

4/13/2016

31-R-16

A RESOLUTION

**Authorizing the City Manager to Grant an Easement for Chilled Water
Pipe Installation on Emerson Street**

**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 installation of chilled water pipes below ground on Emerson Street, east of Orrington Avenue. The Agreement is attached hereto as Exhibit 1 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: April 25, 2016

EXHIBIT 1

EASEMENT AGREEMENT

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

In consideration of the payment of the easement fee in the amount of One Hundred Fifty-Two Thousand Two Hundred Sixty-Six and 98/100 Dollars (\$152,266.98) 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 chilled water service pipes and appurtenances in, over, upon, through, along, across and under the following described real estate, with an area of approximately 2,623.7 sq. ft. 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 the centerline of said easement described as follows: Commencing at the intersection of the Southerly prolongation of the East line of Orrington Avenue with the Southerly line of Emerson Street, also being a corner common with the Consolidation of parts of Blocks 2, 9 and 10 in the Village of Evanston and Northwestern University Resubdivision of part of Block 5, together with vacated streets and alleys within as recorded April 10, 1974 as Document No. 22680757; thence South 89°39'00" East on an assumed bearing along the South line of Emerson Street (also being the North line of said Consolidation), 160.01 feet; thence South 46°48'41" West, 68.48 feet to the South line of Emerson Street and the point of terminus, the lines for said easement to be lengthened or shortened to begin or terminate on the South line of Emerson Street, in Cook County, Illinois. Containing 2623.70 sq. ft.

situated in the County of Cook, State of Illinois and at the intersection of Emerson Street and Orrington Avenue 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 Public Works Agency 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 _____, 2016.

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 _____, 2016

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.

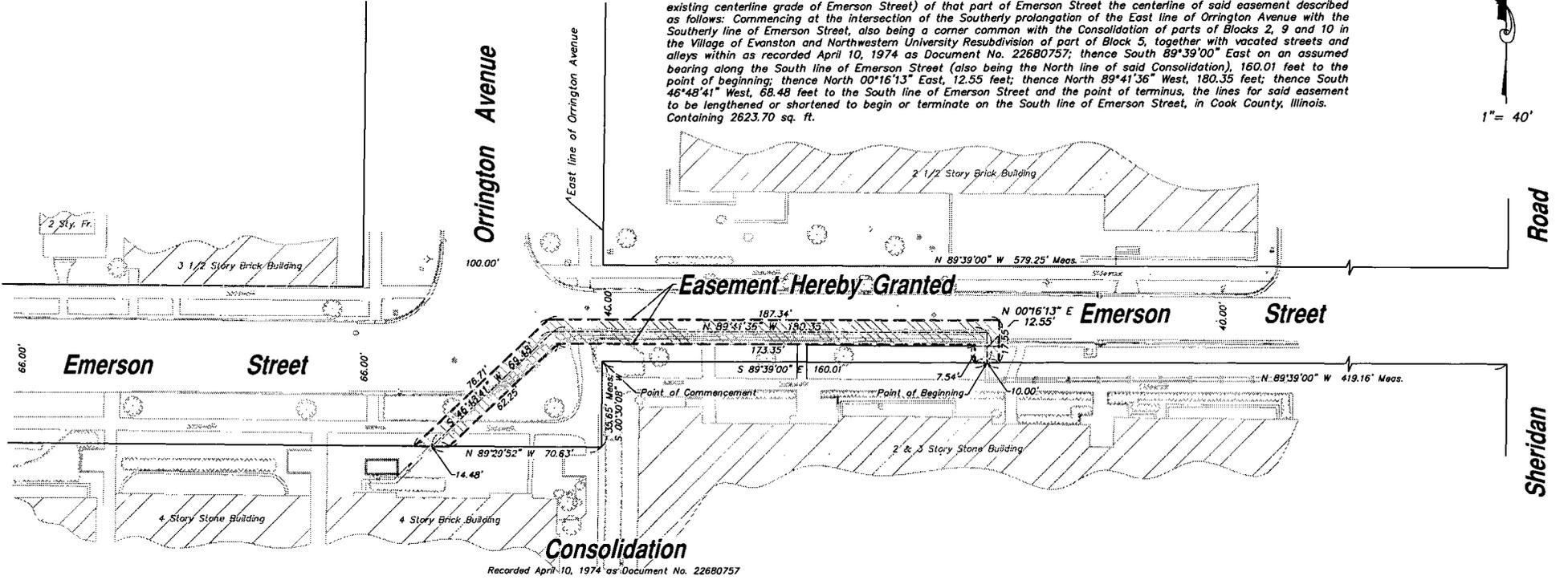
Given under by hand and notarial seal this _____ day of _____, 2016

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 the centerline of said easement described as follows: Commencing at the intersection of the Southerly prolongation of the East line of Orrington Avenue with the Southerly line of Emerson Street, also being a corner common with the Consolidation of parts of Blocks 2, 9 and 10 in the Village of Evanston and Northwestern University Resubdivision of part of Block 5, together with vacated streets and alleys within as recorded April 10, 1974 as Document No. 22680757; thence South 89°39'00" East on an assumed bearing along the South line of Emerson Street (also being the North line of said Consolidation), 160.01 feet to the point of beginning; thence North 00°16'13" East, 12.55 feet; thence North 89°41'36" West, 180.35 feet; thence South 46°48'41" West, 68.48 feet to the South line of Emerson Street and the point of terminus, the lines for said easement to be lengthened or shortened to begin or terminate on the South line of Emerson Street, in Cook County, Illinois. Containing 2623.70 sq. ft.



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 6th. day of April, 2016.

[Signature]
Illinois Professional Land Surveyor No. 2585
My License Expires November 30, 2016



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

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 _____, 2016.

By: _____
City Clerk, Evanston, Illinois

FILE: 4550-042-Easement.dwg	
DRAWN BY: G.S.	GHA PROJECT #
DATE: 3/4/2016	4550.042
CHECKED BY:	SCALE: 1" = 40'