

ORDINANCE

WHEREAS, the City of Chicago (the “City”) is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, and as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City acquired the property located at 3154 E. 95th Street, Chicago, Illinois (the “Property”), in March 2020, from Brown, Inc., of Michigan City, Indiana (the “Former Owner”); and

WHEREAS, at the time of acquisition, approximately 37,000 square feet of the Property (the “Premises”) were subject to a lease dated December 1, 2019 (the “Agreement”), between the Former Owner and Skyway Concession Company, LLC, a Delaware limited liability company (“Tenant”), for use of the Premises as salt storage; and

WHEREAS, the term of the Agreement expired on November 30, 2022 (“Term”), but the Tenant continued to occupy the Premises under a holdover provision; and

WHEREAS, the Tenant has performed all obligations under the Agreement during the holdover period, including the payment of holdover rent in the amount of 105% of the monthly rate in effect at the end of the Term; and

WHEREAS, the City, through its Department of Fleet and Facility Management (“2FM”), and Tenant wish to extend the term of the Agreement to November 30, 2027, with the option to extend the Term for two (2) additional periods of one (1) year each upon the same terms and conditions applicable to the initial Term, except that monthly rent during the option periods will be increased to 105% of the rent in effect on November 30, 2027; *now, therefore*,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. The 2FM Commissioner or a designee of the 2FM Commissioner is each hereby authorized, with the approval of the City’s Corporation Counsel as to form and legality, to negotiate, execute and deliver an amendment to the Agreement in substantially the form attached hereto as Exhibit A, with such changes, deletions and insertions as shall be approved by the Commissioner or the Commissioner’s designee, and such other documents as may be necessary or appropriate to carry out and comply with this ordinance.

SECTION 3. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and approval.