

6/28/2013

41-R-13

A RESOLUTION

**Authorizing the City Manager to Execute a Chilled Water Service
Utility Easement Agreement with Northwestern University**

WHEREAS, Northwestern University ("Northwestern") will be installing chilled water pipes at the location of 619 Emerson Street (hereinafter, "Project");

WHEREAS, a portion of the chilled water pipes will be located below the City's right-of-way on Emerson Street; and

WHEREAS, Northwestern requests a non-exclusive easement for a 40'x10' wide strip easement for the subject water pipes to be located below the City's 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 attached hereto as Exhibit 1, by and between the City of Evanston and Northwestern for a term of fifty (50) years and for a one-time easement fee of Eleven Thousand and no/100 Dollars (\$11,000.00) for the entire term.

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.


Ann Rainey, Mayor Pro Tem

Attest:


Rodney Greene, City Clerk

Adopted: July 8, 2013

EXHIBIT 1

**Chilled Water Utility Easement Agreement between the City and
Northwestern University**

**GRANT OF NON-EXCLUSIVE PUBLIC
UTILITY EASEMENT**

In consideration of the payment of the easement fee in the amount of Eleven Thousand and no/100 Dollars (\$11,000,00.00) and other good and valuable consideration ("Easement Fee"), the receipt of which hereby is acknowledged, **THE CITY OF EVANSTON**, of the State of Illinois, County of Cook and its successors, assignees and transferees (all hereinafter referred to as "**Grantor**"), hereby grants to **NORTHWESTERN UNIVERSITY**, of the State of Illinois, County of Cook and its successors, assignees and transferees (all hereinafter referred to as "**Grantee**") a non-exclusive permanent easement for a period of fifty (50) years ("Easement Term") for the purpose of the installation of a chilled water service pipes and appurtenances in, over, upon, through, along, across and under the following described real estate, approximately 40'x10' wide strip of land as described below:

A Public Utility Easement,

A 10.00 foot Utility Easement below ground level not to exceed a maximum depth of 7.00 feet (as measured from the existing centerline grade of Emerson Street) of that part of Emerson Street described as follows: Beginning at the Southwest corner of Lot 12 in the Resubdivision North of Emerson Street of Lots 1 to 12 in Block 2 in the Village of Evanston according to the plat thereof recorded August 17, 1882 as Document No. 41444; thence South 89°54'42" East on an assumed bearing along the South line of said Lot 12, also being the North line of Emerson Street, 7.52 feet; thence South 00°00'00" East, 40.00 feet to the South line of Emerson Street; thence North 89°54'42" West along the South line of Emerson Street, 10.00 feet; thence North 00°00'00" West, 40.00 feet to the North line of Emerson Street as extended Westerly; thence South 89°54'42" East along said last described line, 2.48 feet to the point of beginning, in Cook County, Illinois.

situated in the County of Cook, State of Illinois and at the intersection of 619 Emerson Street and hereby releases and waives all right under and by virtue of the Homestead Exemption Laws of the State of Illinois. The above-described real estate and improvements located thereon are herein referred to as the "Premises." Attached as Exhibit A is the Plat of Easement depicting said Easement on the Premises and contains the legal description for said Easement.

Grantor hereby grants, conveys, warrants and dedicates to the Grantee, its agents, servants, employees, its successors and assigns, a non-exclusive public utilities easement to survey, construct, reconstruct, use, operate, maintain, test, inspect, repair, or alter the chilled water services pipe(s) and related appurtenances and to inspect and make alterations to the above describe systems, both only in consultation with the City of Evanston's Utilities Department and the Public Works Department and any and all of parameters and restrictions on said use described, in, over, upon, thru, along, across and under the Premises together with related attachments, equipment and appurtenances thereto (collectively "Public Utilities") in upon, under, along and across the Premises, with the right of access thereto, including all reasonable rights of ingress and egress across any adjoining lands of Grantor necessary for the exercise of the rights herein granted.

Grantor shall have and retain all rights to use and occupy the premises and access to Grantor's remaining property, except as herein expressly granted; provided, however, Grantor's use and occupation of the premises may not interfere with Grantee's use of the premises for the purposes herein described.

Grantor, without limiting the interest above granted and conveyed, acknowledges that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including without limitation, any diminution in value to any remaining property of the Grantor caused by opening, improving, and using the premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the Grantee or Grantee's agents which may cause damage to Grantor's remaining property.

This grant shall constitute a covenant, which runs with the land, and shall be binding upon the legal representatives, successors and assigns of Grantor.

Dated this _____ day of _____, 2013.

GRANTOR:

City Manager, Wally Bobkiewicz

By: _____
Signature

ATTEST:

By: _____
Signature

City Clerk, Rodney Greene

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

I, _____, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that Wally Bobkiewicz, City Manager of the City of Evanston who is personally know to me to be the same person whose name is subscribed to the foregoing instrument as such, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act for the uses and purposes therein set forth.

