

9/2/2015

85-R-15

A RESOLUTION

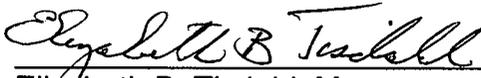
Authorizing the City Manager to Grant an Easement for an Electrical Duct Bank to be Installed and Cross an Alley south of Lincoln Street and West of Sheridan Road

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

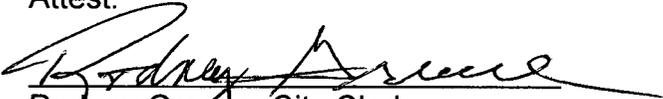
SECTION 1: The City Manager is hereby authorized and directed to sign an Easement Agreement (the "**Agreement**") by and between the City and Northwestern University for the City to grant an easement for the construction of an electrical duct bank crossing in the alley south of Lincoln Street and west of Sheridan Road. The Agreement is attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2: The City Manager is hereby authorized and directed to negotiate any additional conditions of said Agreement that he deems to be in the best interests of the City.

SECTION 3: This resolution shall be in full force and effect from and after its passage and approval, in the manner provided by law.


Elizabeth B. Tisdahl, Mayor

Attest:


Rodney Greene, City Clerk

Adopted: September 21, 2015

EXHIBIT A
EASEMENT AGREEMENT

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

In consideration of the payment of the easement fee in the amount of Five Thousand Five Hundred and no/100 Dollars [\$5,500] 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 an electrical duct bank and electricity lines under the described property and appurtenances in, over, upon, through, along, across and under the following described real estate, approximately 20' wide strip of land as described below:

A Public Utility Easement, A 20.00 foot Utility Easement, over, under and across a 20 foot public alley in Block 88 in the Reynold's & Hart's Subdivision, according to the plat thereof recorded October 4, 1895 as document No 2286628 described as follows: Commencing at the Northwest corner of said Block 88; thence South 89°32'29" East on an assumed bearing along the North line of said Block 88, 200.17 feet to the East line of the North/South 20 foot public alley (also being the Northwest corner of Lot 19) in said Block 88, thence South 00°06'34" West along the East line of said alley (also being the West line of Lot 19), 163.21 feet to the North line of the East/West 20 foot public alley (also being the southwest corner of Lot 19); thence South 89°32'10" East along the North line of said alley (also being the South line of Lot 19), 41.24 feet to the point of beginning; thence continuing South 89°32'10" East along said last described line 10.00 feet; thence South 00°00'00' East, 20.00 feet to the South line of said 20 foot public alley; thence North 89°32'10" West along said last described line, 10.00 feet; thence North 00°00'00" West, 10.00 feet to the point of beginning, in Cook County, Illinois.

situated in the County of Cook, State of Illinois an in the alley south of Lincoln Street and West of Sheridan Road 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 1 is the Plat of Easement depicting said Easement on the Premises.

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 _____, 2015.

GRANTOR:

City Manager, Wally Bobkiewicz

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 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 _____, 2015

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 _____, 2015

Notary Public

EXHIBIT 1
PLAT OF EASEMENT