

ORDINANCE NO. 004-16

AN ORDINANCE AUTHORIZING A LICENSE
AGREEMENT FOR THE OPERATION OF
CTA COMMUNICATIONS EQUIPMENT
LOCATED AT THE 1603 ORRINGTON
AVENUE BUILDING, 1603 ORRINGTON
AVENUE, EVANSTON, ILLINOIS

WHEREAS, The Metropolitan Transit Authority Act, at 70/ILCS 3605/6, established the Chicago Transit Authority ("Authority") to acquire, construct, own, operate and maintain a public service transportation system in the Metropolitan Area of Cook County; and

WHEREAS, The Authority's operations are aided by communications systems, some of which function by means of the installation of antennas and associated equipment ("Communications Equipment") at the roof and penthouse area, and associated equipment space, of tall buildings in the Chicago Area; and

WHEREAS, Since 1982, the Authority has had a License Agreement to operate and maintain Communications Equipment at the rooftop telecommunications facility located at the 1603 Orrington Avenue Building, 1603 Orrington Avenue, Evanston, Illinois ("Property"); and

WHEREAS, The Authority Communications Equipment at this Property provides a vital link in CTA's radio communications system for bus and rail operations on the north side of Chicago and adjoining suburban areas; and

WHEREAS, Evanston Associates, L.L.C., an Illinois Limited Liability Company, recently sold the Property to CFRI / Golub Evanston, L.L.C., a Delaware Limited Liability Company ("Owner"); and

WHEREAS, The Authority has been operating under a month-to-month License Agreement since 1997, and the Owner of the Property has requested that the Authority enter into a longer-term Agreement for use of the Property; and

WHEREAS, Transit Operations staff has reviewed communication system requirements and determined that continued use of the Property for the operation and maintenance of Authority Communications Equipment is required for bus and rail operations; and

WHEREAS, Staff has negotiated a long-term License Agreement with the Owner of the Property, which will permit the Authority continued use of the Property; and

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WHEREAS, The License Agreement shall extend for a term of five years, at the first-year annual rental rate of six thousand dollars (\$6,000); now, therefore:

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

SECTION 1. That the Chairman of the Chicago Transit Board, or her designee, is hereby authorized to execute a License Agreement between CFRI / Golub Evanston, L.L.C., as Licensor, and Chicago Transit Authority, as Licensee, for use of a portion of the rooftop telecommunications facility located at the 1603 Orrington Avenue Building, 1603 Orrington Avenue, Evanston, Illinois, to operate and maintain CTA communications equipment for a term of five years, commencing February 1, 2004, and ending January 31, 2009.

SECTION 2. That said License Agreement shall include a first-year annual rental fee of six thousand dollars (\$6,000) and an annual electric utility fee of five hundred forty dollars (\$540), and provides that both fees shall be increased by four percent (4%) per year during the term of the Agreement. Said Agreement also includes an indemnification of CFRI / Golub Evanston, L.L.C., by the Authority, a 30-day cancellation provision in the event that engineering or technological problems prevent the Authority from using the Property for communication purposes, and such other terms which are substantially in conformance with the terms set for the in Exhibit A.

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

APPROVED:

PASSED

Chairman

January 28, 2004

Assistant Secretary

January 28, 2004