

Number

221325

Version

Original

Reference

Sponsor

Alderman Borkowski

Title

Resolution approving a Fourth Amendment to and Extension of Lease Agreement with Federal Marine Terminals, Inc.

Analysis

This resolution would approve a Fourth Amendment to & Extension of Lease Agreement with Federal Marine Terminals, Inc., to reflect new calculated base rent, tonnage assessment, and minimal annual tonnage guarantee;

Body

Whereas, The Tenant and the City entered into a Lease Agreement dated August 13, 1998, and further amended on September 28, 1999 (together hereinafter referred to as the "Lease Agreement"), whereby the City leased to the Tenant certain real property through December 31, 2008, (hereafter referred to as the "Property"), located on the South Harbor Tract of Port Milwaukee; and

Whereas, The Lease Agreement was extended by the City and the Tenant by a lease extension on November 13, 2008, for a five (5) period commencing January 1, 2009 up through and including December 31, 2013; and a Second Extension, on January 1, 2014 up through and including December 31, 2018; and a Third Extension, on January 1, 2019 up to and including December 31, 2023; and

Whereas, The Tenant, by written notice dated September 20, 2022, has notified the City of its intension, pursuant to Section 2 of the Lease Agreement, to extend the Lease Agreement for an additional five (5) year period commencing on January 1, 2023 and terminating December 31, 2028, under the same terms and conditions as contained in the Lease Agreement, except for the modifications of the base rental figure and additional tonnage assessments specified herein.

Whereas, The Board of Harbor Commissioners at their meeting on December 8, 2022 acted by a unanimous vote of the Board to approve this Fourth Amendment to & Extension of Lease Agreement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said Common Council hereby ratifies and approves the Amendment to Lease Agreement between Federal Marine Terminals, Inc. and the City of Milwaukee, by and through its Board of Harbor Commissioners, for the period of January 1, 2023 through December 31, 2028; and, be it

Further Resolved, That the designated officers of said government and of said Board of Harbor Commissioners are hereby authorized and directed to execute an agreement to carry out this purpose.

Drafter:

Port Milwaukee

Jackie Q. Carter

Interim Director

12/08/2022

4fFm1se4thext22ccres.doc