

**RESOLUTION R-12-09**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO A COMMERCIAL SUBLEASE BETWEEN THE CITY OF WHEATON AND BENSIDOUN USA - WINTER MARKET**

**WHEREAS**, the City of Wheaton subleases the Wheaton Commuter Station from the Union Pacific Railroad for the convenience of its citizens; and

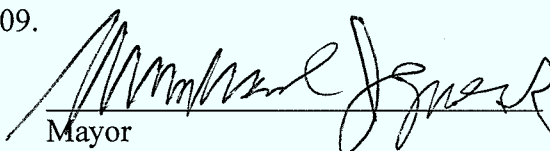
**WHEREAS**, Bensidoun USA, who operates the open air French Market in the Downtown on Saturday's during the summer, received permission in November of 2008 to operate an indoor winter market in the Wheaton Commuter Station on Saturday's between Thanksgiving and Christmas; and

**WHEREAS**, due to the response from the vendors participating in the winter market, in December of 2008, Bensidoun USA obtained approval of an amendment to their sublease to allow for an extension of the sublease for an additional month with an option, depending upon interest, for February.

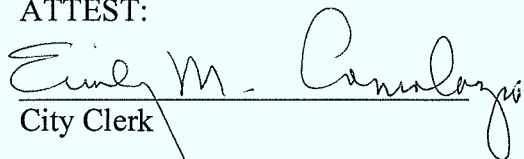
**WHEREAS**, the response from the vendors participating in the winter market continues to be positive, Bensidoun USA is seeking a second amendment to the sublease to extend the sublease for an additional month to the end of March.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Wheaton, Illinois, that the Mayor and City Council approve a second amendment to a commercial sublease between the City of Wheaton and Bensidoun USA attached hereto, and incorporated herein as if fully set forth as Exhibit A.

ADOPTED this 17th day of February, 2009.

  
Mayor

ATTEST:

  
City Clerk

Roll Call Vote

Ayes: Councilman Mouhelis  
Councilman Prendiville  
Councilman Suess  
Councilwoman Corry  
Councilman Johnson  
Councilman Levine  
Mayor Gresk

Nays: None  
Absent: None

Motion Carried Unanimously

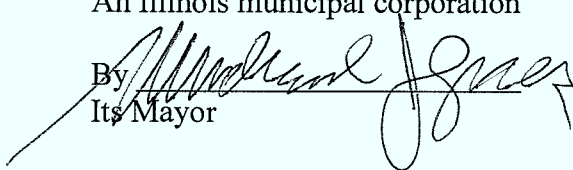
**Exhibit "A"**

THIS SECOND AMENDMENT TO A COMMERCIAL SUBLEASE ("THE SUBLEASE")  
is made and entered into as of February 17, 2009 by and between  
the City of Wheaton, an Illinois municipal corporation, ("Sublandlord")  
and Bensidoun USA ("Subtenant")


1. Section 2 entitled "Term" of the Commercial Sublease dated November 24, 2008, and amended December 15, 2008 shall be amended by modifying the end date to March 31, 2009.
2. All other terms and conditions of the original sublease shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this amendment to the original sublease.

Sublandlord:  
City of Wheaton,  
An Illinois municipal corporation

By   
Its Mayor

Subtenant:  
Bensidoun USA

By   
Its Owner ~~X~~ PRESIDENT