



Legislation Text

File #: 110058, **Version:** 0

110058

Original

Ald. Bauman

Resolution approving an Amendment to Lease Agreement with Federal Marine Terminals, Inc.

This resolution would approve an Amendment to Lease Agreement with Federal Marine Terminals, Inc, for CPI rent adjustments for the current lease dated January 1, 2009 through December 31, 2013.

Whereas, The Tenant and the City entered into an Extension & Amendment to Lease Agreement dated October 21, 2008 (hereinafter referred to as the "Extension Agreement"), to extend and amend that certain lease between the Tenant and the City dated August 13, 1998, as amended on August 13, 1998, and further amended on September 28, 1999, (together hereinafter referred to as the "Lease"), for the lease of approximately 23 acres of real property located at 1200 S. Lincoln Memorial Drive in the City of Milwaukee; and

Whereas, These adjustments will moderate fluctuations in inflation as now measured by the Producer Price Index when calculating rental escalations under the terms of the Extension Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the City and Tenant agree to amend the Lease Agreement as follows:

The Extension Agreement is hereby amended to provide for an escalation of rent clauses based upon the Consumer Price Index rather than the Producer Price Index. Effective as at the date of this Amendment to Lease Agreement the Extension Agreement, shall be amended at section 3D and 3E by deleting ""All Commodities" line of the "Producer Price Index"" and replacing it by ""All Urban Consumers - current series line of the Consumer Price Index.""

The other terms and conditions of the Extension Agreement as have been in effect shall remain unchanged and continue in full force and effect; and

Whereas, The Board of Harbor Commissioners at their meeting of April 14, 2011 acted by vote of the Board to approve this Amendment to 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, 2009 through December 31, 2013; 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 as prepare by the City Attorney's Office.

Port of Milwaukee
Eric Reinelt
4/19/11