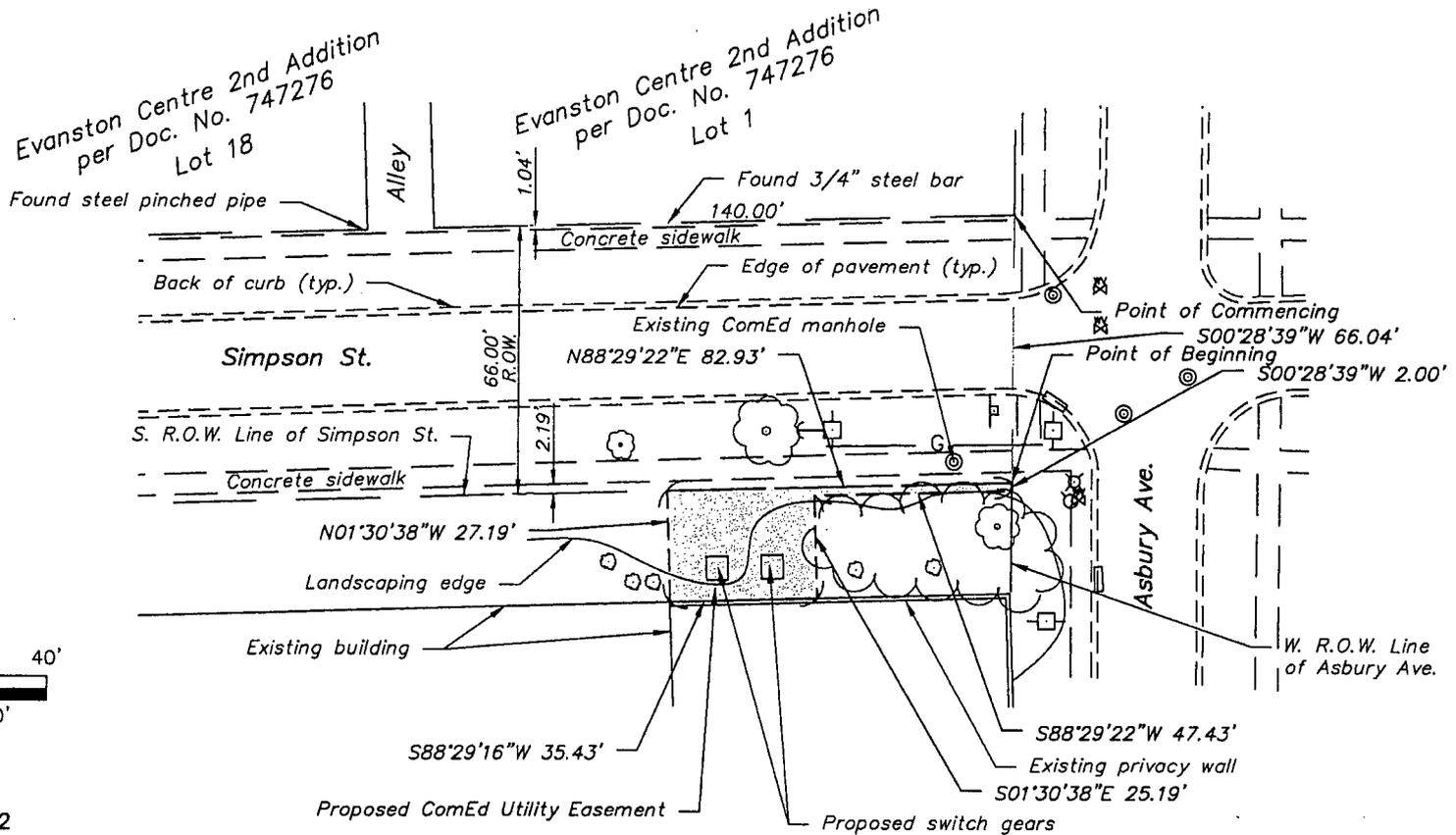
_____ /
(_____ President) (Trust Officer) of the _____

and _____, _____ 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 ___ day of _____, 2013.

