

Name (first and last)	Address of residence	Agenda Item (Position)	How would you like to be heard?	If you are providing a written comment, please leave here:	Are you the designated speaker?	Please name the group of people for whom you are the designated speaker.	
Anne Trompeter	1422 Judson Ave	Proposed NU Stadium	Opposed	In person		Self	
Jack Cudecki	125 Burnham Place	Northwestern Field	Opposed	In person		Self	
Ben Hawkins	2682 Prairie Ave E	Ryan Field	In favor	Written comment	My family fully supports this project. We have high hopes that it will not only bring more money and jobs into the community but it will also add some much-needed excitement to this sleepy town.		
Gordon Eikost	145 Custer Ave	1501 Central	Undecided	Written comment	Wake Forest's Allegacy Federal Credit Union Stadium Football capacity is 31,500. The stadium does not have homes immediately bordering the stadium. University of Colorado-Boulder's Folsom Field Football capacity is 50,183 and also do not have homes immediately bordering the stadium. SOURCE: Google Maps and Wikipedia		
Thomas McGarry	1350 Lincoln St	Ryan Field	Opposed	Written comment	I live one block from Ryan Field. This proposal for commercial concerts is absurd and unnecessary. We oppose the commercial concerts. The spokesperson compared this to summer concerts at university of Colorado. This was misrepresentation. UC has one concert weekend festival and Folsom Field is on campus. Total misrepresentation. Look at the UC concert website. We don't oppose a stadium if the water diversion is resolved. The concerts are unacceptable. I live on Ashland and Lincoln. I could go on on traffic chaos. Please allow us to enjoy our precious summer evenings. Thank you for your courtesy. NU does not meet the \$\$\$.		
Jill Greer	1321 Jenks Street	U2 District Text	Opposed	In person		Self	
Linda Mendelson	1410 Rosalie Street	Northwestern University	Opposed	Written comment	Yesterday, September 9th, was the first football game. The speaker volume was dialed up, the range of music choice was edgier and the audio system check went on longer than usual. I can only assume the system was being tested, but in doing so, the neighbors' tolerance was being tested as well. Why aggravate the community at a time when tension is heightened? Northwestern University doesn't care.		
Sarah Weidaw	2720 Woodbine Ave	NU Football Stadium	Opposed	Written comment	On Saturday, Sept 9th, I was able to hear music from Ryan Field during the NU Football game. Our house is located on Woodbine Ave, backing up to the Metra tracks. We typically can hear the band and loud cheering during NU Football games but I don't remember hearing music previous to this date. My husband indicates that he could hear music and noise coming from Wildcat Alley before the game began. I was not home during that time.  While I oppose any rezoning requests related to NU Football Stadium project, this specific information is submitted for informational purposes and not meant as a noise complaint.		
Sonia Cohen	2707 Prairie Ave	NU's rezoning	Opposed	In person		Self	
Larry Donoghue	525 Chicago Ave U	South Boulevard	In favor	In person		Self	

Lynn Bednar	2671 Prairie Ave	Ryan Field Exp	Opposed	Written co	<p>I am both a business owner (Walsh Natural Health at 2116/12 Central St.) and neighbor that resides in the area surrounding the proposed stadium and attended the meeting on 9/6/23. I appreciate the two members of the Land Use commission that asked a lot of questions of Northwestern and tried to hold their feet to the fire. The bottom line is that Northwestern is not taking the community into account because to do so would kill their project. This neighborhood is NOT BUILT FOR THIS SIZE OF ENTERTAINMENT VENUE. It is not built for it in terms of the TRAFFIC, PARKING, and NOISE.</p> <p>As a business owner, these are my greatest concerns:</p> <p>1) The area will become so congested that our customers, many of whom are from Wilmette, will no longer make the effort to come to Central St due to TRAFFIC and LACK OF PARKING. We already know this because we endure it on football game days.</p> <p>2) Unlimited events of under 10,000. These events, more than even the proposed concerts, will cause WEEKLY TRAFFIC AND PARKING ISSUES that will discourage people from coming to Central Street. Customers already complain that they have to pay for parking here (vs Wilmette, which is free), and this will put our businesses at a further disadvantage.</p> <p>I also heard at this meeting that they plan to do seven 5-day events which I assume would be tournaments or other sporting events. However, this was completely glossed over. What is the proposed attendance at these events? They keep calling these "community events", but I can assure you that a majority of the businesses (except bars and restaurants) in the area of the stadium don't want these events. This will affect traffic on almost a year-round basis.</p> <p>3) Construction traffic-How are all of these semis, dump trucks and cement trucks getting to the stadium? Are they going to be clogging up traffic on Central, Green Bay, and neighborhood streets? There are tons of teens that line Central St when school lets out and these construction vehicles present a safety risk to bikers and walkers alike.</p>		
					<p>As a resident, these are my main concerns:</p> <p>1) That the city will once again be leaving its residents holding the bag--the additional costs of repairing roadways that aren't built for this type of traffic, the decrease in real estate values once the neighborhood becomes less desirable to live in, the increased cost of police, the excess noise, and the traffic that destroys the character of Central St.</p> <p>2) I live near the intersection of Livingston and Prairie. When I am on my back patio there is already way too much noise in this neighborhood from existing businesses like Whole Foods. Adding to that all of the construction noise and the noise from the events that will be held here makes me want to leave the neighborhood. I fortunately have this flexibility as I don't have any children at home.</p> <p>3) During well-attended football games, our neighborhood is overrun by football fans. And that's okay, as we all knew that when we bought our properties. If you propose to have restricted parking in the area immediately adjacent to the stadium, all this will do is push event-goers further out and affect different neighborhoods. We could be looking at parking issues in our neighborhood on a weekly basis.</p> <p>4) Traffic will be difficult on a regular basis. Access to the hospital will be difficult on a regular basis.</p> <p>5) For all of the kids on bikes and on foot in our neighborhood. The proposed zoning changes will make this unsafe for them.</p>		

					<p>After attending many meetings on this over the last several years (including the 2019 effort to change the zoning) I can say that I have never experienced the level of gaslighting that Northwestern has displayed. They rambled on and dodged many questions and made invalid comparison's on multiple occasions including:</p> <ol style="list-style-type: none"> <li>1) Making comparisons to Ravinia, which is less than half the size of the proposed stadium</li> <li>2) Using football game days as a comparison for sound when what we would like to see is a concert day compares to just a regular day in the neighborhood.</li> <li>3) Doing a presentation on "traffic patterns" after concerts that shows only how people will get to public transportation, Ubers, and downtown garages (as if anyone will take that option). And yet on this very slide, they showed nothing about traffic on Green Bay, Central St., Sheridan Rd, or Ridge, as if that traffic won't exist. This is absurd.</li> <li>4) Talking about "ambient traffic" after concerts being at a level that will make it easier to move people out quickly. What about before the concert? Have they studied this other than to brush it off by saying that people arrive at different times?</li> <li>5) I haven't heard anything about hospital access in these meetings and how the constant traffic will impact that.</li> <li>6) They haven't considered a parking garage because the neighbors didn't want it-WHAT?? Everyone knows it wasn't considered because it's expensive to build.</li> <li>7) Making invalid comparisons to Boulder and other stadiums that do not have the same proximity to the residential neighborhoods.</li> </ol> <p>This project will substantially change the character of the neighborhood, and create traffic and parking issues. Northwestern is making promises that they can't keep. Please do the right thing and recommend against this zoning change.</p>		
					<p>Hello - I am concerned about the noise level from Sept 9 football game at Ryan Field. I have lived in the neighborhood for three years and am accustomed to the game-day noise levels. The Sept 9 game was noticeably louder. I know this because closing all my windows used to muffle 95% of the sound from the games. On Sept 9, however, I could hear the game noise much more clearly through closed windows. It was noticeable to people talking to me on the phone, which it didn't used to be. I invested in my Central Street condo knowing full well that there would be a certain level of noise during Ryan Field events, but this new volume level is harder to accept. Game-day noise is at least intermittent; I can't imagine what it would be like if there were a steady and possibly even louder stream of sound late at night from concerts. NU has cited the Canal Shores Out of Space concerts as a comparable disruption, but those concerts are just four nights out of the year and the organizers are very conscientious about ending them by 10 pm. Thanks for listening.</p>		
Grace Hayek	1300 Central St	noise from Ryan Field	Opposed	Written comment			
Michael Vasilko	2728 Reese Avenue	NU Text Amendment	Opposed	In person		Self	
Nino Nenendez	1585 Ridge Avenue		In favor	Written comment	Good for our community. It will bring more jobs and revenue for the city.		

					<p>My family has lived in the area of Northwestern University's stadium for over 50 years. When we moved here we were aware and accepted that there would be football games and school-related events in the stadium. We felt this activity was offset by the cultural amenities offered by the university and assumed that the school would be a good neighbor.</p> <p>Some years later the university began scheduling music concerts at McGaw Hall. I can attest to what we experienced then.</p> <p>These concerts were loud enough to be clearly heard through closed windows blocks away. This was continuous noise lasting hours versus the occasional cheer heard at an NU football game.</p> <p>The events let out at late hours and large crowds flooded the streets returning to cars parked to capacity for blocks around the stadium. We'd sometimes find these cars parked in our private driveway blocking our access.</p> <p>We were subjected to loud, inane conversations under our windows, gunning engines, blasting radios in parked cars, and hooting and hollering as concertgoers left the stadium sometimes as late as midnight. There were broken bottles and litter to be cleared from our property the next day. Our house was pelted with raw eggs. We chased away individuals caught peeing in our back yard.</p> <p>NU's proposed amendment to the zoning will affect the surrounding residential character and diminish property values. To this point, I've received a mailing from a real estate company headed "Have questions about your neighborhood market?" referencing the stadium rebuild. In addition we'll be forced to endure the disruption of the stadium teardown and its wildlife seeking new homes in the vicinity.</p> <p>Imagine the effect of NU's scheduling (who knows ultimately how many) for-profit events plus the addition of alcohol sales to this scenario.</p> <p>I oppose the amendment to the zoning at Ryan Field that would allow it to hold large for-profit events.</p> <p>Deanna Rottenberg 129 5th Street Wilmette, IL</p>		
Deanna Rottenberg	129 5th Street, Wilmette, IL	Northwestern University	Opposed	Written comment			
Andrea Smeeton	128 5th Street, Wilmette, IL	Northwestern University	Opposed	In person		Self	
Aaron Cohen	2707 Prairie Ave., Chicago, IL	1501 Central Street, Chicago, IL	Opposed	In person		Self	

Jane Grover, a resident of north Evanston and live three and a half blocks from Ryan Field.

First a disclaimer: I am a member of the Evanston Equity and Empowerment Commission and do not speak for the Commission or for any colleague on the Commission. I am with Field of Opportunities.

Consideration of equity is not explicitly part of the Land Use Commission's process, but you can consider elements of equity under your standard to consider the cumulative effect of this stadium and event proposal upon the city as a whole, with public benefits for the **whole** Evanston community.

Yes, the six events at Ryan Field will add traffic and noise to north Evanston and the immediate neighbors have some good suggestions on how to mitigate those burdens. The neighbors helped make the stadium's west parking lot better with less intrusive lighting. But neighborhood burden caused by concerts at Ryan Field is a relative burden.

Let's consider equity and compare this to another Evanston anchor institution that hosts dozens of athletic and cultural events every year. Events that line the neighborhood streets with cars. Events that generate traffic congestion for blocks. Events that create excessive noise and disturb the neighborhood peace.

Of course I'm talking about Evanston Township High School in the second and fifth wards. **The residents of the second and fifth wards bear that burden for the rest of us.**

- Is the high school neighborhood sandwiched between two public transit train lines that enable folks to get there without a car?
- Do the high school neighbors enjoy "curb privilege" to prevent visitors from parking in front of their homes?
- Do the residents near the high school campus have veto power over the number or size of events that the high school hosts?

Take a look at Evanston's map of our ethnic and racial distribution which might explain some of the disparate treatment of different Evanston neighborhoods.

What we're suggesting is that you look at this through an equity lens and ask:

How will the stadium project and hosting event impact Evanston residents who have historically had less access to economic opportunity?

How will people of color be affected by a denial of the university's proposals?

Will denial of the zoning change amplify disparities in access to economic opportunity?

Our zoning code and comprehensive plan were adopted decades ago:

- before the Equity and Empowerment Commission was created:
- long before equity appeared in the City Council's goals, and
- before we all came to understand Evanston's history of redlining, housing discrimination, and segregation that locked in housing patterns that persist today. A history that is still embedded in the Commission's process.

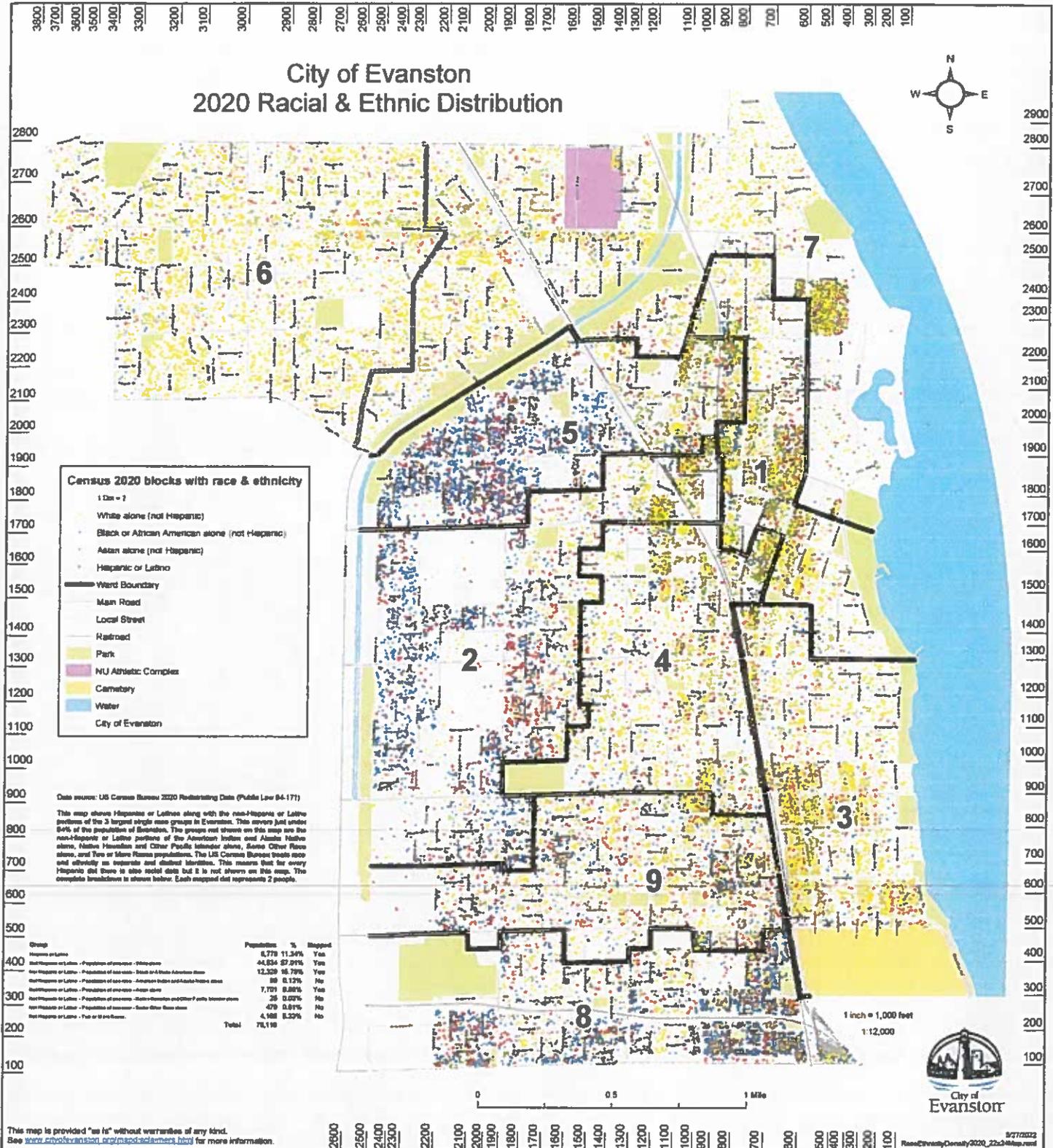
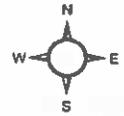
Neither the zoning code nor the comp plan address our community's history of inequity, much less affirmatively advance equity.

Inequities will continue unless they are explicitly addressed and remedied.

Please approve the Ryan Field application on its merits, because it meets the Commission's standards for both the planned development and text amendment, and will have a cumulative **positive impact on the city as a whole**. And let's agree that equity should be part of this deliberation and that denial of the proposal should not be used to perpetuate inequity and exclusion.

Thank you for your service to this community.

# City of Evanston 2020 Racial & Ethnic Distribution



**Census 2020 blocks with race & ethnicity**  
1 dot = 2

- White alone (not Hispanic)
- Black or African American alone (not Hispanic)
- Asian alone (not Hispanic)
- Hispanic or Latino
- Ward Boundary
- Main Road
- Local Street
- Railroad
- Park
- NU Athletic Complex
- Cemetery
- Water
- City of Evanston

Date source: US Census Bureau 2020 Redistricting Data (Public Law 94-171)

This map shows Hispanics or Latinos along with the non-Hispanic or Latino portions of the 3 largest single race groups in Evanston. This covers just under 94% of the population of Evanston. The groups not shown on this map are the non-Hispanic or Latino portions of the American Indian and Alaska Native alone, Native Hawaiian and Other Pacific Islander alone, Some Other Race alone, and Two or More Races populations. The US Census Bureau treats race and ethnicity as separate and distinct identities. This means that for every Hispanic and there is also racial data but it is not shown on this map. The complete breakdown is shown below. Each suggested dot represents 2 people.

