

PARK DISTRICT OF LA GRANGE

ORDINANCE NUMBER 10-02

**ORDINANCE CREATING THE FIRST AMENDMENT
TO THE LICENSE AGREEMENT FOR
RECREATION CENTER BASEBALL FACILITIES**

Passed by the Board of Park Commissioners, April 19, 2010

Printed and Published, April 15, 2010

**PARK DISTRICT OF LA GRANGE,
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 10-02

**ORDINANCE CREATING THE FIRST AMENDMENT
TO THE LICENSE AGREEMENT FOR
RECREATION CENTER BASEBALL FACILITIES**

WHEREAS, the Park District of La Grange is an Illinois Park District organized under the Illinois Park District Act, 70 ILCS 1205/1-1 *et seq.*; and

WHEREAS, Roclab Athletic Instruction, LLC is an Illinois limited liability company doing business as the Chicago Bulls Sox Training Academy with its office at 6200 Riverbend Drive, Lisle, Illinois 60532 (hereinafter referred to as "Roclab"); and

WHEREAS, the Park District and Roclab, in November, 2006, entered into a license agreement for recreation center baseball facilities, a copy of which is attached hereto as Exhibit A; and

WHEREAS, according to the License Agreement it will, as of April 30, 2010, complete its first term; and

WHEREAS, Roclab has, pursuant to said License Agreement, an option to renew this agreement for three consecutive terms, each renewed term for a period of three license years; and

WHEREAS, pursuant to Roclab's timely exercise of its option to renew the Agreement, the term of the Agreement shall continue at least through April 30, 2013; and

WHEREAS, the Parties agree that in license year 2010, there was no fee increase due to the low consumer price index-urban identified in the License Agreement as triggering a fee increase; and

WHEREAS, the Parties desire to amend the License Agreement to reflect the correct license fees going forward, beginning with the 2011 license year.

NOW THEREFORE, the License Agreement for Recreation Center Baseball Facilities executed by the Parties in November, 2006 is here by amended as follows:

SECTION 1. That Section 3A, under License Fees, is hereby amended by changing the license fee for the May 1, 2009-April 30, 2010 (2010 License year) from "Adjusted Annual Licensee based upon Consumer Price Index ("CPI") adjustments as set forth below" to "\$1,833.38 per month (\$22,000 annual license fee)".

SECTION 2. That Section 3(B) of the original License Agreement is revised to read as follows:

B. Commencing with the 2011 License year and continuing for each License Year thereafter, the annual License Fee shall be adjusted by an amount equal to the annual percentage increase in the all items urban Consumer Price Index for the Chicago area ("CPI-U") multiplied by the prior years annual License Fee (the "Escalation Amount"). The Escalation shall be computed by comparing the CPI-U during December immediately preceding commencement of the License Year to the CPI-U in place 12 months prior and determining the annual percentage increase in the CPI-U during such time period (the "Annual Percentage Increase"). The Annual Percentage Increase is multiplied by the prior year's License Fee to determine the Escalation Amount. The Escalation amount is added to the prior year's License Fee resulting in an Adjusted Annual License Fee for the current License Year.

Under the above calculation, the annual License Fees will be \$22,594.00 for the 2011 License Year.

SECTION 3. Section 14 is revised to read as follows:

With a copy to:

Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C
Attn: Robert K. Bush

140 S. Dearborn Street, Suite 600
Chicago, IL 60603

SECTION 4. Recitals. The above-stated WHEREAS clauses are incorporated herein as though fully set forth.

SECTION 5. Approval. The First Amendment to the License Agreement for Recreation Center Baseball Facilities attached to this Ordinance as Exhibit A is hereby approved and the President and Secretary are authorized and directed to execute the Amendment on behalf of the Park District.

SECTION 6. Effective Date. The Ordinance and Amendment shall be in full force and effect from and after its passage, approval and publication as provided by law and after approval by Roclab as exhibited by its signature below.

PASSED THIS 19TH DAY OF April , 2010

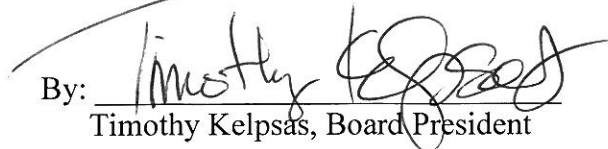
AYES: Commissioner Kelpsas, Walsh, Ashby, and Penicook

NAYS: None

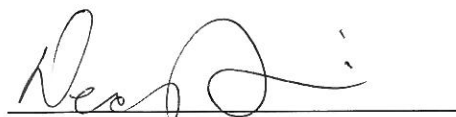
ABSENT: Commissioner Metzger

APPROVED THIS 19th DAY OF April , 2010.

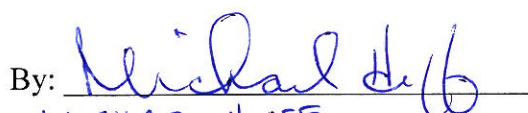
Park District of La Grange

By: 
Timothy Kelpsas, Board President

ATTEST:


Board Secretary

Roclab Athletic Instruction, LLC

By: 
MICHAEL HUFF
(Print Name)