

R-73-11

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND DIRECTING THE CITY CLERK TO ATTEST TO A SUBLEASE AMENDMENT BETWEEN THE CITY OF WHEATON AND YOUNGSHIN KIM d/b/a JAVA CONNECTION

WHEREAS, the City of Wheaton, leases commuter train stations from the Union Pacific Railroad for the convenience of its citizens who commute by train to work;

WHEREAS, the City of Wheaton, consistent with its lease with the Union Pacific Railroad has subleased portions of the main commuter train station, located on Front Street in the City of Wheaton, hereinafter "Station" to Youngshin Kim d/b/a Java Connection, hereinafter "Java Connection" for the provision of coffee and other items for the benefit of commuters and which further enhance the attractiveness and utility of the Station; and

WHEREAS, City staff has received numerous and continuing positive comments from citizens about Java Connection's business and the management of that business;

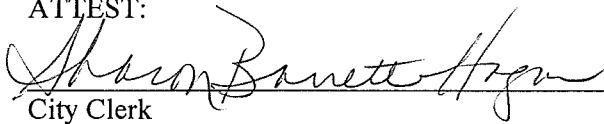
WHEREAS, City staff has examined the operations of Java Connection and concluded that Java Connection operates its business in a responsible, competitive and professional manner;

WHEREAS, the Corporate Authorities of the City of Wheaton desire to further extend the sublease between the City and Java Connection until December 31, 2013 and to allow a one year option to renew the sublease for the Station so long as there is compliance with the terms of the sublease.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois that the Mayor is hereby authorized to execute and the City Clerk is hereby directed to attest to that amendment to the sublease attached hereto and incorporated herein as fully set forth as Exhibit "1".

ADOPTED this 5th day of December, 2011.

ATTEST:


City Clerk


Mayor

ROLL CALL VOTE:

Ayes: Councilwoman Pacino-Sanguinetti
Councilman Scalzo
Councilman Suess
Councilwoman Ives
Councilman Mouhelis
Councilman Rutledge

Nays: None

Absent: Mayor Gress

MOTION CARRIED

Exhibit "1"

AMENDMENT TO COMMERCIAL SUBLEASE MADE AND ENTERED INTO AS OF
DECEMBER 5, 2011, BY AND BETWEEN THE CITY OF WHEATON, AN ILLINOIS
MUNICIPAL CORPORATION, ("SUBLANDLORD") AND YONGSHIN KIM d/b/a "JAVA
CONNECTION"

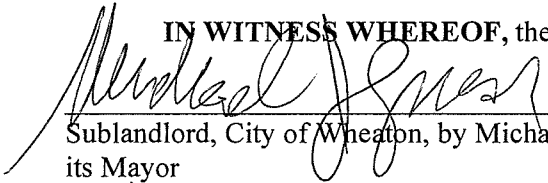
1. Section 2 entitled "Terms" of the sublease for the main Wheaton commuter train station is hereby amended by extending the end date of the sublease to December 31, 2013.

2. Section 2 entitled "Terms" of the sublease shall be amended by modifying the language pertaining to the extension of the sublease from two (2) twelve (12) month periods to one (1) twelve (12) month period.

3. Section 3 entitled "Rent" of the sublease shall be amended by modifying the language to require a 3% annual increase for the term of the lease.

4. That all other terms and conditions of the original sublease shall remain in full force and effect. The original of the sublease is attached hereto and incorporated herein as if fully set forth as Exhibit "A".

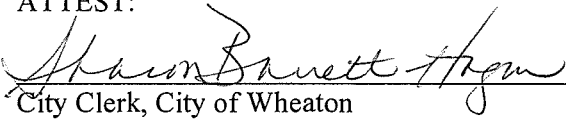
IN WITNESS WHEREOF, the parties have executed this Amendment to the original sublease


Sublandlord, City of Wheaton, by Michael Gresk,
its Mayor

36600-6153
Sublandlord, Federal Tax ID Number

Date: December 6, 2011

ATTEST:


City Clerk, City of Wheaton

Date: December 6, 2011

Java Connection, by

Date: _____

SUBSCRIBED and SWORN to before me
this _____ day of _____, 2011

Notary Public