Group	Population	%	Hispanic
Hispanic or Latino	6,779	11.34%	Yes
Not Hispanic or Latino - Population of American Indian or Alaska Native alone	44,834	87.91%	Yes
Not Hispanic or Latino - Population of American Indian or Alaska Native alone	12,329	18.79%	Yes
Not Hispanic or Latino - Population of American Indian or Alaska Native alone	88	0.12%	No
Not Hispanic or Latino - Population of American Indian or Alaska Native alone	7,701	8.88%	Yes
Not Hispanic or Latino - Population of American Indian or Alaska Native alone	28	0.03%	No
Not Hispanic or Latino - Population of American Indian or Alaska Native alone	479	0.81%	No
Not Hispanic or Latino - Two or More Races	4,168	8.32%	No
<b>Total</b>	<b>78,118</b>		

1 inch = 1,000 feet  
1:12,000



This map is provided "as is" without warranties of any kind. See [www.cityofevanston.org/mapdata/amen.html](http://www.cityofevanston.org/mapdata/amen.html) for more information.





Meagan Jones &lt;mmjones@cityofevanston.org&gt;

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## My Morning Comment on NU's Presentation

1 message

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**Douglas Nickels** <douglasnickels@mac.com>

Thu, Sep 7, 2023 at 9:23 AM

To: mklotz@cityofevanston.org, Eleanor Revelle &lt;erevelle@cityofevanston.org&gt;

Cc: mmjones@cityofevanston.org

Thanks to our City Commissioners and their time for helping our communities (Evanston and Wilmette) through this interesting and difficult process.

It seems to me that NU is asking the communities surrounding the stadium to support the proposal so we can spend the \$800 free million from private donors and replace it. Ok, things get old and new construction per their presentation will be much better. Would I like the disruption between 12/23 and 6/26? No.

The puzzle that is bothering me is the need for additional events to provide the extra operating revenue to make the project work. It seems that NU and their finance department has determined that monies from other NU entities and accounts cannot be transferred or used to offset the operating expenses. Why? And why is this problem being handed off to Evanston and the neighbors? The Big Ten TV contract, the enormous endowment, their tax free status and on and on. They cannot find \$2,000,000 from their current revenue sources each year to show thanks for the \$800,000,000 free mega entertainment venue? Are there stings attached to the gifts that if shared would raise questions?

A few more questions. What happens if NU is not a Power 5 football participant? If there is no Power 5 football at NU, how many events will need to be scheduled to offset that lost revenue and maintain the mega entertainment venue without a football team? We know college football is in the midst of a huge change and we do not have the foresight to see the future.

Committing to the new entertainment venue is as much about it's future use as the near term use. What starts as football games plus 6 concerts today might become zero football games in 10 years with the need for an unknown number of concerts to offset those pesky operating expenses. Committing to the mega entertainment venue opens the door to an ever changing number of concerts and events. Remember NU has stated that the current stadium venue is used about 2% of the time. If it creates all the current challenges while only being used 2% of the time, I can only imagine what 25% of the time usage looks like.

Approving any change to the U2 zoning allows a future focused on entertainment and concerts whether football is part of it or not. We need to be very careful because we are determining what the neighborhoods will look like in the future with this decision.

9/7/23, 10:11 AM

CITY OF EVANSTON Mail - My Morning Comment on NU's Presentation

Doug Nickels  
1300 Central St



Meagan Jones &lt;mmjones@cityofevanston.org&gt;

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## Copy of my statement submitted to Land Use Commission

1 message

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**Deanna Rottenberg** <rottenberg.ds@att.net>

Thu, Sep 21, 2023 at 12:00 PM

To: "mmjones@cityofevanston.org" &lt;mmjones@cityofevanston.org&gt;

Cc: "D. Thiersch" &lt;dthiersch3@gmail.com&gt;

This is a copy of my statement submitted to the Land Use Commission by form on 9/21/23:

My family has lived in the area of Northwestern University's stadium for over 50 years. When we moved here we were aware and accepted that there would be football games and school-related events in the stadium. We felt this activity was offset by the cultural amenities offered by the university and assumed that the school would be a good neighbor.

Some years later the university began scheduling music concerts at McGaw Hall. I can attest to what we experienced then.

These concerts were loud enough to be clearly heard through closed windows blocks away. This was continuous noise lasting hours versus the occasional cheer heard at an NU football game.

The events let out at late hours and large crowds flooded the streets returning to cars parked to capacity for blocks around the stadium. We'd sometimes find these cars parked in our private driveway blocking our access.

We were subjected to loud, inane conversations under our windows, gunning engines, blasting radios in parked cars, and hooting and hollering as concertgoers left the stadium sometimes as late as midnight. There were broken bottles and litter to be cleared from our property the next day. Our house was pelted with raw eggs. We chased away individuals caught peeing in our back yard.

NU's proposed amendment to the zoning will affect the surrounding residential character and diminish property values. To this point, I've received a mailing from a real estate company headed "Have questions about your neighborhood market?" referencing the stadium rebuild. In addition we'll be forced to endure the disruption of the stadium teardown and its wildlife seeking new homes in the vicinity.

Imagine the effect of NU's scheduling (who knows ultimately how many) for-profit events plus the addition of alcohol sales to this scenario.

I oppose the amendment to the zoning at Ryan Field that would allow it to hold large for-profit events.

Deanna Rottenberg

129 5<sup>th</sup> Street

Wilmette, IL

Virus-free. [www.avast.com](http://www.avast.com)

**Meagan Jones** <mmjones@cityofevanston.org>

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**(no subject)**

1 message

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**Grace Hayek** <grace.m.hayek@gmail.com>  
To: mmjones@cityofevanston.org

Mon, Sep 18, 2023 at 12:05 PM

Hello Meagan,

I am concerned about the noise level from the Sept 9 football game at Ryan Field. I have lived in the neighborhood for three years and am accustomed to the game-day noise levels. The Sept 9 game was noticeably louder. I know this because closing all my windows used to muffle 95% of the sound from the games. On Sept 9, however, I could hear the game noise much more clearly through closed windows. It was noticeable to people talking to me on the phone, which it didn't used to be. I invested in my Central Street condo knowing full well that there would be a certain level of noise during Ryan Field events, but this new volume level is harder to accept. Game-day noise is at least intermittent; I can't imagine what it would be like if there were a steady and possibly even louder stream of sound late at night from concerts. NU has cited the Canal Shores Out of Space concerts as a comparable disruption, but those concerts are just four nights out of the year and the organizers are very conscientious about ending them by 10 pm.

Thanks for reading this-  
Grace Hayek



Meagan Jones <mmjones@cityofevanston.org>

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## My Submission to the Land Use Commission September 19, 2023

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Linda Steiner <steinerlinlee@outlook.com>  
To: mmjones@cityofevanston.org

Wed, Sep 20, 2023 at 9:11 AM

Dear Meagan,

Yesterday about 2:20 pm I submitted my comments to the Land Use Commission opposing the redevelopment of Ryan Field to allow large concerts. I inadvertently included my address in the 7th Ward on Central Street.

I would like my address removed from my comments. My address can be found in the third paragraph.

Thank you.

Linda L. Steiner  
7th Ward

Like many of my friends and neighbors in the 7<sup>th</sup> Ward and around Evanston and Wilmette, I have serious concerns about Northwestern's proposed construction of a new stadium at Ryan Field with a variety of concerts. I am opposed to the construction of a new stadium at Ryan Field. I cannot believe the proposal will be approved. However, here are my thoughts.

Construction of a new stadium at Ryan Field with the addition of large live concerts is **a very serious threat to the physical and mental well being of people** in our immediate neighborhood, friends and their neighbors just north in Southeast Wilmette and health care providers and their patients at Northshore University Health Center. It is my understanding from the statement by David Gold (Editor of Inside NU) on August 18, 2023, the concerts would be at night! The detriment to our physical and mental health would include sleep deprivation associated with noise intolerance, the inability to concentrate and focus, headaches and various cardiovascular issues such as high blood pressure.

The neighborhood along the Central Street corridor in many ways reflects the population of my own building multiplied many times over. In my building close to Ryan Field there are a variety of residents including infants, young children, young adults, couples, and seniors. I know two tenants who are completing their medical residencies at Evanston Hospital. I have two neighbors who are family caregivers. In one instance a young daughter is caring for her mother at home. Her mother is going through radiation treatments and chemotherapy at Northshore Kellogg Cancer Center. Another woman is caring for her husband at home in their apartment. Her husband is receiving hospice care. There are several young parents with infants and toddlers. This is just my building of 48 units. Throughout the Central Street corridor and the surrounding neighborhoods there are many families going through similar challenges who would really suffer from the noise and commotion of the construction and eventual concerts. There are many children in my neighborhood as I see in my morning walks to Lighthouse Beach along Lincoln as they travel by bike or foot off to Orrington School, St. A's, Kingsley or Haven. St. A's (St. Athanasius Church and School) is one block from Ryan Field. There are over 300 students at St. A's from Pre-K to 8<sup>th</sup> grade. The disruption created by the demolition of the old stadium and construction of the new stadium would likely take place a long period of time, perhaps as long as 3 years. My research indicates during construction under the "We Will" campaign the following buildings took multiple years to complete from groundbreaking to dedication:

- Bienen Music Complex: Groundbreaking May 2012, Dedication September 2015: 3 years, 4 months
- Kellogg Global Hub: Groundbreaking November 2013, Dedication May 2017: 3 years, 5 months
- Construction of the Segal Vistor Center and the Sports Complex at the north of the campus along The Lake also occurred during this period.

When I lived in the 3<sup>rd</sup> Ward I could hear Dillo Day each May from one mile south of the Lakefill. Dillo Day was a one time annual event during daytime. According to Alex Harrison at the Evanston Roundtable (May 15, 2023 report) approximately 12,000 people were expected to attend Dillo Day. Wristbands were provided. Fentanyl testing strips were available. A task force was trained to administer Narcan. Excessive drinking was also of considerable concern. A group called "Student Intervention Service" was trained to respond to situations as needed. Security and emergency support included Northwestern Police and Luna Security. Also on stand-by were Evanston's police and fire departments and Superior Ambulance. There was a large presence of staff the next day to go around the area the next day for a significant clean-up of debris.

<https://evanstonroundtable.com/2023/05/15/nu-shares-plans-for-dillo-day-other-year-end-events/>

The proposed mega-concerts, at 3 times the size, are a massively larger version of Dillo Day, with a maximum attendance possible of 35,000 people. Set-up, the event, the ultimate dismantling of stages, and the massive clean-up would require multiple days before and after the concert. Noise and exhaust from diesel trucks would be not only unpleasant but a major health concern for people who are out walking or biking or just staying at home plus those with health challenges. I hear garbage trucks as early as 5:30 am on Mondays. After the home football games clean up starts very early on Sunday morning. Northwestern would require a significantly larger number of first responders, not to mention fentanyl testing strips and Narcan to support their proposed concerts. (Apologies for the sarcasm.)

Moving to the 7<sup>th</sup> Ward, I can hear the concerts at Canal Shores in the summer, ½ mile from my building. Last Thursday, September 14, the chain saw crews were busy for several hours cutting down trees just south of Lincoln at Leahy Park for the renovation of the golf course. I could hear all of this with my very heavy Andersen windows closed and the central a/c in my unit running. The chain saw noise was especially disconcerting as it was during the day. I could not possibly remain in this neighborhood. I love the neighborhood. I feel really safe here. It would be impossible for me to remain in the 7<sup>th</sup> ward.

As I mentioned above, the commotion and noise associated with demolition, construction, and the concerts could have a serious negative impact on both healthcare providers and patients at the very large Northshore University Health System, consisting of the Emergency Department, Evanston Hospital, the Women's Hospital, and the Kellogg Cancer Center, **all located within ½ mile of Ryan Field.** The traffic flow in the demolition and rebuild of the stadium as well the proposed number concerts, with the labor-intensive set-up and take down of concert stages and the amount of time necessary to clean up the debris and litter left by concert attendees would create serious congestion, impairing the needed urgency for the Fire Department and EMT staff to respond to 911 calls around our community and for additional medical staff needed for major emergencies. This letter to the editor from the Chicago Sun Times from retired Dr. Ronald Meyer elaborates on my own concerns:

<https://chicago.suntimes.com/2023/7/25/23805906/northwestern-ryan-field-stadium-renovation-evanston-hospital-northshore-ronald-meyer-op-ed>

There seem to be conflicting statements about the actual capacity for the concerts. At one time the number was 35,000. Here is a small list of capacities at other stadiums:

- Arthur Ashe Stadium at the Billy Jean King National Tennis Center at Flushing Meadows, NYC 25,000 with a retractable roof.
- Wrigley Field: 22,000
- United Center: 23,500 (covered)
- Allstate Arena: 18,500 (covered)

Dean Michael Schill in his statement of August 17, 2023 indicated that “Northwestern is willing to limit community-based programs designed in collaboration with our neighbors such as holiday celebrations and fall and winter festivals ...” However, Evanston Parks and Recreation has well established, family-oriented celebrations throughout the year including Starlight Concerts, Movies in the Park, Bird Watching at Canal Shores and Ladd Arboretum, Kwanza, the Outdoor and Indoor Farmers Markets, Art Festivals, Halloween events, etc. These events are located at the beautiful parks and neighborhood community centers in Evanston. Dean Schill has not been living in Evanston long enough to fully understand the many well-designed programs

already in place to support our community. This may be his marketing strategy for the rebuilt Ryan Field but I would rather be in a small, more intimate setting with my friends and neighbors for such events.

Although unimaginable, should the NU proposal ultimately be approved, there should be a **legitimate, credible environmental impact study**. Demolition of the current stadium and construction of a gigantic new stadium would create multi-year environmental impact concerns for both our land, soil, the Canal, and the nature and wildlife in the community. Taking down the current stadium and disposing of all the waste, some of which would be quite hazardous (asbestos, lead pipes, plastics, chemicals, etc) would be a significant issue. The dust created would be of huge concern for patients and staff at Northshore University Health System's Evanston locations, residents with infants and young children, seniors and people who are already immune-compromised or suffer from asthma, COPD, or other respiratory conditions. I am reminded of this article from the Chicago Tribune on the demolition of Hillco metal scrapping and the Damen silos:

<https://www.chicagotribune.com/news/breaking/ct-damen-silos-community-meeting-20230823-20230826-joazzvlayver5fklaz4zviszd4-story.html>

The overall very imposing design of the proposed stadium including both the proposed height and the footprint on the site has been studied by Fiona McCarthy. Fiona has a BS in Mechanical Engineering and an MS in Renewable and Clean Energy. She is an expert in energy efficiency and sustainable design. She is also the recipient of an award from Engineer Magazine as well as other awards. Her scale height drawings of the imposing design of the new Ryan Field stadium are stunning and shocking. Fiona also provided an analysis of the sound levels. Her conclusion: "...permitting concerts at the new Ryan Field will not only be a nuisance and annoyance, but a violation of both local ordinances and state codes."

<https://evanstonroundtable.com/2023/08/09/letter-to-the-editor-updated-nu-sound-analysis-says-concert-noise-is-really-loud-and-pervasive/>

This is a time of healing for our nation and our community after the experiences of the COVID pandemic and the political divisiveness in our country. It is a time for people to come together at family friendly and small community events. It is not a time for mega concerts and the years of related disruption to our lives.

This is also a very crucial time in our lives when **Climate Change** has been declared the biggest threat to our health and well-being by the World Health Organization and the United Nations. It seems truly incomprehensible the proposal put forward by Northwestern for the rebuilding of Ryan Field should be approved.

Thank you for considering my comments. I am writing on behalf of my friends and neighbors here in Evanston.

Linda L. Steiner.  
7<sup>th</sup> Ward Resident

Hello, My name is Michael Nabors and I serve as president of the Evanston/North Shore NAACP and Senior Pastor at Second Baptist Church. The church was founded in 1882 and the branch was founded in 1918. Collectively that is about 266 years of presence and voice in the Evanston community. I guess I could also add my great grandmother who lived at 628 Church Street from about 1903 to 1910 and at 1747 Grey Avenue for over fifty years. However, I cannot claim to speak for the nearly 400 members of the branch or the nearly 800 members of the church. I come this evening as a lone voice that has been given permission to speak publicly about issues in our community. I am certain there are fewer issues greater than the Ryan Field Project.

The NAACP has supported the project since we hosted one of the first community meetings to learn more about it. That was in November of last year. Maybe December. We heard from President Schill, Athletic Director Gragg, legal counsel from Northwestern, experts on noise reduction and traffic control and even an expert on environment and ecological issues. We have attended other sessions held here in City Hall. The issue is divisive in our community and most of know the issues of division.

However, I want to go on record tonight to say that I continue to support the Ryan Field Project. I believe it is a once in a life time opportunity for people of color and women to build generational wealth through a 208 million dollar commitment for subcontracting work. And I believe it is up to us- black and brown people and women of color, to ensure that these dollars will go to eligible contractors and business people.

I support the Ryan Field Project because I believe it will provide an incredible space for Big Ten Football and social gatherings. Such a venue will increase visitors and tourists to our city, which will increase revenue and business opportunities, that can benefit existing black and brown businesses. Currently, we have Hecky's, Yo'Fresh, C&W Market Place and Ice Cream Parlor, Cold Stone Ice Cream, Jennifer's Edibles, Soul and Smoke, Da Jerk Pit, an abundance of beauty salons, barber shops and a rising generation of young entrepreneurs. Contract these businesses as part of a permanent partner with Ryan Field!

I support the Ryan Field Project because of the more than 3,000 jobs that will be available during the construction and 10 million dollars going to workforce development. We can commit the construction company to not only employ workers but to also teach them work force skills that will last beyond the construction phase of the project.

We live in a world where people do not trust anyone. And it has been said that Northwestern is not to be trusted for its past. If that is the measuring rod we have for trust- the past, then we have all come short- the faith community, the business community, the city, the the seminary, the Rotary Club, the Chamber of Commerce, and even Second Baptist and the NAACP. As for me, I am wary, but also aware- that our best days are not behind us, they are ahead. Please don't let a generational opportunity- miss our generation.

Thank you,

Rev. Dr. Michael Nabors  
President  
Evanston/North Shore NAACP  
Pastor  
Second Baptist Church



Meagan Jones &lt;mmjones@cityofevanston.org&gt;

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## Taxpayer Financed Independent Ryan Field Development Economic Impact Study - Status

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**Michael Vasilko** <mike@vasilko.co>

Thu, Sep 7, 2023 at 4:10 PM

To: Eleanor Revelle &lt;erevelle@cityofevanston.org&gt;, Meagan Jones &lt;mmjones@cityofevanston.org&gt;

Cc: Luke Stowe &lt;lstowe@cityofevanston.org&gt;, "ckelly@cityofevanston.org" &lt;ckelly@cityofevanston.org&gt;, Krissie Harris &lt;kharris@cityofevanston.org&gt;, Melissa Wynne &lt;mwynne@cityofevanston.org&gt;, Jonathan Nieuwsma &lt;jnieuwsmma@cityofevanston.org&gt;, Bobby Burns &lt;bburns@cityofevanston.org&gt;, Tom Suffredin &lt;tsuffredin@cityofevanston.org&gt;, Devon Reid &lt;dreid@cityofevanston.org&gt;, Juan Geracaris &lt;jgeracaris@cityofevanston.org&gt;, Paul Zalmezak &lt;pzalmezak@cityofevanston.org&gt;, Daniel Biss &lt;dbiss@cityofevanston.org&gt;, David DeCarlo &lt;ddecarlo@mostlivablecity.org&gt;, Yvi Russell &lt;yvisivy@sbcglobal.net&gt;, Mary Rosinski &lt;maryrosinski@gmail.com&gt;, "csnaboard@googlegroups.com" &lt;csnaboard@googlegroups.com&gt;

Councilmember Revelle,

I'm not certain who the authority is to respond to the question of LUC's interest (or not) in the "Independent" Taxpayer Funded Economic Impact Study. But I do believe the LUC Commissioners should be made aware of the soon to be published CH Johnson report.

As you know, there were many Commissioner questions about the financial viability, funding, and **need** for concert profits during last night's LUC meeting. There were also Community Group presentations centered on the Economic Impact of the project throughout Evanston. It seems very lopsided to have only Northwestern presenting a questionable and biased Economic Impact Study to influence the LUC.

It's my opinion that the CH Johnson report needs to be made public. Community members deserve the opportunity to question and comment on the report's contents. The report may need to be updated based on community feedback. And then the LUC should receive it as part of their deliberations. If that means the LUC Agenda for future meetings needs to be postponed, then so be it.

I must add that there is plenty of suspicion circling around about who in Evanston's Government has already decided in favor of Northwestern applications, and there is public evidence of elected officials and staff working to undermine a fair and transparent process. I hope the delay in producing the "independent" report, is in no way caused by staff attempting to influence the findings of the report behind the scenes.

I understand Meagan Jones is the official conduit to the LUC. I'm asking Meagan to officially forward this email chain to the LUC Chair and Commissioners, so at the very least, they are aware of the situation.

Mike

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**From:** Eleanor Revelle <erevelle@cityofevanston.org>**Sent:** Friday, July 28, 2023 4:57 PM**To:** Michael Vasilko <mike@vasilko.co>**Cc:** Luke Stowe <lstowe@cityofevanston.org>; ckelly@cityofevanston.org; Krissie Harris <kharris@cityofevanston.org>; Melissa Wynne <mwynne@cityofevanston.org>; Jonathan Nieuwsma <jnieuwsmma@cityofevanston.org>; Bobby Burns

<[bburns@cityofevanston.org](mailto:bburns@cityofevanston.org)>; Tom Suffredin <[tsuffredin@cityofevanston.org](mailto:tsuffredin@cityofevanston.org)>; Devon Reid <[dreid@cityofevanston.org](mailto:dreid@cityofevanston.org)>; Juan Geracaris <[jgeracaris@cityofevanston.org](mailto:jgeracaris@cityofevanston.org)>; Paul Zalmezak <[pzalmezak@cityofevanston.org](mailto:pzalmezak@cityofevanston.org)>; Daniel Biss <[dbiss@cityofevanston.org](mailto:dbiss@cityofevanston.org)>

**Subject:** Re: City Financed Ryan Field Development Economic Impact Study - Status

Mike —

The economic impact report will be of keen interest to the City Council — and to residents, of course -- but the standards that the LUC applies in its consideration of proposed projects do not include the economic factors that I expect will be covered in the CH Johnson report.

Eleanor

On Jul 28, 2023, at 8:45 AM, Michael Vasilko <[mike@vasilko.co](mailto:mike@vasilko.co)> wrote:

Thank you, Council Member Revelle, for the follow up. I realize it's not your responsibility to chase down this information. Staff has fumbled the ball. Your effort is greatly appreciated.

It seems fair to postpone the NU Agenda item at Land Use Commission meeting until after this report is issued and available to the public.

Mike

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**From:** Eleanor Revelle <[erevelle@cityofevanston.org](mailto:erevelle@cityofevanston.org)>  
**Sent:** Thursday, July 27, 2023 6:20 PM  
**To:** Michael Vasilko <[mike@vasilko.co](mailto:mike@vasilko.co)>  
**Cc:** Luke Stowe <[lstowe@cityofevanston.org](mailto:lstowe@cityofevanston.org)>; ckelly@cityofevanston.org; Krissie Harris <[kharris@cityofevanston.org](mailto:kharris@cityofevanston.org)>; Melissa Wynne <[mwynne@cityofevanston.org](mailto:mwynne@cityofevanston.org)>; Jonathan Nieuwsma <[jnieuwsmas@cityofevanston.org](mailto:jnieuwsmas@cityofevanston.org)>; Bobby Burns <[bburns@cityofevanston.org](mailto:bburns@cityofevanston.org)>; Tom Suffredin <[tsuffredin@cityofevanston.org](mailto:tsuffredin@cityofevanston.org)>; Devon Reid <[dreid@cityofevanston.org](mailto:dreid@cityofevanston.org)>; Juan Geracaris <[jgeracaris@cityofevanston.org](mailto:jgeracaris@cityofevanston.org)>; Paul Zalmezak <[pzalmezak@cityofevanston.org](mailto:pzalmezak@cityofevanston.org)>; Daniel Biss <[dbiss@cityofevanston.org](mailto:dbiss@cityofevanston.org)>  
**Subject:** Re: City Financed Ryan Field Development Economic Impact Study - Status  
**Importance:** High

Mike —

Here is a rough timeline for the economic impact study. CH Johnson will have a draft ready for the City's review at the end of August and a final report for the City Council at either our September 11 meeting or our September 26 meeting. Apparently it took a long time for the university to comply with the economic data request.

Regarding the LUC meeting, it is now scheduled for August 23.

Eleanor

On Jul 25, 2023, at 4:42 PM, Michael Vasilko <[mike@vasilko.co](mailto:mike@vasilko.co)> wrote:

Again, what is the status of the City Financed Ryan Field Development - Economic Impact Study?

I would appreciate a response this time.

Thank you,

Mike

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**From:** Michael Vasilko  
**Sent:** Monday, July 17, 2023 4:18 PM  
**To:** Revelle, Eleanor <[erevelle@cityofevanston.org](mailto:erevelle@cityofevanston.org)>; Luke Stowe <[lstowe@cityofevanston.org](mailto:lstowe@cityofevanston.org)>  
**Cc:** [ckelly@cityofevanston.org](mailto:ckelly@cityofevanston.org); Kristian Harris <[kharris@cityofevanston.org](mailto:kharris@cityofevanston.org)>; [mwynne@cityofevanston.org](mailto:mwynne@cityofevanston.org); Jonathan Nieuwsma <[jnieuwsma@cityofevanston.org](mailto:jnieuwsma@cityofevanston.org)>; Bobby Burns <[bburns@cityofevanston.org](mailto:bburns@cityofevanston.org)>; Thomas Suffredin <[tsuffredin@cityofevanston.org](mailto:tsuffredin@cityofevanston.org)>; Devon Reid <[dreid@cityofevanston.org](mailto:dreid@cityofevanston.org)>; [jgeracaris@cityofevanston.org](mailto:jgeracaris@cityofevanston.org); Paul Zalmezak <[pzalmezak@cityofevanston.org](mailto:pzalmezak@cityofevanston.org)>; Daniel Biss <[dbiss@cityofevanston.org](mailto:dbiss@cityofevanston.org)>  
**Subject:** City Financed Ryan Field Development Economic Impact Study - Status

Councilmember Revelle,

What is the status of the City Financed Ryan Field Development - Economic Impact Study? It was awarded several months ago. There have been no public input meetings that I am aware of. I hope this is not going to be released on the eve of the LUC 8/9/2023 meeting.

Please report the status.

Mike Vasilko

6<sup>th</sup> Ward

Text & Cell: 312-217-6980

September 8, 2023

City of Evanston Land Use Commission

Chair Matt Rodgers

2100 Ridge Avenue

Evanston, IL 60201

Re: LUC Agenda Item III B:

Public Hearing: Zoning Text Amendment - U2 University Athletic Facilities District - 23PLND-0010

Dear Chair Rodgers,

Respectfully, I am requesting ten (10) minutes of time but no less than five (5) minutes at the September 27, 2023, Land Use Committee Meeting to deliver testimony and the evidence that supports it, regarding LUC Agenda Item III B.

The subject matter has been delivered to the LUC from my previous email submissions. The center of my argument is the language of the Northwestern University Charter Law and how this language conflicts with Northwestern's Text Amendment Application. State of Illinois Law overrides City of Evanston Zoning Codes amended or not.

I may be responsible for not entirely understanding the LUC Rules, but my intent to deliver testimony and evidence on this matter is documented in numerous previous emails. My being from the sixth ward should not disqualify me from this long-awaited opportunity.

Please grant my request for up to ten (10) minutes of time at the LUC meeting that was continued to September 27, 2023.

Thank you very much.

Sincerely,

Mike Vasilko

Michael Vasilko  
2728 Reese Avenue . Evanston . IL . 60201  
Text and Cell: 312-217-6980 . Email: mike@vasilko.co

**NORTHWESTERN UNIVERSITY CHARTER "THE ACT to INCORPORATE NORTHWESTERN UNIVERSITY"  
STATE OF ILLINOIS LAW as of January 6, 1851**

September 6, 2023 – LUC Public Comment:

I am speaking tonight to inform you about the importance of the Northwestern University Charter, a State of Illinois Law. The State of Illinois passed a Law, An ACT to incorporate North-Western University at The First Session of the Seventeenth General Assembly held in Springfield on January 6, 1851. The ACT is a PUBLIC ACT approved and in force as of January 28, 1851, 172-years ago. This LAW including subsequent amendments approved by the General Assembly constitute Northwestern University's Charter and is the only legislative document that define and codify the University as a corporation. The Law, albeit a law passed 172-years ago, STILL HOLDS today.

My requests and FOIA of "all legislative documents related to Northwestern University's Incorporation Documents and related to the Charter", were replied to by State of Illinois archivist, and by the Secretary of State's Office that provided certified records. These records are contained in my evidence submission to the LUC on July 16<sup>th</sup>, to Meagan Jones. The submission includes a copy of the original handwritten 1851 law, the 1851 Lanphier & Walker published version of the law, the subsequent amendments, and Northwestern University's OWN website version of "CHARTER – An Act to Incorporate the Northwestern University".

These documents collectively, inform YOU that the Northwestern University Charter is State of Illinois Law, approved by the State of Illinois General Assembly. The Charter Law, its language and intent, can only be amended by the State of Illinois General Assembly. My purpose here tonight is to make you understand the gravity of this information; **in short it means the LUC Commissioners do not have the authority to act on Northwestern's Text Amendment Application.** Let me explain why.

The 1851 Charter Section 2 states in part:

*"...Board shall, in manner above specified have perpetual succession, and shall hold the property of said institution solely for purposes of education, and not as a stock for the individual benefit of themselves or any contributor to the endowment of the same; and.."*

September 6, 2023  
Michael Vasilko . 2728 Reese Avenue . Evanston . IL . 60201  
Email: [mike@vasilko.co](mailto:mike@vasilko.co) Cell and Text: 312.217.6980

**NORTHWESTERN UNIVERSITY CHARTER "THE ACT to INCORPORATE NORTHWESTERN UNIVERSITY"**  
**STATE OF ILLINOIS LAW as of January 6, 1851**

That is what the Charter Law says, plain and simple. But Northwestern does not like that restriction. The University's proposed Text Amendment is a blatant attempt to deceive uninformed Evanston officials (in this case LUC Commissioners), into unknowingly undermining the State of Illinois Charter Law language. Northwestern knows its Charter. Northwestern knows what the proper protocol is to changing Charter language. But rather than go to Springfield, they are attempting a back door way of unlawfully securing for-profit, non-educational uses at Ryan Field. Let me explain further.

The Text Amendment change of use from a **Not-for-profit Educational Use** to a **For-Profit Non-Educational Use** is for the General Assembly to decide. No one else. That is the protocol. That is the law. Northwestern University must first appeal to the State of Illinois General Assembly to change the phrase ***"property of said institution solely for purposes of education"*** to ***"property of said institution for purposes of for-profit non-educational uses"***. You must send Northwestern to Springfield first. If successful, Northwestern can return to Evanston's Land Use Commission but only after the Charter Law is amended and approved by the General Assembly, not before.

**YOU, THE LUC COMMISSIONERS, ARE NOW INFORMED.**

And since you are now informed and are aware of the Charter Law, it would be unlawful for the Land Use Commission, the City of Evanston elected officials, any city staff, departments, committees, and commissions to assume authority to modify, change and otherwise amend Charter language and Charter intent. Why? Because you are not the State of Illinois General Assembly.

Northwestern University is attempting to sidestep state law by ignoring the conditions of its own Charter. The charter language is crystal clear. ***"property of said institution solely for purposes of education"***

Look at other Charter language to understand the importance of the Charter to Northwestern. The University clings to the charter language that provides for no taxes. The no taxes Charter language is also crystal clear. The No Taxes language ONLY appears in the Charter, it does not appear in any other state legislation, hence the legal significance of the Charter. Without the charter, Northwestern is no longer tax exempt.

NORTHWESTERN UNIVERSITY CHARTER "THE ACT to INCORPORATE NORTHWESTERN UNIVERSITY"  
STATE OF ILLINOIS LAW as of January 6, 1851

Northwestern can't pick and choose which words in the Charter they will abide by, and which words they won't abide by.

If you are thinking, golly Mike, this sounds far fetched. Sadly, for Northwestern, it is true. Their Charter, State Law is unambiguous, *PROPERTY SOLEY FOR PURPOSES OF EDUCATION*.

Anticipating doubt, I have provided the Charter documents in their entirety, in script, a copy of the steam press document, and Northwestern OWN typed version of the documents. Still don't believe me, read the evidence. Take time to read the charter and its amendments.

And by the way, there is this another dusty old document ratified in 1778 that is still considered law today. It's called the Constitution of the United States. Old laws are still laws.

You will find everything I've said, to be true and accurate. Therefore, the Land Use Commission, and the entirety of the City of Evanston government has no authority to review and/or approve a for-profit non-educational use on any Northwestern University property, including the Ryan Field property. To do so would be unlawful.

The Northwestern University Charter is Illinois State Law. For-profit, non-educational uses are not permitted on university property. "...Board shall, in manner above specified have perpetual succession, and shall hold the property of said institution solely for purposes of education, .."

But here may be an even more important passage from the Charter that should concern Northwestern:

*"SECTION IX. Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with the same, upon complaint being made to the circuit Court of Cook County, a scire facias shall issue, and the circuit attorney shall prosecute on behalf of the People of this State for forfeiture of this charter."*

The obligation of the Land Use Commission is to turn Northwestern's text amendment application away. Commissioners, you do not have the authority to rule on the text amendment.



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS-Secretary of State

0104-478-2  
JUNE 23, 2023

MIKE@VASILKO.CO

RE NORTHWESTERN UNIVERSITY

DEAR SIR OR MADAM:

ENCLOSED PLEASE FIND THE CERTIFIED COPY REQUESTED CONCERNING THE ABOVE REFERENCED CORPORATION.

THE ATTACHED WAS ASSIGNED AUTHENTICATION NUMBER 2317400529.

THE REQUIRED FEE IS HEREBY ACKNOWLEDGED.

