


RESOLUTION R-41 -04

**RESOLUTION APPROVING A SUBLEASE LETTER
BETWEEN THE CITY OF WHEATON AND COMCAST, INC.**

WHEREAS, the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, have elected to enter into a Sublease Letter with Comcast, Inc. for a portion of the premises at 1103 E. Roosevelt Road, Wheaton, DuPage County, Illinois.


NOW THEREFORE be it resolved by the Mayor and City Council of the City of Wheaton that the City Manager and the City Clerk are hereby directed to execute that certain Sublease Letter attached hereto and incorporated herein as Exhibit A.

ADOPTED this 17th day of May, 2004.



Mayor

ATTEST:



City Clerk

Ayes:

Roll Call Vote:

Councilman Mouhelis
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilwoman Johnson

Nays:

None

Absent:

Councilman Mork

Motion Carried Unanimously

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SUBLEASE HOLD LETTER AGREEMENT

WHEREAS, Comcast, Inc. ("Comcast") is the lease holder of the property at 1103 E. Roosevelt Road, Wheaton, DuPage County, Illinois; and

WHEREAS, Comcast has offered the City of Wheaton ("City") the ability to rent a portion of the property on a month to month basis; and

WHEREAS, Comcast and the City desire to enter into an Agreement specifying the month to month nature of the sublease relationship as well as the rental fee.

THEREFORE, based on the foregoing recitals, and ten dollars consideration paid in hand by the City to Comcast, the City and Comcast agree as follows:

1. **PREMISES.** Comcast hereby subleases and demises to the City and the City hereby accepts from Comcast, subject to the terms and provisions of this letter agreement, the northeast corner of the premises commonly known as 1103 E. Roosevelt Road, Wheaton, DuPage County, Illinois. The premises shall include any and all improvements located in the space currently occupied by the City including structures, parking areas, and egress and ingress over the site.
2. **TERM.** This sublease shall be month to month commencing June 1, 2004. Comcast may terminate this sublease upon thirty (30) days written notice served on the City.
3. **CITY PROPERTY.** Attached hereto and incorporated herein as Exhibit A is a list of property located at the premises which Comcast and the City confirm is property of the City and not part of the sub-leasehold. Upon termination of this sub-leasehold, the City may remove all of its property recited on Exhibit A.


4. RENTAL FEE. The month to month rental fee for the sub-leasehold premises shall be two thousand dollars (\$2,000.00) payable the first day of each month of the sub-leasehold.

5. NOTICES. All notices and demands required or permitted to be given hereunder shall be in writing and shall be served by personal delivery, express courier or certified mail addressed, if to Comcast, at the office address of Comcast, Inc., 1103 E. Roosevelt Road, Wheaton, IL 60187, and if to the City, c/o The Wheaton City Clerk, City of Wheaton, 303 West Wesley Street, Wheaton, IL 60187. Notices and demands shall be deemed to have been given upon such delivery or refusal by the addressee to accept the delivery.

6. LAW: This sublease agreement shall be controlled by the laws of the State of Illinois. Any litigation related to this sublease shall be brought only in the Circuit Court for the Eighteenth Judicial Circuit, DuPage County, Illinois.

7. MODIFICATION: All prior negotiations, discussions or agreements between the parties with regard to the sub-leasehold premises are contained within this document. There are no other terms or conditions related to the sub-leasehold other than those specified herein. This Agreement may only be modified in writing by mutual agreement of the parties.

8. REPRESENTATION: Comcast hereby represents and warrants that this sub-leasehold letter is not in violation of or inconsistent with its lease for the property at 1103 E. Roosevelt Road, Wheaton, DuPage County, Illinois.



City Manager

Dated: 5-18-04

ATTEST:

Evelyn M. Bonaluzi
City Clerk

Authorized Representative of
Comcast, Inc.

Subscribed and Sworn to this
____ day of _____, 2004.

Notary Public

EXHIBIT A

TO

SUBLEASE LETTER BETWEEN THE CITY OF WHEATON AND COMCAST, INC.

- *Winstead sliding shelves for videotapes (7 + rails)
- *2 metal shelving units
- *front counter
- *3.5 wire wall shelves
- *3 section equipment console (wooden; from control room)
- *lighting grid made up of 7 short and 5 long metal poles
- *lights: 21
- *4 long metal rails for power supplies
- *1 curtain rail running the entire perimeter of the studio (can possibly be disassembled into sections)
- *8 fluorescent lights (these match the décor)
- *6 fluorescent "shop lights" (standard design)