

ORDINANCE NO. 003-24

AN ORDINANCE AUTHORIZING THE GRANT
OF A PERMANENT EASEMENT FOR
SUBTERRANEAN RIGHTS TO THE CITY OF
EVANSTON FOR CERTAIN CTA YELLOW LINE
RIGHT-OF-WAY PROPERTY LOCATED AT
CALLAN AVENUE, NORTH OF BRUMMEL
STREET, EVANSTON, ILLINOIS

WHEREAS, The Chicago Transit Authority ("Authority") is the owner of certain Yellow Line right-of-way property located at Callan Avenue, north of Brummel Street, Evanston, Illinois ("Property"); and

WHEREAS, The Property is currently utilized by the Authority for rail operations purposes; and

WHEREAS, The City of Evanston ("City") has recently experienced flooding problems in the vicinity of the Property due to an inadequate storm water sewer system; and

WHEREAS, In order to alleviate flooding problems in this area, the City plans to install an underground relief sewer system under a portion of Callan Avenue, between Howard Street and Hill Street ("Sewer Project"); and

WHEREAS, The City has requested a permanent easement for subterranean rights from the Authority to permit the Sewer Project to be installed under the Authority's Yellow Line tracks and right-of-way property; and

WHEREAS, Staff has negotiated a permanent easement agreement with the City which would permit the City to use a parcel of subterranean space with approximate dimensions of 10' X 126', located under the Authority's Yellow Line tracks and right-of-way property, legally described on Exhibit A and depicted on Exhibit B ("Easement Parcel"); and

WHEREAS, Such permanent easement agreement will include a temporary construction easement for a term not to exceed eighteen months, as depicted on Exhibit C, to permit the City and its contractors, agents and employees access as needed to the surface of the Property to install the Sewer Project; and

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WHEREAS, The City will pay to the Authority a one time fee for the permanent easement of two thousand five hundred dollars (\$2,500.00); and

WHEREAS, The Authority will retain the right to access the Easement Parcel at any time needed for safety, transportation and operational purposes; and

WHEREAS, The City will be responsible for maintaining the Easement Parcel, indemnifying the Authority for any claims or damages arising from the City's use of the Easement Parcel, and providing the Authority with appropriate insurance coverage; and

WHEREAS, Engineering, Operations, Maintenance and Safety staff have reviewed this request and confirmed that the proposed grant of a permanent easement, including a temporary construction easement, will not impact the Authority's operations; and

WHEREAS, The Authority desires to support community development projects which do not negatively impact on the Authority's operations; and

WHEREAS, Pursuant to Section 54.3-3 of the Regulations Governing Purchase and Sales Transactions, contracts between units of government are not subject to a competitive bid process; now, therefore:

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

SECTION 1. That the Chicago Transit Board of the Chicago Transit Authority hereby authorizes the Chairman of the Transit Board to negotiate and enter into an Easement Agreement for a permanent subterranean easement for certain Yellow Line right-of-way property located at Callan Avenue, north of Brummel Street, Evanston, Illinois, legally described on Exhibit A and depicted on Exhibit B, with the City of Evanston.

SECTION 2. That such Easement Agreement shall also include a temporary construction easement for a term not to exceed eighteen months over the surface of the Authority's right-of-way property as depicted on Exhibit C.

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SECTION 3. Pursuant to Section 54.3-3 of the Regulations Governing Purchase and Sales Transactions, competitive bidding for the grant of easement for certain Yellow Line right-of-way property at Callan Avenue, north of Brummel Street, Evanston, Illinois, to the City of Evanston, is not required.

SECTION 4. That the Chairman of the Chicago Transit Board, or her designee, is hereby authorized to execute any and all documents required to effectuate the grant of permanent easement, including a temporary construction easement, to the City of Evanston. Said easement agreement will include a one-time fee of two thousand five hundred dollars (\$2,500.00), require the City of Evanston to indemnify the Authority and provide the Authority with appropriate insurance coverage, provide the Authority with 24-hour access over and upon the Easement Parcel, and such other terms as are substantially in conformance with the terms set forth in Exhibit D.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

Chairman

Assistant Secretary

February 5, 2003

February 5, 2003