

ORDINANCE NO. 011-55

AN ORDINANCE AUTHORIZING THE
ACQUISITION OF A PERMANENT
EASEMENT AND ACCEPTANCE OF A
RIGHT OF ENTRY AGREEMENT FOR
CERTAIN PROPERTY LOCATED ON
THE SOUTH SIDE OF GREENLEAF
STREET, EVANSTON, ILLINOIS,
(PURPLE LINE)

WHEREAS, The Metropolitan Transit Authority Act, at 70 ILCS 3605/6, permits the Chicago Transit Authority ("Authority") to acquire, construct, own, operate and maintain a public service transportation system in the metropolitan area of Cook County; and

WHEREAS, The Authority is undertaking a project to renovate and replace three viaducts located at Greenleaf Street, Dempster Street and Grove Street on the Purple Line, in Evanston Illinois ("Purple Line Viaduct Replacement Project"); and

WHEREAS, The existing Authority right-of-way property is not wide enough to accommodate the installation of the new viaducts at these locations; and

WHEREAS, The Commuter Rail Division of the Regional Transportation Authority ("METRA") is the owner of certain property located on the south side of Greenleaf Street, east of Custer Avenue, and located immediately adjacent to the Authority's Purple Line ("Property"); and

WHEREAS, Infrastructure staff has recommended that the Authority acquire a Permanent Easement for the Property to accommodate the installation of the new viaduct at Greenleaf Street; and

WHEREAS, Staff has also recommended that the Authority obtain a Right of Entry Agreement for certain adjacent property on the south side of Greenleaf Street, east of Custer Avenue, which is also owned by METRA and used for commuter parking ("Premises"), for construction staging purposes; and

WHEREAS, The General Counsel has completed negotiations with METRA to acquire a Permanent Easement for the Property, which includes one hundred and twenty-two square feet and will not require payment of an easement fee; and

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WHEREAS, The General Counsel has also completed negotiations with METRA for a Right of Entry Agreement for the Premises, which will extend for a term of twenty-one months; and

WHEREAS, Said Right of Entry Agreement will not require payment of a right of entry fee, but will require the Authority to reimburse METRA's parking contractor for the loss of parking spaces and revenue during the term of the Agreement; now, therefore:

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

SECTION 1. Pursuant to Section 54.3-3 of the Regulations Governing Purchase and Sales Transactions, competitive bidding for the grant of Permanent Easement and Right of Entry Agreement from METRA to the Chicago Transit Authority shall not be required.

SECTION 2. That the Chairman of the Chicago Transit Board, or his designee, is authorized to execute a Permanent Easement Agreement between METRA, as Grantor, and the Chicago Transit Authority, as Grantee, for certain Property located on the south side of Greenleaf Street, east of Custer Avenue, Evanston, Illinois, legally described on Exhibit A and depicted on Exhibit B, attached hereto and made a part hereof, to permit the installation of a new viaduct by the Authority. Said Permanent Easement shall not require payment of an easement fee, and will include such other terms as are substantially in conformance with Exhibit C.

SECTION 3. The Chairman of the Chicago Transit Board, or his designee, is further authorized to execute a Right of Entry Agreement between METRA, as Grantor, and the Chicago Transit Authority, as Indemnitor, for certain property located on the south side of Greenleaf Street, east of Custer Avenue, Evanston, Illinois, further identified on Exhibit D, attached hereto and made a part hereof, for use by the Authority for construction staging purposes for a term of twenty-one months.

SECTION 4. Said Right of Entry Agreement shall not require payment of a right of entry fee; requires the Authority to reimburse METRA's parking contractor, Impark, in the amount of Seven Thousand One Hundred and Eighty-Five Dollars (\$7,185) for the loss of parking spaces and revenue during the term of the Agreement; requires that the Authority indemnify METRA; and includes such other terms that are substantially in conformance with Exhibit E, attached hereto.

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

APPROVED:

PASSED:

Chairman

June 8, 2011

Assistant Secretary

June 8, 2011