Given under by hand and notarial seal this _____ day of _____, 2013

Notary Public

GRANTEE:

Facilities Management Operations,
Charles Davidson

By: _____
Signature

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

I, _____, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that Charles Davidson, Facilities Management Operations who is personally know to me to be the same person whose name is subscribed to the foregoing instrument as such, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act for the uses and purposes therein set forth.

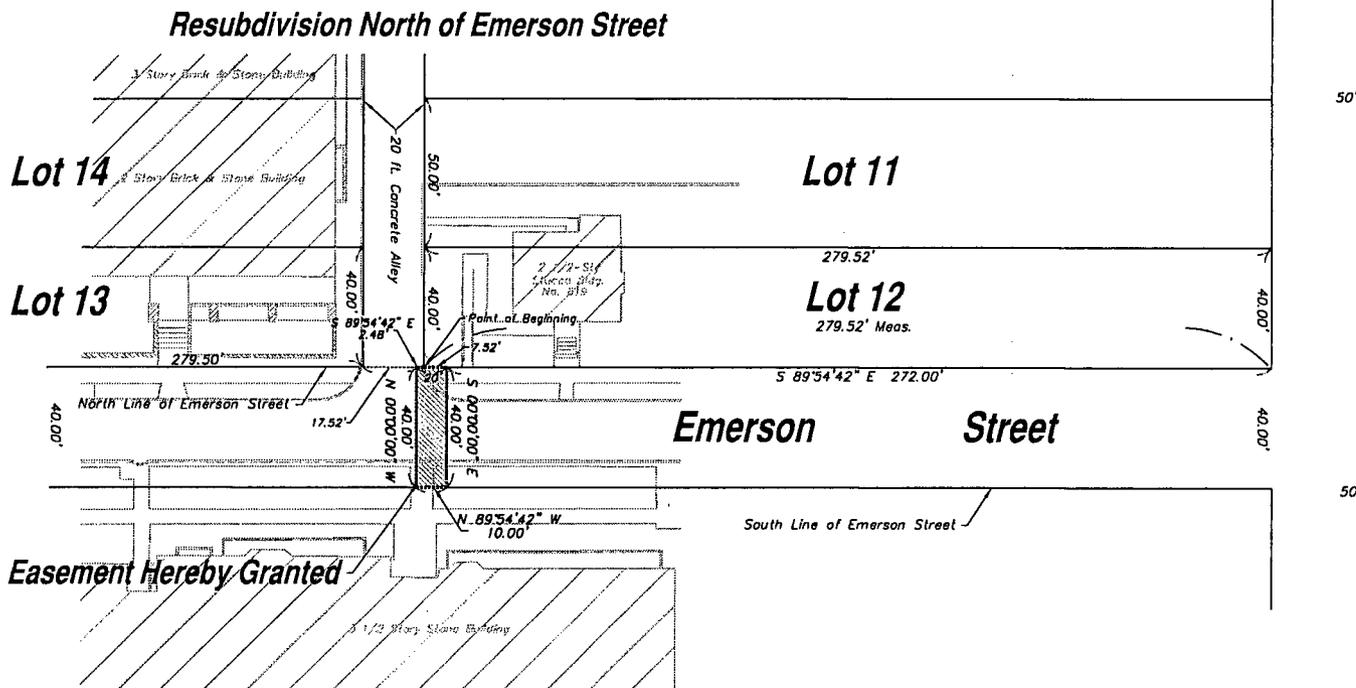
Given under by hand and notarial seal this _____ day of _____, 2013

Notary Public

EXHIBIT A
PLAT OF EASEMENT

Plat of Easement

A 10.00 foot Utility Easement below ground level not to exceed a maximum depth of 7.00 feet (as measured from the existing centerline grade of Emerson Street) of that part of Emerson Street described as follows: Beginning at the Southwest corner of Lot 12 in the Resubdivision North of Emerson Street of Lots 1 to 12 in Block 2 in the Village of Evanston according to the plat thereof recorded August 17, 1882 as Document No. 41444; thence South 89°54'42" East on an assumed bearing along the South line of said Lot 12, also being the North line of Emerson Street, 7.52 feet; thence South 00°00'00" East, 40.00 feet to the South line of Emerson Street; thence North 89°54'42" West along the South line of Emerson Street, 10.00 feet; thence North 00°00'00" West, 40.00 feet to the North line of Emerson Street as extended Westerly; thence South 89°54'42" East along said last described line, 2.48 feet to the point of beginning, in Cook County, Illinois.



Sheridan Road

State of Illinois) S.S.
 County of Cook)
 Approved and accepted by the City Council of the City of Evanston,
 Cook County, Illinois on the day of _____ 2013.

By: _____
 City Clerk, Evanston, Illinois

State of Illinois) S.S.
 County of Lake)
 Gewalt Hamilton Associates, Inc., do hereby certify that we have prepared this Plat of Easement from existing plats and plans for the purpose of granting the utility easement as shown.
 Gewalt Hamilton Associates, Inc.