Notary Public

EASEMENT EXHIBIT 'A'



PIN: 10-13-206-002

NO.		DATE	DESCRIPTION	APPROVED BY	EASEMENT EXHIBIT			
				MRF	EVANSTON SWITCHGEAR EASEMENT			
				MRF	OFFICE: CHRIS HARDING	FIELD: DWS	DWG: CRH	CONTRACTOR NO.: 88120357.133
					ELECTRONIC DWG. FILED B6120357.133-easement.dwg		DATE: 11-28-12	SCALE: 1" = 40'
					SHEET NO. 1 OF 1		REVISIONS	
							NO.	DATE
							1	12-7-12
							revised ComEd easement per Edwin Martell	

COMED
An Exelon Company

RUSSELL WAID DILLON
 COMED LAND SURVEY ADMINISTRATOR
 2 LINCOLN CENTRE
 OAKBROOK TERRACE, IL 60181-4260
 PHONE: (630)576-7045 FAX: (630)437-3356

PREPARED BY:
 HR GREEN, INC.
 IL PROF. DESIGN FRIM #184-001322
 420 N. FRONT STREET
 McHENRY, IL
 815-385-1778

EXHIBIT 'B'

P.I.N. 10-13-206-002

An area of land for a ComEd Utility Easement being part of the North ten (10) acres of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Thirteen (13), Township Forty-one (41) North, Range Thirteen (13), East of the Third Principal Meridian, Bounded on the North by the South line of Simpson Street, on the East by the West Line of Asbury Avenue, On the South by the South line of said ten (10) acres, and on the West by a line parallel with and Fifty (50) feet Easterly of the original Right of Way of the Chicago and Milwaukee Railway Company, situated in City of Evanston, Cook County, Illinois, more particularly described as follows:

Commencing at the Southeast corner of Lot 1 in Evanston Centre 2nd Addition according to the Plat thereof recorded August 25, 1886 as Document Number 747276; thence South 00 degrees 28 minutes 39 Seconds West, a distance of 66.04 feet to the intersection of the south right of way line of Simpson Street and west right of way line of Asbury Avenue being the point of beginning; thence continuing South 00 degrees 28 minutes 39 seconds West along the west right of way line of Asbury Avenue, a distance of 2.00 feet to a line parallel with the south right of way line of Simpson Street; thence South 88 degrees 29 minutes 22 seconds West along said parallel line, a distance of 47.43 feet to a line perpendicular to said south right of way line; thence South 01 degrees 30 minutes 38 seconds East along said perpendicular line, a distance of 25.19 feet; thence South 88 degrees 29 minutes 16 seconds West, a distance of 35.43 feet to a line perpendicular to said south right of way line; thence North 01 degrees 30 minutes 38 seconds West along said perpendicular line, a distance of 27.19 feet to said south right of way line; thence North 88 degrees 29 minutes 22 seconds East along said south right of way line, a distance of 82.93 feet to the point of beginning, situated in Cook County, Illinois.

Containing 1,058 square feet more or less.



3/22/2013

15-R-13

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with ComEd for Electric Facilities at the Municipal Service Center**

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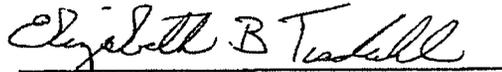
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**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

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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: April 1, 2013

EXHIBIT 1

Easement Agreement Between the City and ComEd

GRANT OF EASEMENT – PL 438181

The Grantor(s) **THE CITY OF EVANSTON, a municipal corporation** 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, wires, 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, over, under, across, along and upon the surface of property situated in Sections **13**, Township **41** North, Range **13**, 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.

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Permanent Index Number (PIN): 10-13-206-002

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This instrument prepared by Lora Reader, 3 Lincoln Centre 4th Floor, Oakbrook Terrace, Illinois 60181, on behalf of Commonwealth Edison Company.

For Corporate or Trust Signature

IN WITNESS WHEREOF, the Grantor **THE CITY OF EVANSTON, a municipal corporation** has caused this instrument to be executed on its behalf and its corporate seal to be affixed hereto this 7th day of JUNE, 2013.

By: Wally Bobkiewicz (____ President) (Trust Officer)
____ (____ President) (Trust Officer)