SINCERELY YOURS,

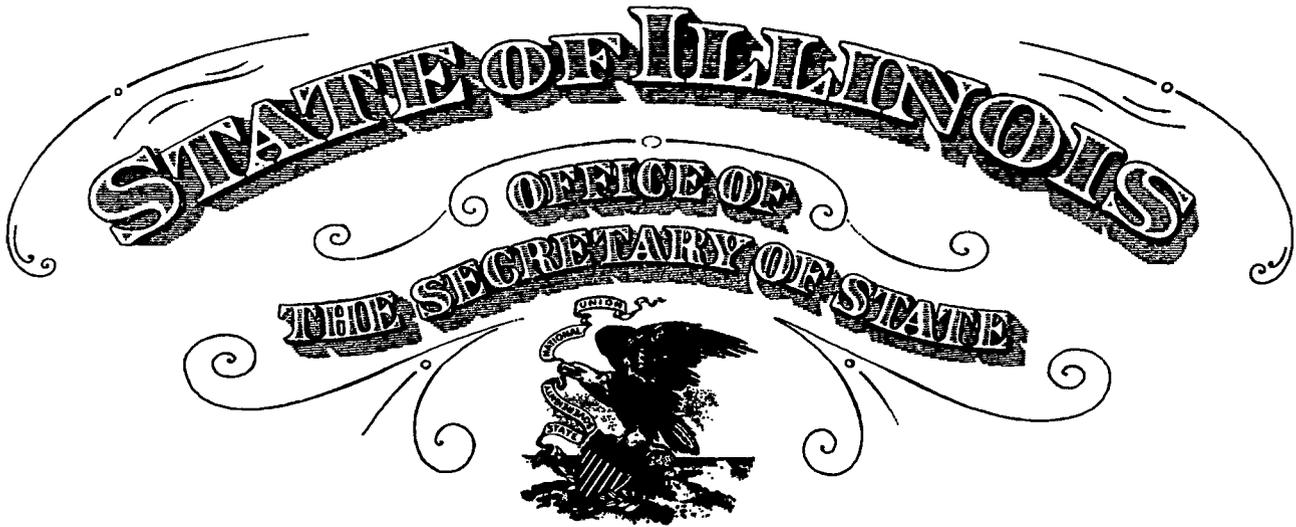
ALEXI GIANNOULIAS  
SECRETARY OF STATE

DEPARTMENT OF BUSINESS SERVICES  
CORPORATION DIVISION  
TELEPHONE: (217) 524-8008

AG:CD

File Number

0104-478-2



**To all to whom these Presents Shall Come, Greeting:**

*I, Alexi Giannoulis, Secretary of State of the State of Illinois, do hereby certify that I am the keeper of the records of the Department of Business Services. I certify that*

ATTACHED HERETO IS A TRUE AND CORRECT COPY, CONSISTING OF 27 PAGE(S), AS TAKEN FROM THE ORIGINAL ON FILE IN THIS OFFICE FOR NORTHWESTERN UNIVERSITY



**In Testimony Whereof, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois, this 23RD day of JUNE A.D. 2023 .**

*Alexi Giannoulis*

Authentication #: 2317400485 verifiable until 06/23/2024.

Authenticate at: <https://www.ilsos.gov>

SECRETARY OF STATE

Law 104 4782 5  
1308 8621 5  
179 7941 0

File Number \_\_\_\_\_



**To all to whom these Presents Shall Come, Greeting:**

*I, Jim Edgar, Secretary of State of the State of Illinois,*  
*do hereby certify that* NORTH WESTERN UNIVERSITY, incorporated  
under Special Act of the Legislature, approved January 28, 1851,  
is not required to file annual reports or papers of any kind in  
this office, and as far as I am able to determine, is in Good  
Standing as a domestic corporation in the State of Illinois.  
This is to advise that the above corporation has filed the  
following charter documents in this office:  
An Act to incorporate NORTH WESTERN UNIVERSITY, approved  
January 28, 1851.  
An Act to amend an Act entitled an Act of Incorporate NORTH  
WESTERN UNIVERSITY, approved February 14, 1855.  
An Act to amend an Act entitled an Act to Incorporate NORTH  
WESTERN UNIVERSITY, approved February 16, 1861.  
An Act to amend an Act entitled an Act to Incorporate NORTH  
WESTERN UNIVERSITY, approved February 19, 1867.\*\*\*\*\*

**In Testimony Whereof,** *I hereto set*  
*my hand and cause to be affixed the Great Seal of*  
*the State of Illinois this* 18th \_\_\_\_\_  
*day of* December \_\_\_\_\_ *A. D., 19* 85 \_\_\_\_\_



*Jim Edgar*  
\_\_\_\_\_  
SECRETARY OF STATE

L A W S

OF

THE STATE OF ILLINOIS.

PASSED BY THE

NINETEENTH GENERAL ASSEMBLY.

CONVENED JANUARY 1, 1855.

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SPRINGFIELD:  
LANPHIER & WALKER, PRINTERS.  
1855.

**Compensation for land.** of said road and its appendages, first making just and reasonable compensation to the owners of said lands for any damages that may arise to them from the building of said road; and in case said company shall not be able to obtain the title to the land through which the said road shall be laid by purchase or voluntary cession the company are hereby authorised to proceed to ascertain and determine the damages sustained by said owner or owners in the manner provided by the ninety-second chapter of the Revised Statutes of this state entitled "Right of way." *Provided*, that after the appraisal of damages, as provided in said statute, and upon deposit of the amount of appraisal in the circuit court of Adams county, the said company are hereby authorised to enter upon such lands for the construction of said road and its appendages.

**Narrow money.** § 8. The said company are authorised to borrow from time to time such sum or sums of money, not exceeding the amount of the capital stock of said county, as in their discretion may be deemed necessary to aid in the construction of said road, and to pay any rate of interest thereon that may be agreed on and to pledge and mortgage the said road and appendages or any part thereof or any other property or effects, rights, credits or franchises of the said company as security for any loan at such rates or on such terms as the board of directors may determine.

**Repair damages.** § 9. Said company shall be bound to repair all public highways that their road may cross or run parallel with and all bridges and water courses that may be injured in the construction and using of said road.

**Penalty.** § 10. Any person who shall willfully injure or obstruct said road or its branch or any part of its appendages shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company three fold the amount of damages occasioned by such injury or obstruction, to be recovered in an action of debt in the name of said company, with costs of suit, before any justice of the peace or before any court having jurisdiction thereof in the state; and should any person or persons pass along or over said road or its branch with any team or teams or other property without paying the legal toll therefor such person or persons shall forfeit to said company the sum of five dollars for the first offense and ten dollars for every subsequent offense, to be recovered in an action of debt in the name of said company before any justice of the peace in this state.

**Time of completion.** § 11. Said company shall be allowed two years from the passage of this act for the commencement of the construction of said road and five years for the completion of the same; and a majority of the corporators herein named shall have power to act in all cases.

§ 12. In the event there is no election of directors as herein provided for an election for said directors may be held at any time fixed upon said James W. Singleton, Levi Palmer and John Arnold: *Provided*, said election shall be held in the manner herein provided for.

§ 13. The president of the board of directors or any three of said directors shall have power to call a special meeting of the board whenever in his or their opinion the interests of said company may require it.

§ 14. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified.

§ 15. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 14, 1855.

AN ACT to amend an act entitled "An act to incorporate the Northwestern University," approved January 23rd, 1851.

In case of no election.

Call meeting.

In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That John Smith, Aaron Wood, Luther Taylor and William Graham and such persons as shall be elected to succeed them by the Northwestern Indiana Conference of the Methodist Episcopal Church be and they are hereby constituted members of the board of trustees of the Northwestern University.

Trustees.

§ 2. No spiritous, vinous or fermented liquors shall be sold under license or otherwise within four miles of the location of said university, except for medicinal, mechanical or sacramental purposes, under a penalty of twenty-five dollars for each offense, to be recovered before any justice of the peace of said county in an action of debt in the name of the county of Cook: *Provided*, that so much of this act as relates to the sale of intoxicating drink within four miles may be repealed by the general assembly whenever they may think proper.

Sale of spiritous liquors prohibited.

Proviso.

§ 3. The said corporation shall have power to take, hold, use and manage, lease and dispose of all such property as may in any manner come to said corporation charged with any trust or trusts in conformity with trusts and direction and so execute all such trusts as may be confided to it.

Power to dispose of property.

Executed in  
the presence of

§ 4. That all property of whatever kind or description belonging to or owned by said corporation shall be forever free from taxation for any and all purposes.

§ 5. This act shall be a public act and take effect from and after its passage.

APPROVED Feb. 14, 1855.

In testimony whereof

AN ACT to incorporate Peoria University.

Witness my hand

SECTION 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly, That B. F. Speelman, T. W. Hynes, A. Kirkpatrick, James Smith, R. V. Dodge, J. F. Bergen, John Allen, T. S. Vail, W. McCandless, P. Cander, A. Coffey, T. N. Ewing, ———, Professor, E. M. Richardson, G. F. Goodhue, H. McCormick, H. J. Coe, S. E. Wilson, N. B. Curtis, J. Reynolds, J. L. Grunwald, P. R. R. Brotherson, J. Walker, S. S. Clark, J. K. Cooper, J. W. Hansel, A. P. Bartlett, R. Rouse, J. M. Clay Smith and R. P. Farris be and they are created a body corporate and politic, for the purpose of founding and maintaining at or near the city of Peoria, Illinois, an institution of learning, to be known by the name of "The Peoria University."

Name and style.

General powers.

§ 2. Said corporation shall be known by the name and style of "The Board of Trustees of Peoria University," by that style and name shall remain and have perpetual succession, with power to sue and be sued; to plead, be impleaded; to acquire, hold and convey property, personal or mixed, in all lawful ways; to have, use and bear at pleasure a common seal; to make, alter and establish, from time to time, such constitution, rules, by-laws and regulations as they may deem necessary for the good government of said corporation and the proper management of the institution under their control: *Provided*, that the constitution, rules, by-laws or regulations be not inconsistent with the constitution and laws of this state or of the United States.

Trustees divided into classes.

§ 3. Said trustees shall be divided into five classes, whose term of service shall be arranged in such a manner that one class shall go out of office in each successive year at the time of the regular annual meeting of the Synod of Illinois of the Presbyterian Church, in the United States of America, and as such vacancies shall occur they shall be filled by appointment of said synod at said time of meeting.

§ 4. The number of trustees constituting said board shall never exceed thirty, nine of whom shall constitute a quorum for the transaction of business at any regular or special meeting, duly notified and assembled,

Number of trustees.

§ 5. Said corporation may establish separate departments of the learned professions, the sciences and arts, including the departments of theology, medicine and law, and shall assign to each department a competent faculty of instructors: *Provided*, the appointment of instructors or professors constituting each faculty shall be subject to the sanction of said synod.

Establish separate departments.

§ 6. Said corporation may issue certificates of scholarship, limited or perpetual, upon such terms as the corporation and the party contracting for the scholarship shall agree; and the benefit of such scholarship shall inure to the holder thereof or his or her assigns so long as the covenants therein agreed to by the person or persons contracting for or lawfully owning such scholarship shall continue to be faithfully performed and no longer, except at the option of the corporation.

Certificates of scholarship.

§ 7. The professors or a majority of them duly appointed in said university or provided for in section five (5) of this act shall constitute a faculty in the power to enforce the laws, rules and regulations enacted by the board of trustees for the government and discipline of the students; to suspend or expel such of them as may in their judgment deserve it, and to grant and confirm, by the consent of the board of trustees, degrees in the liberal arts and sciences or any of the branches thereof to students or others who, by their proficiency in learning and other meritorious distinctions they shall regard as entitled to them, as it has been usual to grant in other universities and colleges, and to grant to such graduates diplomas or certificates, under their common seal, to authenticate and perpetuate such graduation.

Government.

§ 8. No misnomer of said corporation shall defeat or nullify any gift, grant, bequest or devise to or for said corporation for the use or benefit of the Peoria University or any department thereof: *Provided*, the intent of the party or parties making such gift, grant, devise or bequest be sufficiently manifest.

§ 9. This act shall be a public act, and shall be in force from and after its passage.

APPROVED Feb. 14, 1855.

PRIVATE LAWS

OF THE

STATE OF ILLINOIS,

1861

PASSED BY THE

TWENTY-SECOND GENERAL ASSEMBLY,

CONVENED JANUARY 7, 1861.

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SPRINGFIELD:  
BAILHACHE & BAKER, PRINTERS.

1861.

Forrest ground, or at or near Chicago: whichever place shall command a vote of three-fourths of the trustees of the university.

APPROVED February 18, 1861.

In force February 22, 1861.

AN ACT to incorporate the Metropolis College.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That R. A. Peter, W. R. Brown, J. C. Willis, Wm. McBean, W. I. Brenner, J. S. Armstrong, W. C. Munson, Wm. H. Greef, John W. Carmicheal and John Ferrell be and they are hereby constituted a body corporate and politic, to be styled "The Trustees of Metropolis College," for the purpose of establishing and maintaining a male and female school, for educational purposes.

§ 2. That said trustees and their successors, by the above style, shall have perpetual succession, with powers to contract and be contracted with, to sue and be sued, and to receive, purchase, hold and transfer real estate.

§ 3. The persons named in the first section of this act shall hold their offices until the first Monday in July, A. D. 1862, at which time their successors shall be elected by a vote of the stockholders.

§ 4. Said board shall, at its first meeting in July, of each year, elect, of its members, a president, a secretary and treasurer. They shall have power to fill any vacancy in the board until the next ensuing election after the occurring of such vacancy.

§ 5. The board of trustees shall have power to select and employ a principal or president, and such professors and tutors as may be necessary; to fix their compensation, and dismiss any one of them, when required by the interests of the school; to establish separate male and female departments; to erect suitable buildings for the school and to provide the course of study, and to confer graduating diplomas and such other evidences of literary attainments as shall tend to encourage thoroughness of scholarship.

§ 6. Said corporation shall have a capital stock of fifty thousand dollars, divided into shares of fifty dollars each; and subscriptions to the same shall be binding when twenty thousand dollars shall have been subscribed, said subscriptions to be paid in installments of ten per cent. as often as may be directed by a majority of the trustees, at any regular meeting.

§ 7. Any person having a certificate for one or more shares of said stock shall be a member of this corporation,

and shall be entitled to one vote for each share of stock owned by him upon which all installments due are paid. Every stockholder owning two or more shares shall be entitled to send one pupil to said school for every two shares of stock he may hold, and whenever the finances of the institution will permit, the said trustees are authorized annually to make a deduction, not to exceed fifty per cent. of the established tuition, in favor of the said stockholder who may send one or more pupils to said school. The stockholders shall also be entitled to such dividends as the trustees may, from time to time, declare.

§ 8. There shall be a separate preparatory department, in which the common branches shall be taught; also, a separate classical and scientific department—all to be under the charge and government of the president.

§ 9. The board of trustees shall have power to make all needful by-laws for their own government, and shall provide by-laws for the government of all the departments of the school.

§ 10. All the property, real and personal, of this corporation shall be and forever remain free from taxation.

§ 11. That an amount of the state taxes, for the year A. D. 1860, equal to the amount collected from the real and personal property in township 16 south of range 4 east of the third principal meridian, is hereby set apart for the purpose of erecting the main building of said college; and the collector of Massac county shall pay over the said amount to the treasurer of said board, on order of the president of said board, together with the affidavit of said treasurer and president that the said amount of taxes, when paid over, shall be faithfully devoted to the purpose of building said college and to no other purpose, and that no member of said board shall receive any part thereof as compensation or otherwise.

§ 12. This act shall be a public act and be in force from and after its passage.

APPROVED February 22, 1861.

AN ACT to amend an act entitled "An act to incorporate the North-Western University."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the annual conferences of the Methodist Episcopal Church, which now are or may hereafter be authorized to elect or appoint trustees of said university, shall hereafter elect only two trustees each, who shall also be and perform the duties of the visitors to said institution, and the place of the two

Pupils sent to stockholders.

Preparatory department.

Taxation in support of college.

Trustees elected by M. E. church.

trustees last appointed by each conference is hereby vacated. The trustees elected by such conference shall hereafter be chosen—the term of one elected by each of them annually. In case any conferences, having authority to give trustees, shall now or hereafter be divided into two or more annual conferences, they shall each have authority to elect trustees. On the request of the board of trustees, made at a regular meeting, any such annual conference may elect trustees as herein provided.

§ 2. Any annual conference, electing trustees as herein provided, having at any time refused to elect successors thereto, or resolved to discontinue or refuse its patronage, shall authorize the board of trustees, by a majority thereof at any regular meeting, to elect a trustee to fill the place of all trustees appointed by such conference, and its right to appoint trustees shall thereupon cease.

§ 3. Any chartered institution of learning may be incorporated as a department of this university by agreement between the boards of trustees of the two institutions.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 16, 1861.

Consolidation.

In force February 22, 1861.

AN ACT to incorporate the Presbyterian College of Illinois.

WHEREAS the synods of Illinois and Chicago of the Presbyterian church in ecclesiastical connection with the general assembly of the Presbyterian church in the United States of America, known as the Old School, have determined and are desirous to establish, with such other synods as may associate with them, a university in the State of Illinois, of the first order of literary instructions, under a constitution for its government, to be adopted by them, and have jointly appointed a board of directors, with a view to its organization and endowment; therefore, to enable the said synods to carry such their design into effect,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all persons as now compose the board of directors, appointed by the said synods, at their respective meetings, in October, 1860, their associates and successors, be and they are hereby created and declared to be a body politic and corporate, in law and in fact, and shall have perpetual succession, by the name and style of "The Presbyterian College of Illinois."

§ 2. The board of directors of said college shall be composed of such members of directors, to be chosen at the

Corporate name,  
Corporate powers.

times, and in the manner, and shall hold their offices for term or terms, as may be fixed and prescribed in the constitution to be adopted by said synods, and the by-laws and regulations adopted under it. And the said board shall have power to meet at the time or times and exercise such powers and authority as may be fixed and conferred upon them by the said constitution and by-laws; and said synods are hereby authorized and empowered to confer such power, jurisdiction and authority upon the said board of directors, so to them may seem expedient, not repugnant to the constitution and laws of the state or United States; all which authority, power and jurisdiction, when so conferred, is hereby declared to be vested in the said board, and such other faculties, persons, servants, agents and employees as may be provided therein, to all intents and purposes, as fully and completely as if the same were enumerated in this act.

§ 3. The said board of directors, under the said constitution and by-laws, shall have power to superintend and govern the said university or college; to create different departments in addition to the usual collegiate departments, and to prescribe courses of study, and maintain discipline and government in each; to elect and appoint such officers, professors, instructors, agents, and others, as may be deemed necessary, and as are provided for in the said constitution and by-laws aforesaid; and the said board may, by itself or by a faculty of the college, as may be so provided in the constitution and by-laws, grant to students in either of its departments, or others, diplomas or honorary testimonials, and may confer such literary honors and degrees as are usually conferred by the highest literary institutions and colleges in the United States, with like and the usual immunities and privileges allowed by usage or statutes to like diplomas, honorary degrees.

§ 4. The said corporation may acquire, take, hold, sell, convey, any kind of property, real, personal or mixed, such as, rights and interests, that may be bestowed upon it by gift, grant, bequest, devise, or otherwise, howsoever; and the same may be under such power, management and control as may be provided in said constitution and by-laws; in case no provision be made therein, the board of directors shall have full power and control thereof, in all respects whatsoever, consistent with the true intent and meaning of this act and the object contemplated therein. No gift, devise, made to the college, for a particular purpose, shall be applied to any other purpose; and all such gifts, bequests or devises, and all the powers granted or conferred in this act or the constitution and by-laws aforesaid, shall be liberally construed, in all courts and by all persons, to effectuate the objects of this act; and this act shall be noticed as a public act. No misnomer or mistake in any deed, will or contract shall prejudice the rights or

Regulation and conduct of business.

Confirming, or degrees.

Purchase and possession of property.

Gifts and bequests.

PRIVATE LAWS

OF THE

STATE OF ILLINOIS,

PASSED BY THE

TWENTY-FIFTH GENERAL ASSEMBLY,

CONVENED JANUARY 7, 1867.

VOLUME I.

SPRINGFIELD:  
BAKER, BALHACHE & CO., PRINTERS

1867.

ses, accordant with the objects of the institution, and the trustees shall accept the same. Every such donation, devise or bequest, shall be expressly applied in conformity with the condition prescribed by the donor or divisor.

APPROVED February 18, 1867.

In force February 19, 1867. AN ACT to amend an act entitled "An act to incorporate the Northwestern University," and the several acts amendatory thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of that corporation created by act of the general assembly of the state of Illinois, approved on the 28th day of January, A. D. 1851, under the name of the "Trustees of the Northwestern University," be and the same is hereby changed to "Northwestern University," and by that name shall hereafter be known, and in and by such name shall have and exercise all the powers and immunities conferred on said corporation by said act of incorporation and all acts amendatory thereof.

Additional trustees. § 2. In addition to the number of trustees heretofore provided for by law, the board may elect any number not exceeding twenty-four, and without reference to their several places of residence, and a majority of the whole board shall be members of the Methodist Episcopal church.

Qualifications of trustees. Quorum. § 3. No greater number shall be required to constitute a quorum than has been heretofore required by law: *Provided,* that in all called meetings of the board the object of the meeting shall be particularly specified in the notice to be previously given to each trustee.

Notice of meeting. § 4. This act shall be a public act, and be in force from and after its passage.

APPROVED February 19, 1867.

In force Feb. 25, 1867. AN ACT to incorporate the Illinois soldiers' college at Fulton, in Whiteside county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Alfred Eddy, James McCoy, Leander Smith, Edward R. Allen, Silvanus Wilcox, David L. Hough, William F. Osgood, Orin Cowles, J. E. Forester, Josiah Leonard, J. H. Elliott and Charles Randolph, and such other persons as are or

may hereafter become associated as shareholders (as hereinafter mentioned), with them and their successors, are hereby constituted a body corporate, by the name and style of "The Illinois Soldiers' College," and by that name and style shall remain and have perpetual succession. Name and style

§ 2. That the object of this corporation is, and shall be, to promote education, civil and military, and especially at present to place within the reach of the soldiers and sailors of Illinois and their children the means of acquiring a thorough education. And all gifts, grants, donations, devises and bequests which shall be made to this corporation, and all property and effects by virtue of this act obtained, or received, or that may hereafter be in any manner acquired, and the proceeds thereof shall be held, used and applied by the corporation for the purpose aforesaid. And no trustee of said corporation shall be paid any compensation for time spent in serving as such. But the board may allow to each member the necessary traveling and hotel expenses, incurred by him while actually attending as a member of the board. Object.

§ 3. That the said corporation, by its corporate name, may make contracts, sue and be sued, plead and be impleaded, grant and receive, accept donations, devises and bequests, accept, acquire, purchase, sell, convey and manage property, real or personal; have a common seal and alter or change the same; and may make by-laws, rules and regulations, and may confer on such persons as may be considered worthy such academical or honorary degrees as are usually conferred by similar institutions. Vested rights.

§ 4. That the acts and proceedings of the trustees of the Illinois soldiers' college and military academy located at Fulton, heretofore had under the general law authorizing the incorporation of institutions of learning, be, and the same are hereby legalized, and the corporation established thereby is and shall be merged in the corporation created by this act, and all the property, estate, effects, choses in action, money, notes, mortgages, and accounts, and all of the right, title and interest, legal and equitable in and to property, whether real, personal or mixed, now owned, possessed, claimed, had or held by the corporation established as aforesaid, are and by virtue hereof shall be transferred to, vested in and become the property of the corporation created hereby, and the trustees of this corporation are authorized and required to take full and entire possession, control and management of the same and every and all undertakings and contracts, made by any person or persons, or body corporate to and with the corporation merged as aforesaid, shall enure to and be deemed and treated in all courts and places as though made with the corporation created by this act, and this corporation shall be bound by the undertakings and contracts of said merged. Other acts legalized.

PRIVATE LAWS

OF

THE STATE OF ILLINOIS,

PASSED AT

THE FIRST SESSION

OF THE

SEVENTEENTH GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF SPRINGFIELD,

JANUARY 6, 1851.

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SPRINGFIELD:

LANPHIER & WALKER, PRINTERS.

1851.

vised Statutes of (1845) one thousand eight hundred and forty-five.

§ 2. This act shall take effect and be in force from and after its passage. And all purchases of property made by said trustees, for the use of said corporations, shall be deemed and held valid, in the same manner as if no irregularities existed in the organization of said corporations.

APPROVED January 28, 1851.

AN ACT to incorporate the North-western University.

In force January 29, 1851.

Corporators.

SECTION 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Richard Haney, Philo Judson, S. P. Keys and A. E. Phelps, and such persons as shall be appointed by the Rock River Annual Conference of the Methodist Episcopal Church to succeed them in said office; Henry Summers, Elihu Springer, David Brooks and Elmore Yocum, and such persons as shall be appointed by the Wisconsin Annual Conference of said church to succeed them; four individuals, if chosen, and such persons as shall be appointed to succeed them by the Michigan Annual Conference of said church; four individuals, if chosen, and such persons as shall be appointed to succeed them, by the North Indiana Annual Conference of said church; H. W. Rued, J. J. Steward, D. N. Smith and George W. Geas, and such persons as shall be appointed to succeed them by the Iowa Annual Conference of said church; four individuals, if chosen, and such persons as shall be appointed to succeed them by the Illinois Annual Conference of said church; A. S. Sherman, Grant Goodrich, Andrew J. Brown, John Evans, Orrington Lunt, J. K. Botsford, Joseph Kitterstring, George F. Foster, Eri Reynolds, John M. Arnold, Absalom Funk and E. B. Kingsley, and such persons, citizens of Chicago or its vicinity, as shall be appointed by the board of trustees hereby constituted to succeed them, be and they are hereby created and constituted a body politic and corporate under the name and style of the "Trustees of the North-western University," and henceforth shall be styled and known by that name, and by that name and style to remain and have perpetual succession, with power to sue and be sued, plead and be impleaded; to acquire hold and convey property, real, personal or mixed, in all lawful ways; to have and use a common seal, and to alter the same at pleasure; to make and alter from time to time such by-laws as they may deem necessary for the government of said institution, its officers

Name and style.

Powers.

and servants: *Provided*, such by-laws are not inconsistent with the constitution and laws of this state, and of the United States—and to confer on such persons as may be considered worthy of such academical or honorary degrees as are usually conferred by similar institutions.

§ 2. The term of office of said trustees shall be four years, but that of one member of the board for each conference enjoying the appointing power by this act, and term of three of the members whose successors are to be appointed by the board hereby constituted, shall expire annually; the term of each member of the board herein named to be fixed by lot at the first meeting of said board, which board shall, in manner above specified, have perpetual succession, and shall hold the property of said institution solely for the purposes of education, and not as a stock for the individual benefit of themselves or any contributor to the endowment of the same; and no particular religious faith shall be required of those who become students of the institution. Nine members shall constitute a quorum for the transaction of any business of the board, except the appointment of president or professor, or the establishment of chairs in said institution, and the enactment of by-laws for its government, for which the presence of a majority of the board shall be necessary.

Term of office of board of trustees.

Quorum.

§ 3. Said annual conference of the Methodist Episcopal church, under whose control and patronage said university is placed, shall each also have the right to appoint, annually, two suitable persons, members of their own body, visitors to said university, who shall attend the examination of students, and be entitled to participate in the deliberations of the board of trustees, and enjoy all the privileges of members of said board, except the right to vote.

Powers of annual conference.

§ 4. Said institution shall remain located in or near the city of Chicago, Cook county; and the corporators and their successors shall be competent in law or equity to take to themselves, in their said corporate name, real, personal or mixed estate, by gift, grant, bargain and sale, conveyance, will, devise or bequest, of any person or persons whomsoever; and the same estate, whether real, personal or mixed, to grant, bargain, sell, convey, devise, let, place out at interest, or otherwise dispose of the same, for the use of said institution, in such manner as to them shall seem most beneficial to said institution. Said corporators shall faithfully apply all the funds collected, or the proceeds of the property belonging to the said institution, according to their best judgment, in erecting and completing suitable buildings, supporting necessary officers, instructors and servants, and procuring books, maps, charts, globes and philosophical, chemical and other apparatus necessary to the success of the institution, and do all other acts usually performed

Location of university.

May hold real estate.

Proceeds of property, how applied.

by similar institutions that may be deemed necessary or useful to the success of said institution, under the restrictions herein imposed: *Provided, nevertheless*, that in case any donation, devise or bequest shall be made for particular purposes accordant with the design of the institution, and the corporation shall accept the same, every such donation, devise or bequest shall be applied in conformity with the express conditions of the donor or deviser: *Provided, further*, that said corporation shall not be allowed to hold more than two thousand acres of land at any one time, unless the said corporation shall have received the same by gift, grant or devise; and in such case they shall be required to sell or dispose of the same within ten years from the time they shall acquire such title, and on failure to do so, such land, over and above the before named two thousand acres, shall revert to the original donor, grantor, deviser, or their heirs.

Not to hold more than 2000 acres of land.

Treasurer.

§ 5. The treasurer of the institution, and all other agents, when required, before entering upon the duties of their appointment, shall give bond for the security of the corporation, in such penal sums and with such securities as the corporators shall approve; and all process against the corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer, at least sixty days before the return day thereof.

Process against corporation.

Principal and teachers.

§ 6. The corporation shall have power to employ and appoint a president or principal for said institution, and all such professors or teachers, and all such servants as may be necessary, and shall have power to displace any or such of them as the interest of the institution may require; to fill vacancies which may happen by death, resignation or otherwise among said officers and servants; and to prescribe and direct the course of studies to be pursued in said institution.

Further powers.

§ 7. The corporation shall have power to establish departments for the study of any and all the learned and liberal professions in the same, to confer the degrees of doctor in the learned arts and sciences and *belle lettres*, and to confer such other academical degrees as are usually conferred by the most learned institutions.

Examining board.

§ 8. Said corporation shall have power to institute a board of competent persons, always including the faculty, who shall examine such individuals as may apply, and if such applicants are found to possess such knowledge pursued in said institution as in the judgment of said board renders them worthy, they may be considered graduates in course, and shall be entitled to diplomas accordingly, on paying such fee as the corporation shall affix; which fee, however, shall in no case exceed the tuition bills of the full course of studies in said institution. Said examining

board may not exceed the number of ten, three of whom may transact business, provided one be of the faculty.

§ 9. Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with the same, upon complaint being made to the circuit court of Cook county, a *scire facias* shall issue, and the circuit attorney shall prosecute, in behalf of the people of this state, for forfeiture of this charter. This act shall be a public act, and shall be construed liberally in all courts, for the purposes herein expressed.

APPROVED Jan. 28, 1851.

AN ACT to incorporate the Saline Coal and Manufacturing Company.

In force January 28, 1851.

Whereas the objects herein cannot be provided for under a general law of this state.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Albert G. Caldwell and Joseph Bowles, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of the "Saline Coal and Manufacturing Company," and under and by that name they and their successors shall have succession, contract and be contracted with, sue and be sued in all courts and places; they shall have power to organize such company, by the appointment of a president and such other officers as they may deem necessary, at such time and place as they may designate, by notice previously given by them. And when thus organized they and their successors may have a common seal, and alter the same; and shall have power to make such by-laws, rules and regulations as they may deem necessary, from time to time, for the government and the management and prosecution of the business of said company, not inconsistent with the constitution and laws of this state and the United States.

§ 2. The said company may appoint and employ such agents as may be required by them, and define the powers and prescribe the duties of such agents.

§ 3. The said company may receive, buy and hold such real estate, mining rights and rights of way, as may be deemed necessary by them to the successful prosecution of their business and the execution of the powers herein granted; and shall have power to lay out and construct such waggon ways, railroads and appurtenances thereto, on and from the lands of said company, to such points on the Saline and Ohio rivers as they may deem expedient and pro-



trust, shall be empowered, to acquire, hold and convey property, real personal or mixed, in all lawful ways; to lease and use a common seal, and to alter the same at pleasure; to make and alter from time to time such by-laws as they may deem necessary for the Government of said institution, its officers and servants; Provided, such by-laws are not inconsistent with the constitution and laws of this state and of the United States; and to confer on such persons who shall be considered worthy of such academic honours and degrees as are usually conferred by similar institutions.

Sec 2. The term of office of said Trustees shall be four years, but that of one member of the board for each conference enjoying the appointing power by this act, and term of office of the members whose successors are to be appointed by the board hereby constituted shall expire annually; the term of each member shall be fixed by lot.

The board shall in manner herein provided exercise its functions, and shall hold the property of said institution solely for the purposes of education and not as a stock for the individual benefit of themselves or any contributor to the endowment of the same, and no particular religious faith shall be required of those who become students of the institution. Nine members shall constitute a quorum for the transaction of any business of the board, except the appointment of President, Professor, or the establishment of a new department. The enactment of by-laws shall require the presence of a majority of the board shall be necessary.

Sec. 3. Said Annual conferences of the Methodist Episcopal Church, under whose control and patronage said University is placed, shall each also have the right to appoint annually two suitable persons, members of their own body,

visitors to said University, who shall attend the examination of students, and be entitled to participate in the deliberations of the board of trustees and enjoy all the privileges of members of said board, except the right of vote.

Sec. 4. Said institution shall remain located near the city of Chicago, Cook county, and the operators and their successors shall be competent in law or equity to take to themselves in their said corporate name, real, personal or mixed estate, by gift, bargain and sale, conveyance, will, devise or bequest of any person or persons, whosoever, and the same estate whether real, personal or mixed, to grant, bargain, sell, convey, devise let, lease out at interest, or otherwise dispose of the same for the use of said institution in such manner as to them shall seem most beneficial to said institution. Said corporation shall apply all the funds collected, or the proceeds of the property belonging to the said institution according to their best judgment, in erecting and completing suitable buildings, supporting necessary officers, instructors and servants, and procuring books, maps, charts, globes and philosophical, chemical and other apparatus necessary to the success of the institution, and do all other acts usually performed by similar institutions, that may be deemed necessary or useful to the success of the institution under the restrictions herein imposed. Provided nevertheless, that in case any donation, devise, or bequest shall be made for particular purposes, accordant with the design of the institution, and the corporate shall accept the same, every such donation, devise or bequest shall be applied in conformity with the express conditions of the donor or deviser. Provided further that ~~no~~ ~~such~~ ~~donation~~ shall not be allowed

to hold more than two thousand acres of land at any one time, unless the said corporation shall have acquired the same by gift, grant, or devise, and in such case they shall be required to sell or dispose of the same within ten years from the time they shall acquire such title, and on failure to do so, such land, over and above the before-mentioned two thousand acres shall revert to the original donor, grantor or their heirs.

Sec. 3. The Trustees of the institution and all other agents when required, before entering upon the duties of their appointment, shall give bond for the security of the corporation in such special sums, and with such securities as the corporators shall approve, and all process against the corporation shall be by summons, and the service of the same shall be by leaving an affidavit thereof with the treasurer at least seven days before the return day thereof.

Sec. 4. The Corporation shall have power to employ and appoint a president or principal for said institution, and all such professors or teachers, and all such servants as may be necessary, and shall have power to displace any or several of them, as the interest of the institution may require, to fill vacancies which may happen by death, resignation or otherwise, among said officers, servants, and to prescribe and determine the course of studies to be pursued in said institution.

Sec. 5. The Corporation shall have power to establish departments for the study of any, and all the learned and liberal professions in the same, to confer the degrees of doctor in the learned arts and sciences, and belle-lettres, and to confer





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Senate  
The Wisconsin Secy  
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An Act to Amend An Act entitled an Act  
"To incorporate the Northwestern University"  
Approved January 28<sup>th</sup> 1857.

Be it enacted by the people of the State of Illinois  
Represented in the General Assembly, that John  
L. Smith, Aaron Wood, Luther Taylor, and  
William Graham and such persons as shall  
be elected to succeed them by the Northwestern  
Indiana Conference of the Methodist Episcopal  
Church, be, and they are hereby constituted  
Members of the Board of Trustees of the North-  
western University.

