

6-O-04

AN ORDINANCE

**Authorizing City Manager to Execute a
Sublease with the Evanston-Wilmette
Golf Course Association, Inc.
For the Peter Jans Golf Course**

WHEREAS, since 1919 the City has leased certain property ("the Demised Premises"), legally described in Exhibit B, from the Metropolitan Water Reclamation District of Greater Chicago ("the District", formerly known as the Sanitary District of Chicago) 100 East Erie Street, Chicago, Illinois 60611; and

WHEREAS, the said lease with the District has been amended from time to time; and

WHEREAS, the current lease with the District which expires on May 31, 2032, was executed on April 21, 1994 and was an extension of the October 14, 1966 lease, no. L-063, its aforescribed lease with the District. Said lease and extension are hereinafter referred to as "the Master Lease"; and

WHEREAS, Title 1, Chapter 17, Section 4-1 of the City Code authorizes the City Council to lease real estate for any term not exceeding ninety-nine (99) years when, in its opinion, use of such real estate by the City is no longer necessary, appropriate, required for the use of, profitable to, or for the best interest of the City; and

WHEREAS, since 1919 the City has sublet the certain portion of Demised Premises, Evanston-Wilmette Golf Course Association, Inc., 1030 Central Street, Evanston, Illinois 60201, hereinafter "the Association", formerly the Evanston

Community Recreation Association, Inc., for use in connection with the Association's operation of a public fee golf course, the Peter Jans Golf Course; and

WHEREAS, said public fee golf course consists of eleven (11) holes located in the City of Evanston and seven (7) holes located in the Village of Wilmette; and

WHEREAS, as permitted by the Master Lease, the City desires to continue to sublet that certain portion of the Demised Premises to the Association, said sublease to supersede prior agreements and understandings between the City and the Association if inconsistent herewith and to be consistent and run concurrently with the Master Lease until May 31, 2032; and

WHEREAS, the City Council hereby finds that a sublease of that certain portion of the Demised Premises to the Association is in the best interest of the City of Evanston in that use of such real estate by the City is no longer necessary, appropriate, or required for the use of the City; and

WHEREAS, notice of the City Council's intent to consider this sublease on January 12, 2004 was published in the *Evanston Review* on December 25, 2003,

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

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

SECTION 2: That 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 of Evanston, a Sublease substantially in conformity with that in Exhibit A, made a part

hereof, with the Evanston-Wilmette Golf Course Association, Inc. for the property legally described in Exhibit B, made a part hereof.

SECTION 3: That the Association shall use the subleased property only for the purpose of operating and maintaining a public golf course and providing those activities and services which are customarily incidental thereto. Commencing August 31, 2000, and continuing until the termination of the sublease, The Association shall pay the City annually on or before August 31 of each year to the City 25% of 11/18ths of Association's annual net income for each calendar year, if any, from its operation of a golf course on the subleased property. Said payment obligation shall be retroactive to the payment due on or before August 31, 2000.

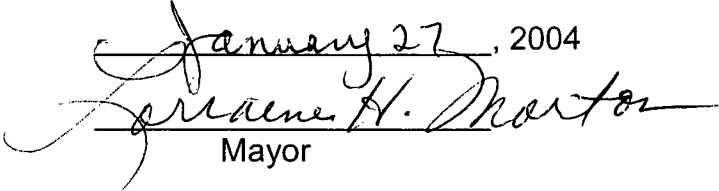
SECTION 4: That the City Manager is hereby authorized and directed to negotiate any additional terms and conditions of the said Sublease which may be in the best interests of the City.

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: That this Ordinance shall be in full force and effect from and after the date of its passage and approval in the manner required by law.

Introduced: January 12, 2004
Adopted: January 26, 2004

Approved:

January 27, 2004

Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel