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 roof 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, Chicago Transit Board Ordinance No. 004-16, authorized a license agreement between CFRI/Golub Evanston, L.L.C., as licensor, and the Authority, as licensee, for use of the Property to operate and maintain Authority Communications Equipment effective February 1, 2004; and

WHEREAS, The license authorized in Ordinance No. 004-16 permitted assignment of the license by the licensor, CFRI/Golub Evanston, L.L.C; and

WHEREAS, In September, 2006, CFRI/Golub Evanston, L.L.C., a Delaware limited liability company sold the Property to LR 1603 Orrington LLC, a Delaware limited liability company (“Owner”), and assigned the license agreement to the Owner; and

WHEREAS, The license agreement will expire on January 31, 2009; and
WHEREAS, Technology Management 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 first amendment of antenna site license agreement with the Owner, which would permit continued use of the Property, for a term of five years at the first-year annual license fee of seven thousand two hundred ninety-nine dollars and ninety-six cents ($7,299.96) and an annual electric fee of six hundred fifty-six dollars and eighty-eight cents ($656.88) and with increases of four percent (4%) per year in both fees in the remaining four years of the license; and

WHEREAS, The remaining terms and conditions of the current license agreement shall remain unchanged; 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 first amendment of antenna site license agreement between the LR 1603 Orrington, LLC, as Licensor, and the Chicago Transit Authority, as Licensee, for use of a certain portion of the roof telecommunications facility located at the 1603 Orrington Building, 1603 Orrington Avenue, Evanston, Illinois, to operate and maintain Authority communications equipment for a term of five years, commencing February 1, 2009, and ending January 31, 2014.

SECTION 2. That said first amendment of license agreement shall include a first-year annual license fee of seven thousand two hundred ninety-nine dollars and ninety-six cents ($7,299.96) and an annual electric fee of six hundred fifty-six dollars and eighty-eight cents ($656.88), and provide that both fees shall be increased by four percent (4%) per year during the term of the Agreement. Said Agreement also includes a mutual indemnification provision, a thirty (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 that are substantially in conformance with the other terms set forth in Exhibit A.
SECTION 3. This ordinance shall be in full force and effect from and after its passage.

APPROVED: ___________________________  PASSED: ___________________________

_______________________________  ___________________________
Chairman         Assistant Secretary

January 14, 2009  January 14, 2009