ATTEST: [Signature]
TITLE: City Clerk

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

State Of Illinois
County Of Cook

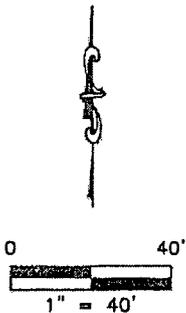
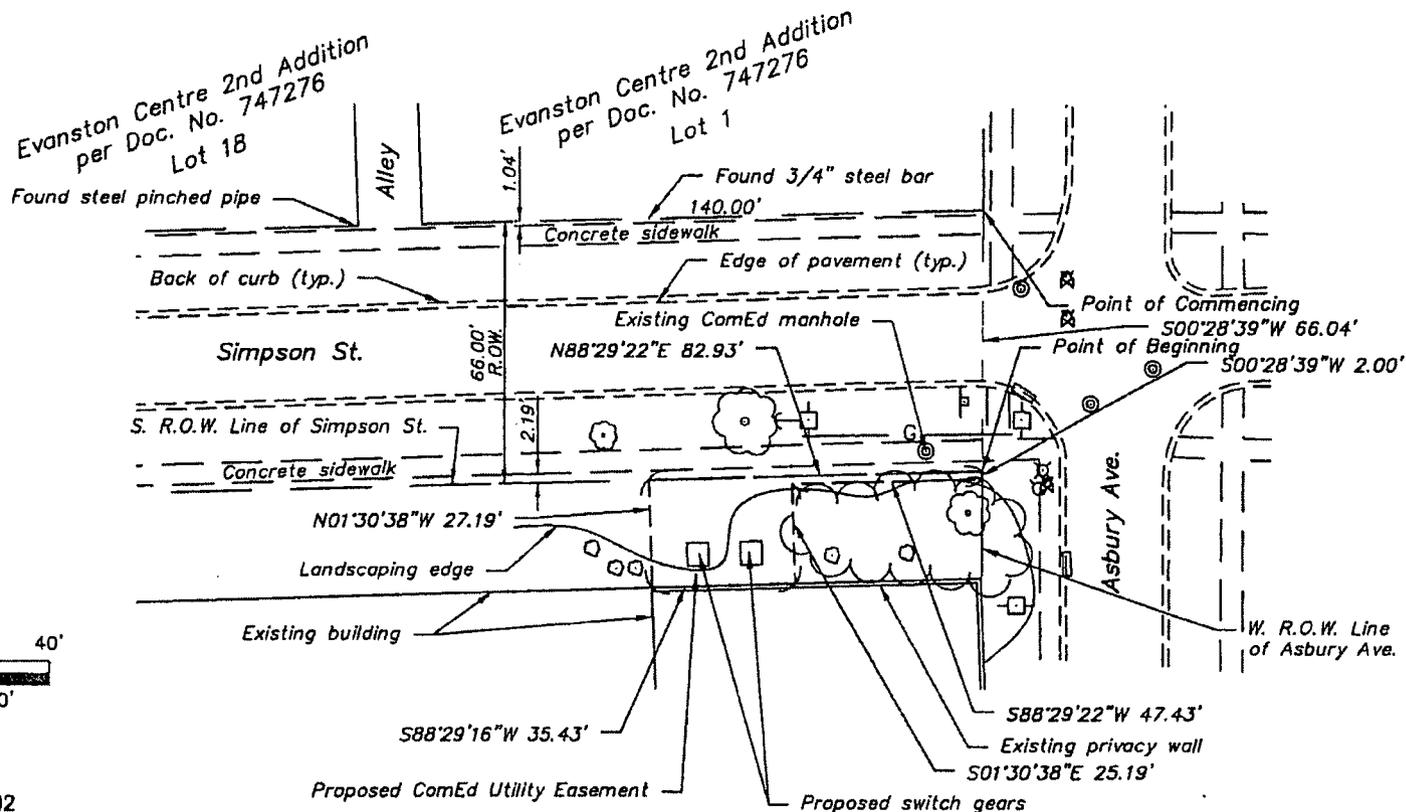
I, the undersigned, a Notary Public in and for the said County and State aforesaid, do hereby certify that Wally Bobkiewicz (____ President) (Trust Officer) of the City of Evanston and _____ Secretary of said corporation, personally known to me to be the same persons whose names are subscribed to the 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 7th day of June, 2013.



Elaine Autwell
Notary Public

EASEMENT EXHIBIT 'A'



PIN: 10-13-206-002

REVISIONS		APPROVED BY	EASEMENT EXHIBIT										
NO.	DATE	DESCRIPTION	EVANSTON SWITCHGEAR EASEMENT										
			ISSUED BY	FIELD	DWG	DATE	CRH	CONTRACTOR NO.	88120337.133	CONTRACT NO.	12-198	SHEET NO.	1 OF 1
			ORDERED BY					PROJECT NO.	88120337.133-easement.dwg	DATE	11-29-12	SCALE	1" = 40'
		RUSSELL WAID DILLON COMED LAND SURVEY ADMINISTRATOR 2 LINCOLN CENTRE OAKBROOK TERRACE, IL 80181-4260 PHONE: (630)576-7045 FAX: (630)437-3356	PREPARED BY: HR GREEN, INC. IL PROF. DESIGN FRIM #184-001322 420 N. FRONT STREET McHENRY, IL 815-385-1778	REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>12-7-12</td> <td>revised ComEd easement per Edwin Morist</td> </tr> </tbody> </table>				NO.	DATE	DESCRIPTION	1	12-7-12	revised ComEd easement per Edwin Morist
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