

ORDINANCE NO. 002-123

AN ORDINANCE AUTHORIZING
CONSENT TO THE ASSIGNMENT OF THE
CONCESSION LEASE BETWEEN
CHICAGO TRANSIT AUTHORITY AND
NSPS, INC., TO FOREST EATERY, INC.

WHEREAS, The Chicago Transit Authority ("Authority") operates the Orange Line, which includes a station at Midway Airport, 4612 West 59th Street, Chicago ("Midway"); and

WHEREAS, Ordinance Number 98-46 authorized the lease of concessions at Midway; and

WHEREAS, On November 1, 2000, the Authority entered into a Lease with NSPS, Inc., to operate a concession at Midway from January 1, 2001, until December 31, 2007; and

WHEREAS, NSPS expended one-hundred sixty-two thousand five-hundred dollars (\$162,500) to improve the Midway concession; and

WHEREAS, Forest Eatery, Inc., currently has a lease for Dunkin Donuts at the 95th St. (Red Line) station, 15 W. 95th St., that commenced September 1, 1999, and expires August 31, 2009; and

WHEREAS, NSPS, Inc., has requested that the Authority consent to assignment of the concession lease at Midway to Forest Eatery, Inc; and

WHEREAS, The Concession Lease provides that the Authority must give its prior written consent to any assignment, which consent shall not be unreasonably withheld; and

WHEREAS, NSPS, Inc., has fulfilled all obligations of the Concessions Lease, including capital improvements to the property, payment of rent, and maintenance of insurance coverage; and

WHEREAS, Forest Eatery, Inc., is in good standing with the Secretary of State and is also a tenant in good standing with the Authority; and

ORDINANCE NO. 002-123

(Continued) -2

WHEREAS, Under the terms of the assignment of the concessions lease, NSPS, Inc., shall remain liable to the Authority as principal for performance thereunder for the duration of the Concessions Lease, and the Authority Property shall continue to be used only for operation of a Dunkin' Donuts unit; now, therefore,

BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1. That the Chairman of the Chicago Transit Authority Board, or her designee, is hereby authorized to execute Consent to Assignment, substantially in the form attached as Exhibit A, from NSPS, Inc., to Forest Eatery, Inc., for the property located at 4612 W. 59th St., in the Midway Rail Station of the Authority's Orange Line.

SECTION 2. All terms and conditions of the lease dated November 1, 2000, shall remain in effect and NSPS, Inc., shall remain liable for the obligations under the aforesaid lease during the term and any option terms.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

Chairman

Assistant Secretary

August 7, 2002

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