

**51-R-10**

**A RESOLUTION**

***Authorizing the City Manager to Enter into Sublease Renewal of Certain Property at Green Bay Road and Central Street with Mary Lou Smith for Operation of Top of the Tracks, Inc. Coffee Shop***

**WHEREAS**, the City of Evanston leases certain real property at Central Street and Green Bay Road from Union Pacific Railroad Company ("UPRC") under a lease dated July 24, 1996 for a period of twenty years, unless sooner terminated; and

**WHEREAS**, the leased property consists of UPRC's passenger station, the lower level of the passenger station, and the exterior facade of the building, including the roof, but not including the platform areas, stairway, or ramp; and

**WHEREAS**, Mary Lou Smith has operated Top of the Tracks, Inc.'s Coffee Shop ("Top of the Tracks") in the upper level of the passenger station ("subject property") for approximately twenty-three years; and

**WHEREAS**, since the inception of the Top of the Tracks's tenancy, UPRC has become the owner of the said real property at Central Street and Green Bay Avenue and the City became the lessor of said real property; and

**WHEREAS**, Mary Lou Smith has subleased the subject property from the City since on or about August 15, 1997; and

**WHEREAS**, Mary Lou Smith is desirous of renewing the sublease with the City so that she may continue to operate Top of the Tracks; and

**WHEREAS**, the City Council has determined that it is not necessary, appropriate, or in the best interests of the City that it retain use of the subject property

and that renewal of the sublease thereof to Mary Lou Smith will serve the public interest,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** That the foregoing recitals are hereby found as fact and made a part hereof.

**SECTION 2:** The City Manager is hereby authorized and directed to sign, and the City Clerk hereby authorized and directed to attest on behalf of the City, the aforescribed sublease, attached hereto as Exhibit A and incorporated herein by reference, by and between the City of Evanston as sublessor and Mary Lou Smith as sublessee. Said sublease is to be for a term of five years. The monthly rent shall be \$612.00 for the first year, \$642.00 for the second, and \$674.00 for the third year, \$707.00 for the fourth year, and \$742.00 for the fifth year.

**SECTION 3:** That the City Manager is hereby authorized and directed to negotiate any additional terms and conditions on the aforescribed sublease as may be determined to be in the best interests of the City.

**SECTION 4:** This Resolution shall be in full force and effect from and after its passage and approval, in the manner provided by law.

\_\_\_\_\_  
Elizabeth B. Tisdahl, Mayor

Attest:

\_\_\_\_\_  
Rodney Greene, City Clerk

Adopted: \_\_\_\_\_, 2010

**EXHIBIT A**