No spirituous, wine  
fermented liquors shall be sold, nor  
license, or otherwise within four miles  
location of said University, except for  
inal, mechanical, or sacramental purposes,  
under a penalty of twenty five dollars  
for each offence, to be recovered before  
any Justice of the Peace of said County  
in an action of debt, in the Name of the  
County of Cook. Provided that so much  
of this act as relates to the sale of intoxicating  
drink within four miles, may be repealed  
by the General Assembly whenever they may  
think proper.

The said Corporation shall have  
power to take, hold, use and manage, lease  
and dispose of all such property as may in  
any manner come to said Corporation charged  
with any trust or trusts in conformity with

1851 REVISION 1891

8-11158

trusts, and direction, and to execute all such trusts as may be confided to it.

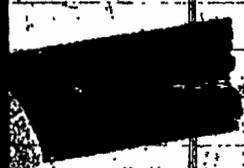
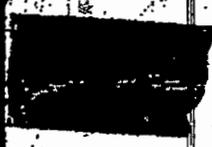
That all ~~land~~ property of whatever kind or description belonging to, or owned by said Corporation shall be forever free from taxation for any and all purposes.

Sec. 5. This Act shall be a public act, and take effect from and after its passage.

*John J. [unclear]*  
*John J. [unclear]*  
*Spencer [unclear]*  
*[unclear]*  
*[unclear]*  
*[unclear]*

Approved Feb. 14, 1855  
J. A. [unclear]

9-1158



Chy 6200  
A Bill for the

to amend an Act to  
incorporate the  
Western University  
of Applied Sciences

1951  
Bill

143

Bill

105



majority thereof at any regular meeting to declare vacant the place of all Trustees appointed by such Conference, and its right to appoint Trustees shall thereupon cease.

Section 3. Any chartered Institution of learning may become a department of this University by Agreement between the Boards of Trustees of the two Institutions.

Section 4. This Act shall take effect and be in force from and after its passage.

Shelby M. Culver  
Speaker of the House of Representatives  
Francis A. Hoffmann

Approved July 16, 1861

Richard Yates  
Governor

12-11158

40  
21 - 4. 1. 19  
27941. - Box 179

an Act to amend an  
Act entitled "An Act  
to incorporate the  
North Western United

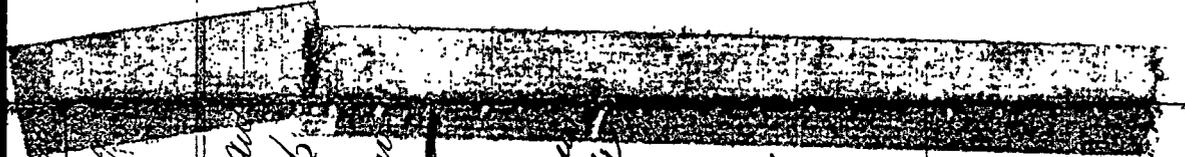
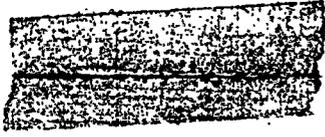
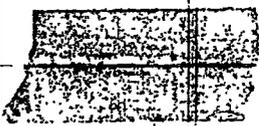
and the names of  
the parents of  
Feb 12 1861  
Hayley Page  
Clark

Passed the Senate  
February 15, 1861  
J. A. Beckwith, Secy

Original

Vol. 6

Amended



C.C. 125

An Act to amend an act entitled "an act to incorporate the North Western University" and the several acts amendatory thereof.

[Redacted]

acted by the People of the State of Illinois,

[Redacted]

represented in the General Assembly.

House of Representatives  
J. D. Maddox  
Clerk

That the name of that corporation created by act of the General Assembly of the State of Illinois approved on the 28<sup>th</sup> day of January A.D. 1857, under the name of the "Trustees of the North Western University," be and the same is hereby changed to "North

[Redacted]

Originated

by such name shall have and exercise all the powers and immunities conferred on said corporation by said act of incorporation and all acts amendatory thereof.

Section 2

In addition to the number of Trustees heretofore provided for by law, the board

[Redacted]

elect any number not

[Redacted]

exceeding four, and without reference to

several places of residence, and a majority of the whole board shall be members of the Methodist Episcopal Church

Section 3

No greater number shall be required to constitute a quorum than has been heretofore required by law. Provided, that

pages 1001 missing to 1004

in all called meetings of the board. the  
object of the meeting shall be particularly  
specified in the notice to be previously given  
to each trustee

~~Section 4~~ This shall be a public act, and in  
~~and after its passage~~

J. L. Corwin  
Speaker of the House of Representatives

Wm. G. ...  
...

Feb 19<sup>th</sup> 1867  
H. C. ...

15-11138





# OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS-Secretary of State

0104-4782

JUNE 23, 2023

MIKE@VASILKO.CO

RE **NORTHWESTERN UNIVERSITY**

DEAR SIR OR MADAM:

ENCLOSED PLEASE FIND THE CERTIFIED COPY REQUESTED CONCERNING THE ABOVE REFERENCED CORPORATION.

THE ATTACHED WAS ASSIGNED AUTHENTICATION NUMBER 2317400485.

THE REQUIRED FEE IS HEREBY ACKNOWLEDGED.

SINCERELY YOURS,

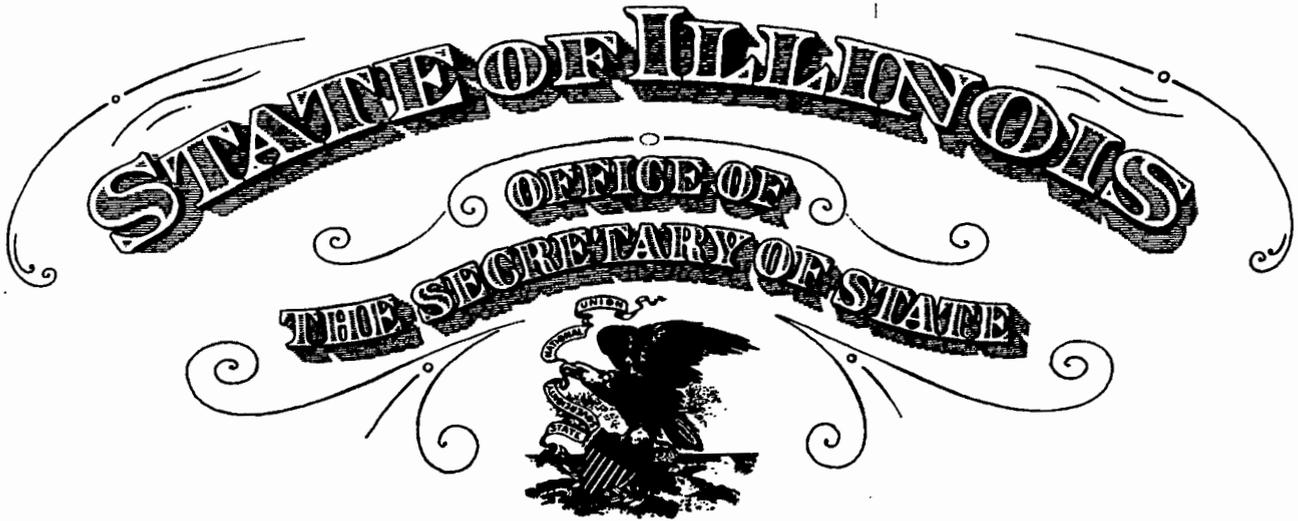
ALEXI GIANNOULIAS  
SECRETARY OF STATE

DEPARTMENT OF BUSINESS SERVICES  
CORPORATION DIVISION  
TELEPHONE: (217) 524-8008

AG:CD

File Number

0104-478-2



**To all to whom these Presents Shall Come, Greeting:**

*I, Alexi Giannoulis, Secretary of State of the State of Illinois, do hereby certify that I am the keeper of the records of the Department of Business Services. I certify that*

ATTACHED HERETO IS A TRUE AND CORRECT COPY, CONSISTING OF 1 PAGE(S), AS TAKEN FROM THE ORIGINAL ON FILE IN THIS OFFICE FOR **NORTHWESTERN UNIVERSITY**



***In Testimony Whereof, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois, this 23RD day of JUNE A.D. 2023 .***

A handwritten signature in black ink, reading "Alexi Giannoulis".

Authentication #: 2317400529 verifiable until 06/23/2024.

Authenticate at: <https://www.ilsos.gov>

SECRETARY OF STATE

# ANNUAL REPORT.

TO HON. JAMES A. ROSE,  
Secretary of State of the State of Illinois.

The undersigned respectfully represents that he is the Secretary  
of the Northwestern University  
a Corporation organized under the laws of the State of Illinois, and as such officer and in behalf  
of said Corporation, hereby reports that said Corporation is now engaged in active  
business under its Charter; and that the kind of business engaged in is

Educational work

He further states that the principal office of said Corporation in the State of Illinois is at  
No. 514 Davis Street, in the City of Evansston  
in the County of Cook; and that the names and residences of the  
officers of said Corporation are as follows:

### NAMES OF OFFICERS.

NAMES.	OFFICE.	RESIDENCE—NUMBER, STREET, TOWN OR CITY, AND STATE.	TERM OF OF- FICE EXPIRES.
<u>William Dearing</u>	PRESIDENT.	<u>428 Church St., Evansston, Ill.</u>	1903
<u>Frank P. Brandon</u>	SECRETARY.	<u>1414 Fresh Ave., Evansston, Ill.</u>	1903
<u>Robert D. Sheppard</u>	TREASURER.	<u>225 Greenwood Boulevard, Evansston, Ill.</u>	1904
<u>Edw. H. Spurgeon</u>	} Vice Presidents	<u>2615 Indiana Ave., Chicago</u>	1903
<u>Wm. C. Miller</u>		<u>1707 Danman Ave., Evansston, Ill.</u>	1905

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of said Corporation to be affixed this 15th day of January A. D. 1902.

(ATTACH CORPORATE SEAL HERE)

Frank P. Brandon - Secretary  
(\*President, Secretary, Assignee or Receiver.)

STATE OF ILLINOIS,

Cook County, ss.

I, Frank P. Brandon, being duly sworn, declare on oath that I am Secretary of the Corporation mentioned in the foregoing report, and that the statements therein made are true.

\* Frank P. Brandon  
Secretary

Subscribed and sworn to before me this 4th day of February A. D. 1902.

(NOTARIAL SEAL HERE.)

Wancis DeFulfil  
Notary Public.



# OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS-Secretary of State

0104-478-2

JUNE 23, 2023

MIKE@VASILKO.CO

RE NORTHWESTERN UNIVERSITY,

DEAR SIR OR MADAM:

ENCLOSED PLEASE FIND THE CERTIFIED COPY REQUESTED CONCERNING THE ABOVE REFERENCED CORPORATION.

THE ATTACHED WAS ASSIGNED AUTHENTICATION NUMBER 2317400537.

THE REQUIRED FEE IS HEREBY ACKNOWLEDGED.

SINCERELY YOURS,

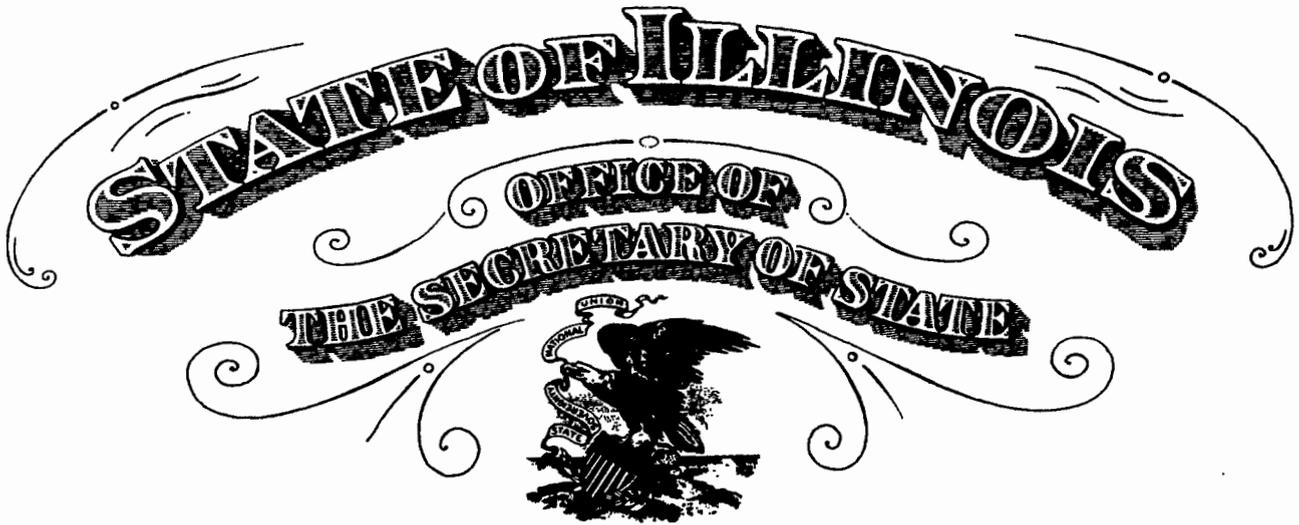
ALEXI GIANNOULIAS  
SECRETARY OF STATE

DEPARTMENT OF BUSINESS SERVICES  
CORPORATION DIVISION  
TELEPHONE: (217) 524-8008

AG:CD

File Number

0104-478-2



**To all to whom these Presents Shall Come, Greeting:**

*I, Alexi Giannoulas, Secretary of State of the State of Illinois, do hereby certify that I am the keeper of the records of the Department of Business Services. I certify that*

ATTACHED HERETO IS A TRUE AND CORRECT COPY, CONSISTING OF 1 PAGE(S), AS TAKEN FROM THE ORIGINAL ON FILE IN THIS OFFICE FOR NORTHWESTERN UNIVERSITY



***In Testimony Whereof, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois, this 23RD day of JUNE A.D. 2023 .***

*Alexi Giannoulas*

Authentication #: 2317400537 verifiable until 06/23/2024.

Authenticate at: <https://www.ilsos.gov>

SECRETARY OF STATE

# ANNUAL REPORT.

To Hon. James A. Rose,  
Secretary of State of the State of Illinois:

The undersigned respectfully represents that he is the Secretary  
of the Board of Trustees of Northwestern University

a Corporation organized under the laws of the State of Illinois on the twenty eighth day  
of January 1851, <sup>that being the date of its Charter</sup> and as such officer and in behalf of said Corporation, hereby  
reports that said Corporation is now engaged in active business under its Charter; and  
that the kind of business engaged in is carrying on the work of a university

He further states that the principal office of said Corporation in the State of Illinois is at  
No. 518 Davis Street Street, in the City of Evansston  
in the County of Cook, State of Illinois; and that the names and residences of the  
officers of said Corporation are as follows:

**NAMES OF OFFICERS.**

NAMES.	OFFICE.	RESIDENCE—NUMBER, STREET, TOWN OR CITY, AND STATE.	TERM OF OFFICE EXPIRES.
<u>William Deering</u>	PRESIDENT.	<u>No. 408 Church St. Evansston Ills.</u>	1903
<u>Frank P. Crandall</u>	SECRETARY.	<u>1201 Forest Ave. Evansston Ills.</u>	1903
<u>Robert D. Shepard</u>	TREASURER.	<u>226 Greenwood Boulevard Evansston Ills.</u>	1904

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of said Corporation to be affixed this twenty fourth day of January A. D. 1903.

Frank P. Crandall  
Secy. Board of Trustees  
(\*President, Secretary, Assignee or Receiver.)

(ATTACH CORPORATE SEAL HERE.)

STATE OF ILLINOIS, }  
Cook County, } ss.

I, Frank P. Crandall, being duly sworn, declare on oath that I am Secretary of the Corporation mentioned in the foregoing report, and that the statements therein made are true.

Frank P. Crandall

Subscribed and sworn to before me this 24<sup>th</sup> day of January A. D. 1903.

(NOTARIAL SEAL HERE.)

Francis DeFuhl  
Notary Public.

