

ORDINANCE NO. 003-154

AN ORDINANCE AUTHORIZING LICENSE
AGREEMENTS WITH EVANSTON NISSAN,
INC., AND FIREHOUSE GRILL, INC., FOR
CERTAIN CHICAGO TRANSIT AUTHORITY
PROPERTY LOCATED ALONG THE WEST
SIDE OF CHICAGO AVENUE BETWEEN
MADISON STREET AND KEENEY STREET
(PURPLE LINE)

WHEREAS, The Chicago Transit Authority ("Authority") owns certain vacant Purple Line right-of-way property located along the west side of Chicago Avenue between Madison Street and Keeney Street, Evanston, Illinois, which has dimensions of 45' x 774', includes 34,830 square feet and is depicted on Exhibit A ("Authority Property"); and

WHEREAS, Evanston Nissan, Inc. ("Evanston Nissan"), owns and operates an automobile agency located at 715 Chicago Avenue, Evanston, Illinois, which is located in close proximity to the Authority Property; and

WHEREAS, The Authority entered into a License Agreement with Evanston Nissan, dated December 1, 1993, that permitted use of a portion of the Authority Property (approximately 18,000 square feet) on a month-to-month basis for parking of its automobile inventory and to provide vehicular parking for its employees and customers at a rental rate of one thousand dollars (\$1,000) per month; and

WHEREAS, Evanston Nissan requested permission to enter into a new license agreement with reconfigured boundaries, by discontinuing use of the north part of the license premises, totaling approximately 6,300 square feet, and by adding an additional strip of Authority property located immediately south of the current license premises, totaling approximately 6,800 square feet; and

WHEREAS, The proposed new License Agreement would include 18,500 square feet of Authority Property ("Parcel 1"), further identified on Exhibit A; and

WHEREAS, Firehouse Grill, Inc. ("Firehouse Grill"), owns and operates a restaurant located at 750 Chicago Avenue, Evanston, Illinois, which is located in close proximity to the Authority Property; and

WHEREAS, The Firehouse Grill has requested permission to license the north part of the Authority Property, which includes approximately 6,300 square feet, for parking of employees and customers vehicles ("Parcel 2") further identified on Exhibit A; and

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WHEREAS, Standard Parking, an independent parking consultant, completed a review of parking rates at comparable parking lots in the Evanston area and established the current market rent of Parcel 1 of the Authority Property to be \$39,600 per year, or \$3,300 per month, and the current market rent of Parcel 2 of the Authority property to be \$12,000 per year, or \$1,000 per month; and

WHEREAS, Pursuant to the independent parking consultant's report, staff has negotiated a new month-to-month license agreement with Evanston Nissan, effective December 1, 2003, which would permit parking of its automobile inventory and provide vehicular parking for its employees and customers on the Authority Property identified as Parcel 1 on Exhibit A at a rental rate of \$3,300 per month; and

WHEREAS, Staff has negotiated a new month-to-month license agreement with Firehouse Grill, Inc., effective December 1, 2003, which would permit parking of its employees' and customers' vehicles on the Authority Property identified as Parcel 2 on Exhibit A at a rental rate of \$1,000 per month; and

WHEREAS, Both license agreements shall permit the Authority 24-hour access to the Property if required for Purple Line operations or maintenance purposes, include a mutual short term cancellation provision, and require Evanston Nissan and Firehouse Grill to provide the Authority with appropriate insurance coverage; and

WHEREAS, Staff has reviewed impacts on the Authority Property and determined that it is not required for transit operations purposes at this time; now, therefore:

BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1. That the Chicago Transit Board hereby determines that the license agreement dated December 1, 1993, between the Chicago Transit Authority, as Licenser, and Evanston Nissan, Inc., as Licensee, for certain property located on the west side of Chicago between Madison Street and Keeney Street, Evanston, Illinois, is hereby cancelled effective November 30, 2003.

SECTION 2. That the Chairman of the Chicago Transit Authority Board, or her designee, is hereby authorized to execute a license agreement between the Chicago Transit Authority, as Licenser, and Evanston Nissan, Inc., as Licensee, for certain Authority Property located on the west side of Chicago Avenue between Madison Street and Keeney Street, Evanston, Illinois, further described as Parcel 1 on

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Exhibit A, which shall be used for off-street parking purposes on a month-to-month basis effective December 1, 2003. Said License Agreement shall include a monthly rental fee of three thousand three hundred dollars (\$3,300), provide the Authority with 24-hour access to the property for operations and maintenance purposes, requires that Evanston Nissan provide the Authority with appropriate insurance coverage, includes a mutual 30-day cancellation provision and such other terms as are substantially in conformance with the terms set forth in Exhibit B.

SECTION 3. That the Chairman of the Chicago Transit Authority Board, or her designee, is hereby authorized to execute a license agreement between the Chicago Transit Authority, as Licensor, and Firehouse Grill, Inc., as Licensee, for certain Authority Property located on the west side of Chicago Avenue between Madison Street and Keeney Street, Evanston, Illinois, further described as Parcel 2 on Exhibit A, which shall be used for off-street parking purposes on a month-to-month basis effective December 1, 2003. Said License Agreement shall include a monthly rental fee of one thousand dollars (\$1,000), provides the Authority with 24-hour access to the proper for operations and maintenance purposes, requires that Firehouse Grill provide the Authority with appropriate insurance coverage, includes a mutual 30-day cancellation provision and such other terms as are substantially in conformance with the terms set forth in Exhibit C.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

Chairman

Assistant Secretary

November 5, 2003

November 5, 2003