

RESOLUTION R-14-16

**RESOLUTION AUTHORIZING THE EXECUTION
OF AN AMENDMENT TO A CERTAIN TEMPORARY LICENSE AGREEMENT**

WHEREAS, Commonwealth Edison Company ("ComEd") owns certain real property commonly known as the ("Subject Premises") located in the SW quarter of Section 16, Township 39 North, Range 10 East of the third principal falling within the Commonwealth Edison right-of-way, in DuPage County, Illinois, and

WHEREAS, ComEd and the City of Wheaton ("The City") desired to enter into an agreement for the purposes of granting The City a license to access and use the Subject Premises, and

WHEREAS, On November 2, 2015, the Mayor and City Council approved R-68-15, which authorized the execution of a certain temporary license agreement which shall expire on April 30, 2016, and

WHEREAS, ComEd and Licensee desire to extend said temporary license agreement for an additional nine (9) month period, terminating on January 31, 2017.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that the Mayor is authorized to sign a certain amendment to a temporary license agreement extending the termination of said temporary license agreement to January 31, 2017 dated April 18, 2016, between the City of Wheaton and Commonwealth Edison Company, and the City Clerk is authorized to attest to the signature of the Mayor.

ADOPTED this 18th day of April, 2016.

Attested by:


City Clerk


Mayor

Roll Call Vote

Ayes: Councilman Prendiville
Councilman Rutledge
Mayor Grek
Councilman Saline
Councilman Scalzo
Councilman Suess
Councilwoman Fitch

Nays: None

Absent: None

Motion Carried Unanimously

AMENDMENT TO TEMPORARY LICENSE AGREEMENT

This Amendment to Temporary License Agreement (this "**Amendment**") is made April 18, 2016, by and between COMMONWEALTH EDISON COMPANY, an Illinois corporation ("**Licensor**"), and THE CITY OF WHEATON ("**Licensee**")

RECITALS

- A. Pursuant to that certain Temporary License Agreement (the "**License**") dated August 1, 2015, Licensor granted a license to Licensee to the Licensed Premises located in DuPage County, Illinois, as further described therein.
- B. By its terms, the License will expire on April 30, 2016. Licensee desires and Licensor hereby agrees to extend the term of the License pursuant to the terms and conditions herein.
- C. Licensor and Licensee desire to amend the License as set forth herein.

NOW, THEREFORE, for and in consideration of the recitals set forth above, which are incorporated herein and made a part hereof, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, agree that the Lease is hereby amended and modified as follows:

1. TERM:

The Term of the License is hereby extended for an additional nine (9) month period, terminating on January 31, 2017.

2. LICENSE FEE:

Concurrently with the execution and delivery by Licensee of this Amendment, Licensee shall pay to Licensor the License Fee in the amount of \$2,145.00 in lawful money of the United States.

3. FULL FORCE AND EFFECT:

Except as expressly modified in this Amendment, all of the terms and conditions of the License shall remain in full force and effect, the parties hereto ratifying and confirming the same.

4. COUNTERPARTS:

This Amendment may be executed in any number of counterparts with the same effect as if all parties hereto had signed the same document. All such counterparts shall be construed together and shall constitute one instrument, but, in making proof hereof, it shall only be necessary to produce one such counterpart.

EXECUTED as of the day and year first above written.


LICENSOR:

COMMONWEALTH EDISON COMPANY

BY: 
Kendall C. Hodge
Director, Real Estate & Facilities

LICENSOR:

THE CITY OF WHEATON

BY: 
Name: Michael J. Gresk
Title: Mayor