6/23/2023 8:03 AM Central Standard Time



Customer Name Michael Vasilko

Effective Date

6/23/2023

Approved 20105235

Item	Amount
BS Corp AFF / Copies	\$15.00
<b>Subtotal:</b>	<b>\$15.00</b>
Transaction Fee:	\$1.00
<b>Total Charged to:</b>	<b>\$16.00</b>
Visa ***** 7510	
<b>Total Amount Paid:</b>	<b>\$16.00</b>
Collection Mode: Pre-Authorization (office)	

**Payment Details**

BS Corp AFF / Copies

File No:: 01044782PRC - Michael Vasilko - \$15.00

A Transaction Fee has been included in the total amount paid for this transaction.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Javier L. Cervantes  
1<sup>st</sup> District  
Stratton Office Building  
Section F, Room K  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Cervantes,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...the property of said institution solely for **purposes of education**...” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the

## The City of Evanston is challenging the Authority of the Illinois General Assembly

City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and

## The City of Evanston is challenging the Authority of the Illinois General Assembly

profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University's non-profit educational status to becoming a for-profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### SCHEDULE:

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

The original Act of Incorporation approved **by the 17<sup>th</sup> General Assembly** on 1.28.1851.  
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The Third Amendment to the Act approved **by the 25<sup>th</sup> General Assembly** on 2.19.1867.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

You will find Evanston's Land Use Commission's Agendas, meeting minutes, and video at this link:

<https://www.cityofevanston.org/government/boards-commissions-and-committees/land-use-commission>

You will find the documentation submitted to the City of Evanston by Northwestern University on the matter of the Zoning Code Text Amendment at this link:

<https://www.cityofevanston.org/government/departments/community-development/planned-developments>

*I am only writing to you regarding the Zoning Code Text Amendment application. Note that the above link to the Community Development Proposed Projects Webpage contains two Northwestern University applications. Documents submitted for the proposed rebuilding of "Ryan Field Stadium" are separated from the Other Development Projects heading where you will find "Text Amendment to the U2 District Uses - U2 University Athletic Facilities District, Evanston, IL | 23PLND-0010."*

I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbygabel.com](mailto:staterepgabel@robbygabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

Writing to the General Assembly is not my first distribution of this information. I have followed local protocol and distributed the same documentation repeatedly over the past several months informing the City of Evanston Government officials and the community. Among others, I have informed:

Illinois 18<sup>th</sup> District Representative Robyn Gabel

Mayor Daniel Biss

1<sup>st</sup> Ward Councilmember Clare Kelly

2<sup>nd</sup> Ward Councilmember Krissie Harris

3<sup>rd</sup> Ward Councilmember Melissa Wynne

4<sup>th</sup> Ward Councilmember Jonathan Nieuwsma

5<sup>th</sup> Ward Councilmember Bobby Burns

6<sup>th</sup> Ward Councilmember Thomas Suffredin

7<sup>th</sup> Ward Councilmember Eleanor Revelle

8<sup>th</sup> Ward Councilmember Devon Reid

9<sup>th</sup> Ward Councilmember Juan Geracaris

City Manager Luke Stowe

City Clerk Stephanie Mendoza

Evanston Corporation Counsel Nicholas Cummings

Evanston Community Development Director Sarah Flax

Land Use Commission:

LUC Secretary – Meagan Jones, Interim Planning Manager

LUC Commissioner – Chairperson Matt Rodgers

LUC Commissioner Myrna Arevalo

LUC Commissioner George Halik

LUC Commissioner John Hewko

LUC Commissioner Brian Johnson

LUC Commissioner Jeanne Lindwall

LUC Commissioner Kiril Mirintchev

LUC Commissioner Max Puchtel

LUC Commissioner Kristine Westerberg

Northwestern University President Michael Schill

Northwestern Faculty Members

Cc: State of Illinois 18<sup>th</sup> District Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Omar Aquino  
2<sup>nd</sup> District  
309 L Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Aquino,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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### **HISTORY:**

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### **ZONING ORDINANCE TEXT AMENDMENT:**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Mattie Hunter  
3rd District  
417 C Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Hunter,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Kimberly A. Lightford  
4th District  
309 H Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Lightford,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Lakesia Collins  
5th District  
Stratton Office Building  
Section C, Room P  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Collins,

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Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Sara Feigenholtz  
6th District  
Stratton Office Building  
Section C, Room K  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Feigenholtz,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...the property of said institution solely for **purposes of education**...” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the

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City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and

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The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### SCHEDULE:

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

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September 17, 2023

Illinois General Assembly Member  
Senator Mike Simmons  
7th District  
Stratton Office Building  
Section F, Room G  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

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University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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Senator Ram Villivalam  
8th District  
Stratton Office Building  
Section C, Room E  
Springfield, IL 62706

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Northwestern University President Michael Schill

Northwestern Faculty Members

Cc: State of Illinois 18<sup>th</sup> District Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Laura Fine  
9th District  
121 A Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Fine,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The Third Amendment to the Act approved **by the 25<sup>th</sup> General Assembly** on 2.19.1867.

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

You will find Evanston's Land Use Commission's Agendas, meeting minutes, and video at this link:

<https://www.cityofevanston.org/government/boards-commissions-and-committees/land-use-commission>

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*I am only writing to you regarding the Zoning Code Text Amendment application. Note that the above link to the Community Development Proposed Projects Webpage contains two Northwestern University applications. Documents submitted for the proposed rebuilding of "Ryan Field Stadium" are separated from the Other Development Projects heading where you will find "Text Amendment to the U2 District Uses - U2 University Athletic Facilities District, Evanston, IL | 23PLND-0010."*

I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Robert F. Martwick  
10th District  
Stratton Office Building  
Section C, Room B  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Martwick,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

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1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...the property of said institution solely for **purposes of education**...” A commercial for-profit use is not allowed.
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow "public-facing full-capacity concerts" by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university's share) of revenue and

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### SCHEDULE:

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
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Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Mike Porfirio  
11th District  
Stratton Office Building  
Section F, Office L  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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September 17, 2023

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Senator Celina Villanueva  
12th District  
Stratton Office Building  
Section C, Room F  
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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...the property of said institution solely for **purposes of education**...” A commercial for-profit use is not allowed.
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a "Zoning Ordinance Text Amendment" from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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The university seeks to change the use of its property to allow "public-facing full-capacity concerts" by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university's share) of revenue and

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The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### SCHEDULE:

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

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Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Robert Peters  
13th District  
Stratton Office Building  
Section C, Office H  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Emil Jones, III  
14th District  
119A Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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### **HISTORY:**

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The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Willie Preston  
16th District  
Stratton Office Building  
Section C, Office N  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Preston,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...the property of said institution solely for **purposes of education**...” A commercial for-profit use is not allowed.
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Elgie R. Sims, Jr.  
17th District  
218 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Sims,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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18th District  
309 J Capitol Building  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

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Illinois Representative Robyn Gabel  
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Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Michael E. Hastings  
19th District  
121 D Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Hastings,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Natalie Toro  
20th District  
Stratton Office Building  
Section F, Room H  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Laura Ellman  
21st District  
Stratton Office Building  
Section C, Room D  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbygabel.com](mailto:staterepgabel@robbygabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Cristina Castro  
22nd District  
121 C Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Castro,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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Cc: Illinois Representative Robyn Gabel  
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September 17, 2023

Illinois General Assembly Member  
Senator Suzy Glowiak Hilton  
23rd District  
Stratton Office Building  
Section C, Room A  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Seth Lewis  
24th District  
Stratton Office Building  
Section B, Office F  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Lewis,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbygabel.com](mailto:staterepgabel@robbygabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Karina Villa  
25th District  
Stratton Office Building  
Section F, Room M  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Villa,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...the property of said institution solely for **purposes of education**...” A commercial for-profit use is not allowed.
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City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

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Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

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The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and

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The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### SCHEDULE:

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Email: [staterepgabel@robbygabel.com](mailto:staterepgabel@robbygabel.com)

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Dan McConchie  
26th District  
208 C Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator McConchie,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Ann Gillespie  
27th District  
Stratton Office Building  
Section C, Room C  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Laura M. Murphy  
28th District  
307 State Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Murphy,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

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Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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September 17, 2023

Illinois General Assembly Member  
Senator Julie A. Morrison  
29th District  
311 C Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Adriane Johnson  
30th District  
Stratton Office Building  
Section F, Room E  
Springfield, IL 62706

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248-W Stratton Office Building  
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Email: [staterepgabel@robbygabel.com](mailto:staterepgabel@robbygabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Mary Edly-Allen  
31st District  
Stratton Office Building  
Section F, Room D  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Edly-Allen,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...the property of said institution solely for **purposes of education**...” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the

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City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

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Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

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The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and

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The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### SCHEDULE:

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

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Illinois General Assembly Member  
Senator Craig Wilcox  
32nd District  
Stratton Office Building  
Section A, Office K  
Springfield, IL 62706

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University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Donald P. DeWitte  
33rd District  
Stratton Office Building  
Section B, Office G  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
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Cc: State of Illinois 18<sup>th</sup> District Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Steve Stadelman  
34th District  
121 B Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Stadelman,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The Third Amendment to the Act approved **by the 25<sup>th</sup> General Assembly** on 2.19.1867.

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

You will find Evanston's Land Use Commission's Agendas, meeting minutes, and video at this link:

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Dave Syverson  
35th District  
Stratton Office Building  
Section A, Office Q  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Syverson,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

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1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...the property of said institution solely for **purposes of education**...” A commercial for-profit use is not allowed.
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## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow "public-facing full-capacity concerts" by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university's share) of revenue and

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### SCHEDULE:

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
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Email: [staterepgabel@robbygabel.com](mailto:staterepgabel@robbygabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Michael W. Halpin  
36th District  
Stratton Office Building  
Section C, Office J  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Halpin,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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Senator Win Stoller  
37th District  
Stratton Office Building  
Section A, Office C  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Stoller,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...the property of said institution solely for **purposes of education**...” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and

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profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University's non-profit educational status to becoming a for-profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### SCHEDULE:

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

You will find Evanston's Land Use Commission's Agendas, meeting minutes, and video at this link:

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbygabel.com](mailto:staterepgabel@robbygabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Sue Rezin  
38th District  
108 C Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Don Harmon  
39th District  
309 G Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

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University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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Senator Patrick J. Joyce  
40th District  
Stratton Office Building  
Section C, Room L  
Springfield, IL 62706

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## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

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### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and

## The City of Evanston is challenging the Authority of the Illinois General Assembly

profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University's non-profit educational status to becoming a for-profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### SCHEDULE:

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbygabel.com](mailto:staterepgabel@robbygabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator John F. Curran  
41st District  
110 D Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Curran,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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Illinois Representative Robyn Gabel  
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Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Linda Holmes  
42nd District  
309 I Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Holmes,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Rachel Ventura  
43rd District  
119 B Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Ventura,

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### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Sally J. Turner  
44th District  
Stratton Office Building  
Section B, Office A  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Turner,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...the property of said institution solely for **purposes of education**...” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the

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City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

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Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

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Email: [staterepgabel@robbygabel.com](mailto:staterepgabel@robbygabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Andrew S. Chesney  
45th District  
Stratton Office Building  
Section A, Office J  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Chesney,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator David Koehler  
46th District  
309 M Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Neil Anderson  
47th District  
208 A Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Anderson,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Doris Turner  
48th District  
Stratton Office Building  
Section F, Room B  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Meg Loughran Cappel  
49th District  
Stratton Office Building  
Section C, Room M  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbygabel.com](mailto:staterepgabel@robbygabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Jil Tracy  
50th District  
208 B Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Tracy,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

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Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Chapin Rose  
51st District  
Stratton Office Building  
Section A, Office A  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Paul Faraci  
52nd District  
Stratton Office Building  
Section F, Office J  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Faraci,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbygabel.com](mailto:staterepgabel@robbygabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Tom Bennett  
53rd District  
Stratton Office Building  
Section A, Office D  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Bennett,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...the property of said institution solely for **purposes of education**...” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the

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City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

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Northwestern is currently seeking a "Zoning Ordinance Text Amendment" from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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The sentence containing the phrase "*...forever free from taxation...*" is equally unambiguous in comparison to the sentence containing the phrase "*...the property of said institution solely for purposes of education...*"

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads "*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*"

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as "*...solely for purposes of education...*"

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow "public-facing full-capacity concerts" by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university's share) of revenue and

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The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### SCHEDULE:

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Steve McClure  
54th District  
Stratton Office Building  
Section A, Office L  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Jason Plummer  
55th District  
Stratton Office Building  
Section A, Office M  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbygabel.com](mailto:staterepgabel@robbygabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Erica Harriss  
56th District  
Stratton Office Building  
Section B, Office C  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Harriss,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...the property of said institution solely for **purposes of education**...” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the

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City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

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Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

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The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and

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The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### SCHEDULE:

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Christopher Belt  
57th District  
417 B Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Terri Bryant  
58th District  
Stratton Office Building  
Section A, Office H  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Bryant,

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Cc: State of Illinois 18<sup>th</sup> District Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Senator Dale Fowler  
59th District  
Stratton Office Building  
Section A, Office E  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Senator Fowler,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...the property of said institution solely for **purposes of education**...” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the

## The City of Evanston is challenging the Authority of the Illinois General Assembly

City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a "Zoning Ordinance Text Amendment" from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation's Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as "*...forever free from taxation...*"

The sentence containing the phrase "*...forever free from taxation...*" is equally unambiguous in comparison to the sentence containing the phrase "*...the property of said institution solely for purposes of education...*"

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads "*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*"

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as "*...solely for purposes of education...*"

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow "public-facing full-capacity concerts" by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university's share) of revenue and

## The City of Evanston is challenging the Authority of the Illinois General Assembly

profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University's non-profit educational status to becoming a for-profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### SCHEDULE:

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

You will find Evanston's Land Use Commission's Agendas, meeting minutes, and video at this link:

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*I am only writing to you regarding the Zoning Code Text Amendment application. Note that the above link to the Community Development Proposed Projects Webpage contains two Northwestern University applications. Documents submitted for the proposed rebuilding of "Ryan Field Stadium" are separated from the Other Development Projects heading where you will find "Text Amendment to the U2 District Uses - U2 University Athletic Facilities District, Evanston, IL | 23PLND-0010."*

I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbygabel.com](mailto:staterepgabel@robbygabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Aaron M. Ortiz  
1st District  
521-B Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Ortiz,

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Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Elizabeth Hernandez  
2nd District  
109 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Eva-Dina Delgado  
3rd District  
244-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Delgado,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The Third Amendment to the Act approved **by the 25<sup>th</sup> General Assembly** on 2.19.1867.

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

You will find Evanston's Land Use Commission's Agendas, meeting minutes, and video at this link:

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*I am only writing to you regarding the Zoning Code Text Amendment application. Note that the above link to the Community Development Proposed Projects Webpage contains two Northwestern University applications. Documents submitted for the proposed rebuilding of "Ryan Field Stadium" are separated from the Other Development Projects heading where you will find "Text Amendment to the U2 District Uses - U2 University Athletic Facilities District, Evanston, IL | 23PLND-0010."*

I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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Cc: State of Illinois 18<sup>th</sup> District Representative Robyn Gabel  
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September 17, 2023

Illinois General Assembly Member  
Representative Lilian Jimenez  
4th District  
284-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Jimenez,

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Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Kimberly du Buclet  
5th District  
286-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative du Buclet,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Sonya M. Harper  
6th District  
274-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

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1501 Central Street, Evanston, IL 60201

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1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

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Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Emanuel Welch  
7th District  
300 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Welch,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative La Shawn K. Ford  
8th District  
239-E Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Ford,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Yolonda Morris  
9th District  
288-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Jawaharial Williams  
10th District  
256-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Williams,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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September 17, 2023

Illinois General Assembly Member  
Representative Ann M. Williams  
11th District  
263-S Stratton Office Building  
Springfield, IL 62706

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Margaret Croke  
12th District  
250-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Hoan Huynh  
13th District  
237-E Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Huynh,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Kelly M. Cassidy  
14th District  
263-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Cassidy,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Michael J. Kelly  
15th District  
279-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Kelly,

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Kevin John Olickal  
16th District  
264-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Olickal,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

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1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts”, a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

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The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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September 17, 2023

Illinois General Assembly Member  
Representative Jennifer Gong-Gershowitz  
17th District  
265-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. I am in the process of sharing a similar letter and the Northwestern University Act of Incorporation documents with other members of the Illinois General Assembly.

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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Cc: State of Illinois 18<sup>th</sup> District Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Lindsey LaPointe  
19th District  
275-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative LaPointe,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Brad Stephens  
20th District  
314 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Abdelnasser Rashid  
21st District  
242A-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Rashid,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Angelica Guerrero-Cuellar  
22nd District  
235-E Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Guerrero-Cuellar,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Edgar Gonzalez, Jr.  
23rd District  
240-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Gonzalez,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Theresa Mah  
24th District  
109 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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Cc: State of Illinois 18<sup>th</sup> District Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Curtis J. Tarver, II  
25th District  
270-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Tarver,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The Third Amendment to the Act approved **by the 25<sup>th</sup> General Assembly** on 2.19.1867.

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

You will find Evanston's Land Use Commission's Agendas, meeting minutes, and video at this link:

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You will find the documentation submitted to the City of Evanston by Northwestern University on the matter of the Zoning Code Text Amendment at this link:

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*I am only writing to you regarding the Zoning Code Text Amendment application. Note that the above link to the Community Development Proposed Projects Webpage contains two Northwestern University applications. Documents submitted for the proposed rebuilding of "Ryan Field Stadium" are separated from the Other Development Projects heading where you will find "Text Amendment to the U2 District Uses - U2 University Athletic Facilities District, Evanston, IL | 23PLND-0010."*

I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Kam Buckner  
26th District  
229-E Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Buckner,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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### **SCHEDULE:**

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Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
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Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Justin Slaughter  
27th District  
249-E Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Slaughter,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Robert Rita  
28th District  
109 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Rita,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The Third Amendment to the Act approved **by the 25<sup>th</sup> General Assembly** on 2.19.1867.

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

You will find Evanston's Land Use Commission's Agendas, meeting minutes, and video at this link:

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Thaddeus Jones  
29th District  
523-C Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
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Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative William Davis  
30th District  
262-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Davis,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

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Representative Mary E. Flowers  
31st District  
251-E Stratton Building  
Springfield, IL 62706

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

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The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

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The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

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Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Cyril Nichols  
32nd District  
200-5S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Nichols,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Marcus C. Evans, Jr.  
33rd District  
268-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Evans,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Nicholas K. Smith  
34th District  
632 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Smith,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Mary Gill  
35th District  
200-3S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Gill,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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Illinois Representative Robyn Gabel  
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Kelly M. Burke  
36th District  
632 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Burke,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Tim Ozinga  
37th District  
200-8N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Ozinga,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Debbie Meyers-Martin  
38th District  
254-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Meyers-Martin,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

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Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Will Guzzardi  
39th District  
259-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Guzzardi,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Jaime M. Andrade, Jr.  
40th District  
238-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Andrade,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Janet Yang Rohr  
41st District  
231-E Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Rohr,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

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A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

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Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Terra Costa Howard  
42nd District  
246-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Howard,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Anna Moeller  
43rd District  
255-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Moeller,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Fred Crespo  
44th District  
261-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Crespo,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Jenn Ladisch Douglass  
45th District  
240A-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Douglass,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Diane Blair-Sherlock  
46th District  
276-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Blair-Sherlock,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Amy L. Grant  
47th District  
210-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Grant,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Jennifer Sanalitra  
48th District  
208-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Sanalitra,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Maura Hirschauer  
49th District  
271-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Hirschauer,

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Northwestern Faculty Members

Cc: State of Illinois 18<sup>th</sup> District Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Barbara Hernandez  
50th District  
519-C Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Hernandez,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The Second Amendment to the Act approved **by the 22<sup>nd</sup> General Assembly** on 2.16.1861.  
The Third Amendment to the Act approved **by the 25<sup>th</sup> General Assembly** on 2.19.1867.