Illinois Professional Land Surveyor No. 2585
 My License Expires November 30, 2014



GHA GEWALT HAMILTON ASSOCIATES, INC.
 850 Forest Edge Drive • Vernon Hills, IL 60061
 Tel.: 847.478.9700 • Fax: 847.478.9701

FILE: 4550.012-Plat of Easement.dwg	
DRAWN BY: G.S.	GHA PROJECT #
DATE: 6/27/2013	4550.012
CHECKED BY:	SCALE 1" = 40'

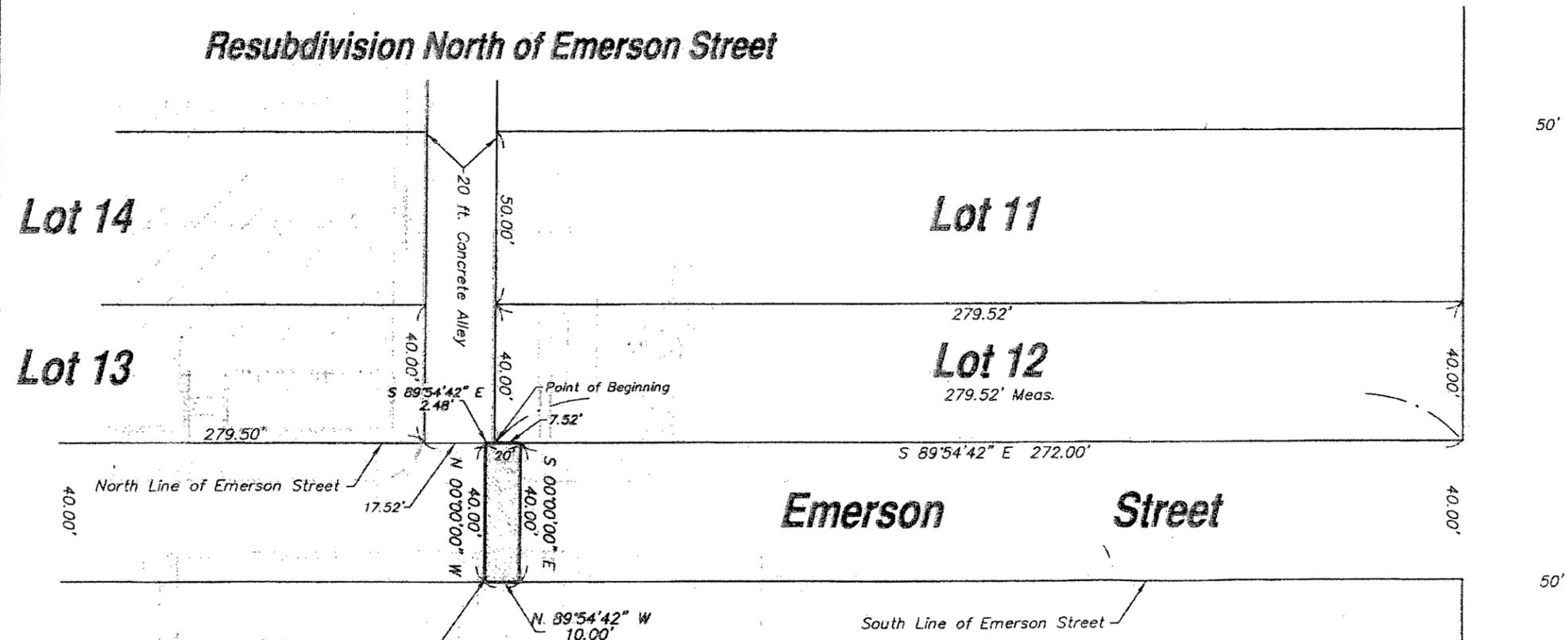


Doc#: 1319922042 Fee: \$120.00
 RHSP Fee: \$9.00 RPRF Fee: \$1.00
 Karen A. Yarbrough
 Cook County Recorder of Deeds
 Date: 07/18/2013 11:33 AM Pg: 1 of 0

Plat of Easement

41-R-13

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Easement Hereby Granted

Sheridan Road

State of Illinois)
 County of Cook) S.S.
 Approved and accepted by the City Council of the City of Evanston,
 Cook County, Illinois on the day of July 15, 2013.

By: [Signature]
 City Clerk, Evanston, Illinois

State of Illinois)
 County of Lake) S.S.
 Gewalt Hamilton Associates, Inc., do hereby certify that we have prepared this Plat of Easement from existing plats and plans for the purpose of granting the utility easement as shown.
 Gewalt Hamilton Associates, Inc.
 Dated this 10th. day of July, 2013.

[Signature]
 Illinois Professional Land Surveyor No. 2585
 My License Expires November 30, 2014



GHA GEWALT HAMILTON ASSOCIATES, INC.
 850 Forest Edge Drive • Vernon Hills, IL 60061
 Tel.: 847.478.9700 • Fax.: 847.478.9701

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