

RESOLUTION R- 45 -06

**A RESOLUTION AUTHORIZING THE ASSIGNMENT AND ASSUMPTION OF A
SUBLEASE
BETWEEN THE CITY OF WHEATON AND COMMUTER COMFORTS INC. (ELLEN
E. HERMAN) TO ROBERT LOVELAND**

WHEREAS, the City of Wheaton subleases the Wheaton College Avenue Commuter Station from the Union Pacific Railroad for the convenience of its citizens who commute to work; and

WHEREAS, the provision of coffee and other items at the station adds to the attractiveness and utility of the station to commuters; and

WHEREAS, the City has entered into a sublease with Ellen E. Herman of Commuter Comforts Inc. to operate a coffee shop in the vendor space at the College Avenue Commuter Station; and

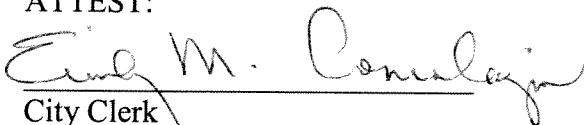
WHEREAS, Ellen E. Herman of Commuter Comforts, Inc. seeks to assign the sublease to Robert Loveland; and

WHEREAS, assignment of the sublease is subject to the approval of the corporate authorities of the City.

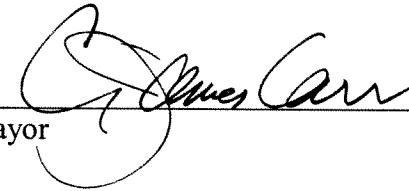
NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that the Mayor and City Council approve the assignment and assumption of the sublease by Ellen E. Herman of Commuter Comforts, Inc. to Robert Loveland attached hereto, and incorporated herein as if fully set forth as Exhibit A.

ADOPTED this 5th day of June, 2006.

ATTEST:



City Clerk



Mayor

Ayes:

ROLL CALL VOTE:

- Councilman Mouhelis
- Councilman Sues
- Councilman Bolds
- Councilwoman Corry
- Councilman Johnson
- Mayor Carr
- Councilman Levine

Nays:

None

Absent:

None

Motion Carried Unanimously

R-45-06

Exhibit A

ASSIGNMENT AND ASSUMPTION OF LEASE

For and in consideration of Ten and 00/100 dollars (\$10.00), the consummation of the Agreement for Sale of Assets between Commuter Comforts, Inc. (Ellen E. Herman) as Seller and Mr. Robert Loveland as Buyer and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Commuter Comforts, Inc., Assignor, hereby assigns all rights, title and interest in and to that certain lease in existence by and between the City of Wheaton, an Illinois municipal corporation, as Sublandlord and Commuter Comforts, Inc. as Subtenant, relating to certain property comprising approximately 165 square feet of floor space contained within the building commonly known as the College Avenue Train Station building, located at 303 N. President Street, Wheaton, Illinois, (Lease) to Mr. Robert Loveland (Assignee).

Assignee further assumes all rights, benefits, detriments and obligations of the Lease and specifically agrees and acknowledges that it is obligated to, and bound by, the Lease.

Dated this 18th day of May, 2006.

Assignor:

Ellen E. Herman may
Commuter Comforts, Inc., by its
Authorized Corporate Officer

Acceptance and Assumption of Lease by Assignee:

[Signature]
Mr. Robert Loveland