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

You will find Evanston's Land Use Commission's Agendas, meeting minutes, and video at this link:

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You will find the documentation submitted to the City of Evanston by Northwestern University on the matter of the Zoning Code Text Amendment at this link:

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*I am only writing to you regarding the Zoning Code Text Amendment application. Note that the above link to the Community Development Proposed Projects Webpage contains two Northwestern University applications. Documents submitted for the proposed rebuilding of "Ryan Field Stadium" are separated from the Other Development Projects heading where you will find "Text Amendment to the U2 District Uses - U2 University Athletic Facilities District, Evanston, IL | 23PLND-0010."*

I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Nabeela Syed  
51st District  
242-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Syed,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

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The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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*I am only writing to you regarding the Zoning Code Text Amendment application. Note that the above link to the Community Development Proposed Projects Webpage contains two Northwestern University applications. Documents submitted for the proposed rebuilding of "Ryan Field Stadium" are separated from the Other Development Projects heading where you will find "Text Amendment to the U2 District Uses - U2 University Athletic Facilities District, Evanston, IL | 23PLND-0010."*

I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Martin McLaughlin  
52nd District  
200-2N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative McLaughlin,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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### **HISTORY:**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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September 17, 2023

Illinois General Assembly Member  
Representative Mark L. Walker  
53rd District  
200-8S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Walker,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The Third Amendment to the Act approved **by the 25<sup>th</sup> General Assembly** on 2.19.1867.

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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*I am only writing to you regarding the Zoning Code Text Amendment application. Note that the above link to the Community Development Proposed Projects Webpage contains two Northwestern University applications. Documents submitted for the proposed rebuilding of "Ryan Field Stadium" are separated from the Other Development Projects heading where you will find "Text Amendment to the U2 District Uses - U2 University Athletic Facilities District, Evanston, IL | 23PLND-0010."*

I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Mary Beth Canty  
54th District  
280-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Canty,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Martin J. Moylan  
55th District  
233-E Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Moylan,

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Representative Michelle Mussman  
56th District  
257-S Stratton Office Building  
Springfield, IL 62706

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

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The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

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The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

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Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Jonathan Carroll  
57th District  
253-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Carroll,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Bob Morgan  
58th District  
241-E Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Morgan,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Daniel Didech  
59th District  
273-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
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### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Rita Mayfield  
60th District  
519-A Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Mayfield,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

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Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

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Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Joyce Mason  
61st District  
245-E Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Laura Faver Dias  
62nd District  
252-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Dias,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Steven Reick  
63rd District  
225-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Reick,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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Illinois Representative Robyn Gabel  
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Tom Weber  
64th District  
209-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Weber,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Dan Ugaste  
65th District  
218-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Ugaste,

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Suzanne M. Ness  
66th District  
272-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Ness,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Maurice A. West, II  
67th District  
277-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative West,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Dave Vella  
68th District  
290-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Vella,

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Joe C. Sosnowski  
69th District  
215-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Sosnowski,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Jeff Keicher  
70th District  
203-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Keicher,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Dan Swanson  
71st District  
200-3N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Swanson,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Gregg Johnson  
72nd District  
258-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Johnson,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Ryan Spain  
73rd District  
314 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Spain,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Bradley Fritts  
74th District  
221-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Fritts,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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Northwestern Faculty Members

Cc: State of Illinois 18<sup>th</sup> District Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Jed Davis  
75th District  
222-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Davis,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The Third Amendment to the Act approved **by the 25<sup>th</sup> General Assembly** on 2.19.1867.

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

You will find Evanston's Land Use Commission's Agendas, meeting minutes, and video at this link:

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*I am only writing to you regarding the Zoning Code Text Amendment application. Note that the above link to the Community Development Proposed Projects Webpage contains two Northwestern University applications. Documents submitted for the proposed rebuilding of "Ryan Field Stadium" are separated from the Other Development Projects heading where you will find "Text Amendment to the U2 District Uses - U2 University Athletic Facilities District, Evanston, IL | 23PLND-0010."*

I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

Writing to the General Assembly is not my first distribution of this information. I have followed local protocol and distributed the same documentation repeatedly over the past several months informing the City of Evanston Government officials and the community. Among others, I have informed:

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Lance Yednock  
76th District  
292-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Yednock,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

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1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

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Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

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### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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### **SCHEDULE:**

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Norma Hernandez  
77th District  
247-E Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Hernandez,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Camille Y. Lilly  
78th District  
523-A Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Lilly,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

Writing to the General Assembly is not my first distribution of this information. I have followed local protocol and distributed the same documentation repeatedly over the past several months informing the City of Evanston Government officials and the community. Among others, I have informed:

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Cc: State of Illinois 18<sup>th</sup> District Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Jackie Haas  
79th District  
201-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Haas,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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### **SCHEDULE:**

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Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Anthony DeLuca  
80th District  
267-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative DeLuca,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Anne Stava-Murray  
81st District  
200-1S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Stava-Murray,

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Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative John Egofske  
82nd District  
205A-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Egofske,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Matt Hanson  
83rd District  
266-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Hanson,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Stephanie A. Kifowit  
84th District  
200-7S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Kifowit,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Dagmara Avelar  
85th District  
265-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Avelar,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

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### **ZONING ORDINANCE TEXT AMENDMENT:**

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Illinois Representative Robyn Gabel  
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Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Lawrence Walsh, Jr.  
86th District  
200-9S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Walsh,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative William E. Hauter  
87th District  
207-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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### **SCHEDULE:**

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Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Dan Caulkins  
88th District  
200-5N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Caulkins,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Tony M. McCombie  
89th District  
316 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative McCombie,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative John M. Cabello  
90th District  
217-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Cabello,

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Sharon Chung  
91st District  
260-W Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Chung,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Jehan Gordon-Booth  
92nd District  
632 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Gordon-Booth,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Travis Weaver  
93rd District  
228-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Weaver,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Norine K. Hammond  
94th District  
314 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Hammond,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

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The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Michael J. Coffey, Jr.  
95th District  
E-1 Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Coffey,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Sue Scherer  
96th District  
E-2 Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Scherer,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Harry Benton  
97th District  
282-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Benton,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Natalie A. Manley  
98th District  
300 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Manley,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Randy E. Frese  
99th District  
219-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Frese,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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Cc: State of Illinois 18<sup>th</sup> District Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Christopher Davidsmeyer  
100th District  
202-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Davidsmeyer,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

You will find Evanston's Land Use Commission's Agendas, meeting minutes, and video at this link:

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

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September 17, 2023

Illinois General Assembly Member  
Representative Chris Miller  
101st District  
205-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

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University Athletic Facilities District – 23PLND-0010  
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Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Adam M. Niemerg  
102nd District  
224-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Niemerg,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Carol Ammons  
103rd District  
243-E Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Ammons,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

A third unambiguous sentence serves as a warning to Northwestern Trustees and reads “*Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with same, upon complaint being made to the circuit Court of Cook County... and the circuit attorney shall prosecute in behalf of the People of this state for forfeiture of this charter.*”

The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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profit non-educational commercial status. This is a meaningful change in the established Charter, the Act of Incorporation's language and intent, an amendment that only the General Assembly has authority to implement.

The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

Northwestern University submitted a Zoning Code Text Amendment application on January 25, 2023. The City of Evanston Land Use Commission conducted its first hearing on September 6, 2023. The Land Use Commission continued the hearing to September 27, 2023, and plans to deliberate on October 11, 2023. The application then moves to the Planning and Development Committee, and ultimately to the Evanston City Council tentatively scheduled for November 13, 2023.

Local officials are aware of the Charter Law and the sole authority of the General Assembly to change Illinois law. The process to review and act on the Zoning Ordinance Text Amendment is proceeding in Evanston.

Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

According to records certified by the State of Illinois Secretary of State, no other amendments or other legislation has taken place to change the Charter Law language and intent since 1867. The law as amended, remains in force today. The published State of Illinois Law documents of that time are attached in full for your information and use. Excerpts of the relevant phrases are included above.

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The Third Amendment to the Act approved **by the 25<sup>th</sup> General Assembly** on 2.19.1867.

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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*I am only writing to you regarding the Zoning Code Text Amendment application. Note that the above link to the Community Development Proposed Projects Webpage contains two Northwestern University applications. Documents submitted for the proposed rebuilding of "Ryan Field Stadium" are separated from the Other Development Projects heading where you will find "Text Amendment to the U2 District Uses - U2 University Athletic Facilities District, Evanston, IL | 23PLND-0010."*

I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Michael T. Marron  
104th District  
220-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Marron,

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***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

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*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Dennis Tipsword, Jr.  
105th District  
230-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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Representative Jason Bunting  
106th District  
214-N Stratton Office Building  
Springfield, IL 62706

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

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Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

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The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

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Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Brad Halbrook  
107th District  
200-1N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Halbrook,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Wayne A. Rosenthal  
108th District  
E-1 Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Rosenthal,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

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Representative Charles Meier  
109th District  
200-7N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Blaine Wilhour  
110th District  
213-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Wilhour,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

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Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

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Illinois Representative Robyn Gabel  
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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Amy Elik  
111th District  
204-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Elik,

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Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Katie Stuart  
112th District  
278-S Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Stuart,

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Herein lies the issue of the separation of State authority and Local authority. ***Evanston's presumption of authority is in conflict with the General Assembly's established authority on this matter, the change to a commercial for-profit non-educational use on Northwestern University Property.***

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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
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Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

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Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Jay Hoffman  
113th District  
300 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Hoffman,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
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Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Kevin Schmidt  
114th District  
211-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative David Friess  
115th District  
216-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
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The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

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I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
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## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Dave Severin  
116th District  
223-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Severin,

Most local government issues are resolved locally. This is not the case regarding the matter I bring before you. I am writing to inform you of a developing situation in Evanston that will challenge the authority of the Illinois General Assembly.

***Is the General Assembly willing to relinquish its authority to amend the Northwestern University Charter, the Act of Incorporation language and intent?***

The Northwestern University Charter is synonymous with the State of Illinois Law, the Act to Incorporate Northwestern University, approved by the Illinois General Assembly on 1.28.1851. The Charter established a property use for all Northwestern Property, “...solely for purposes of education...” an educational use only.

### **THE ISSUE – SEPARATION OF STATE AUTHORITY AND LOCAL AUTHORITY:**

The issue is twofold:

1. Northwestern University has asked the City of Evanston to add a (U2) property zoning use that will allow “public-facing full-capacity concerts,” a commercial use. The change of use conflicts with Northwestern’s Incorporation Documents that restricts “...*the property of said institution solely for purposes of education...*” A commercial for-profit use is not allowed.
2. The Illinois General Assembly approved and is the only government entity that has historically amended Northwestern’s Incorporation Document language and intent. The City of Evanston does not have the authority to override the authority of the Illinois General Assembly. Northwestern must appeal to the General Assembly to amend Incorporation Document language and/or intent, rather than appealing to the City of Evanston. The Illinois General Assembly must decide the matter of a commercial for-profit use on university property, not Evanston.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

Northwestern University and the City of Evanston are informed regarding the Charter, the State of Illinois Law, the Act to Incorporate Northwestern University. The City of Evanston and Northwestern University have chosen to remain silent on the established authority of the Illinois General Assembly to amend the Charter language and/or intent; established protocol since 1851.

Northwestern is currently seeking a “Zoning Ordinance Text Amendment” from the City of Evanston that would indirectly change the language and intent of the Charter.

### **HISTORY:**

The Illinois General Assembly has been the custodian of the Law governing Northwestern University - Act of Incorporation (a.k.a. the Charter) since approved by the Seventeenth General Assembly on January 28, 1851. Subsequently, the General Assembly approved amendments to the Act. The General Assembly has exercised its authority on each occasion when the University required changes to the Charter.

The Charter establishes the university as a corporation with a Board of Trustees and provides criteria for the corporation’s Board of Trustees to adhere to. The Charter is a simple document, unambiguous, and of great value to Northwestern because the Charter (and only the Charter), establishes the University as “...*forever free from taxation...*”

The sentence containing the phrase “...*forever free from taxation...*” is equally unambiguous in comparison to the sentence containing the phrase “...*the property of said institution solely for purposes of education...*”

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The original authors of the Charter, Northwestern University, established this mechanism to prevent future Boards of Trustees (the present Board of Trustees) from deviating from the original Charter language and intent, such as “...*solely for purposes of education...*”

### **ZONING ORDINANCE TEXT AMENDMENT:**

The university seeks to change the use of its property to allow “public-facing full-capacity concerts” by professional internationally recognized touring musical performers. The University is a non-profit corporation, yet these events would, as reported, benefit the university by generating millions of dollars annually (the university’s share) of revenue and profits. The events are considered a commercial use, not an educational use. The change of use may amend Northwestern University’s non-profit educational status to becoming a for-

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The City of Evanston is likely to benefit from these events by collecting amusement, sales, liquor, and parking taxes among other possible fees. More reason for Evanston officials to approve the Zoning change without review and approval by the General Assembly.

This is a slippery slope. The City of Evanston could establish new precedent, indirectly acting to change the language and intent of State Law, in this case Northwestern's Charter, diluting the authority of the Illinois General Assembly.

### **SCHEDULE:**

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Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Patrick Windhorst  
117th District  
314 Capitol Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
1501 Central Street, Evanston, IL 60201

Honorable Member of the Illinois General Assembly, Representative Windhorst,

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## The City of Evanston is challenging the Authority of the Illinois General Assembly

September 17, 2023

Illinois General Assembly Member  
Representative Paul Jacobs  
118th District  
234-N Stratton Office Building  
Springfield, IL 62706

**Re: The City of Evanston is challenging the Authority of the Illinois General Assembly**

Land Use Commission Agenda Item III B. Public Hearing: Zoning Text Amendment – U2  
University Athletic Facilities District – 23PLND-0010  
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The Second Amendment to the Act approved **by the 22<sup>nd</sup> General Assembly** on 2.16.1861.  
The Third Amendment to the Act approved **by the 25<sup>th</sup> General Assembly** on 2.19.1867.

The above is a very brief synopsis of the issue. The City of Evanston is collaborating with Northwestern University to indirectly change the intent and language of Northwestern University's Incorporation Documents, previously amended **only by the General Assembly**.

## The City of Evanston is challenging the Authority of the Illinois General Assembly

You will find Evanston's Land Use Commission's Agendas, meeting minutes, and video at this link:

<https://www.cityofevanston.org/government/boards-commissions-and-committees/land-use-commission>

You will find the documentation submitted to the City of Evanston by Northwestern University on the matter of the Zoning Code Text Amendment at this link:

<https://www.cityofevanston.org/government/departments/community-development/planned-developments>

*I am only writing to you regarding the Zoning Code Text Amendment application. Note that the above link to the Community Development Proposed Projects Webpage contains two Northwestern University applications. Documents submitted for the proposed rebuilding of "Ryan Field Stadium" are separated from the Other Development Projects heading where you will find "Text Amendment to the U2 District Uses - U2 University Athletic Facilities District, Evanston, IL | 23PLND-0010."*

I trust this information is of importance to the honorable members of the Illinois General Assembly. I look forward to hearing your opinion, and action you foresee taking. I encourage General Assembly members to reestablish their inherent authority regarding amendments to the Northwestern University Charter. Please also communicate with your colleague, our local Illinois Representative Robyn Gabel:

Illinois Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)

Thank you for your time considering the gravity of this matter. With respect for your office and the Illinois General Assembly,

*Michael Vasilko*

Michael Vasilko

Cc: Illinois Representative Robyn Gabel  
The distinguished members of the Illinois General Assembly, in its entirety  
City of Evanston Land Use Commission Secretary Meagan Jones

## **The City of Evanston is challenging the Authority of the Illinois General Assembly**

Writing to the General Assembly is not my first distribution of this information. I have followed local protocol and distributed the same documentation repeatedly over the past several months informing the City of Evanston Government officials and the community. Among others, I have informed:

Illinois 18<sup>th</sup> District Representative Robyn Gabel

Mayor Daniel Biss

1<sup>st</sup> Ward Councilmember Clare Kelly

2<sup>nd</sup> Ward Councilmember Krissie Harris

3<sup>rd</sup> Ward Councilmember Melissa Wynne

4<sup>th</sup> Ward Councilmember Jonathan Nieuwsma

5<sup>th</sup> Ward Councilmember Bobby Burns

6<sup>th</sup> Ward Councilmember Thomas Suffredin

7<sup>th</sup> Ward Councilmember Eleanor Revelle

8<sup>th</sup> Ward Councilmember Devon Reid

9<sup>th</sup> Ward Councilmember Juan Geracaris

City Manager Luke Stowe

City Clerk Stephanie Mendoza

Evanston Corporation Counsel Nicholas Cummings

Evanston Community Development Director Sarah Flax

Land Use Commission:

LUC Secretary – Meagan Jones, Interim Planning Manager

LUC Commissioner – Chairperson Matt Rodgers

LUC Commissioner Myrna Arevalo

LUC Commissioner George Halik

LUC Commissioner John Hewko

LUC Commissioner Brian Johnson

LUC Commissioner Jeanne Lindwall

LUC Commissioner Kiril Mirintchev

LUC Commissioner Max Puchtel

LUC Commissioner Kristine Westerberg

Northwestern University President Michael Schill

Northwestern Faculty Members

Cc: State of Illinois 18<sup>th</sup> District Representative Robyn Gabel  
248-W Stratton Office Building  
Springfield, IL 62706

Email: [staterepgabel@robbyngabel.com](mailto:staterepgabel@robbyngabel.com)