

Resolution No. 26-15

**A RESOLUTION OF THE VILLAGE OF EAST DUNDEE,  
COOK AND KANE COUNTIES, ILLINOIS, CONSENTING TO THE ASSIGNMENT  
OF THE CONCESSION LICENSE AGREEMENT  
(CABOOSE CONCESSION STAND, DEPOT PARK)**

**WHEREAS**, the Village of East Dundee, Cook and Kane Counties, Illinois (the “*Village*”) is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

**WHEREAS**, on October 6, 2014, the President and Board of Trustees of the Village (the “*Corporate Authorities*”) approved a Concession License Agreement between the Village and Blues Restaurants-Chicago LLC, an Illinois corporation (the “*Agreement*”), which Agreement addressed Blues Restaurants-Chicago LLC’s operation of the caboose located at 112 Railroad Street in Depot Park as a concession stand; and,

**WHEREAS**, Blues Restaurants-Chicago LLC has advised the Village that it can no longer perform its obligations pursuant to the Agreement and desires, pursuant to Section 6 of the Agreement, to assign its obligations pursuant to the Agreement to James Stanula RDC, Inc., an Illinois corporation (the “*Assignee*”); and,

**WHEREAS**, the Assignee desires to assume all of the obligations of the Agreement; and,

**WHEREAS**, Section 6 of the Agreement provides that Blues Restaurants-Chicago LLC shall not assign the Agreement without the written consent of the Village; and,

**WHEREAS**, Blues Restaurants-Chicago LLC now requests the Village’s consent and agreement to an assignment of the Agreement to the Assignee and the assignment of any and all obligations of Blues Restaurants-Chicago LLC under the Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

*Section 1.* That the Village hereby consents to the assignment by Blues Restaurants-Chicago LLC of the Concession License Agreement (Caboose Concession Stand, Depot Park), as approved by the Corporate Authorities on October 6, 2014, to James Stanula RDC, Inc. as set forth in the Assignment of the Concession License Agreement (Caboose Concession Stand, Depot Park), attached hereto and made a part hereof.

*Section 2.* That there shall be no further assignment of the Concession License Agreement (Caboose Concession Stand, Depot Park) without the prior written consent of the Village.

*Section 3.* That this Resolution shall be in full force and effect from and after its passage and approval as provided by law.

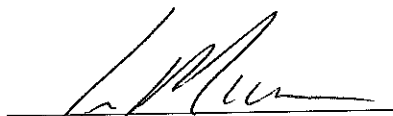
PASSED this 16<sup>th</sup> day of Feb, 2015, pursuant to a roll call vote as follows:

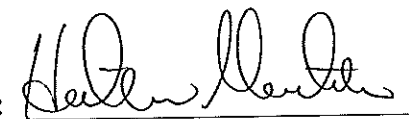
AYES: Trustees Lynam, Skillicorn, Selep and Wood

NAYS:  $\emptyset$

ABSENT: Trustee Ruffulo  
ABSTAIN: Trustee Gorman

APPROVED this 16<sup>th</sup> day of Feb, 2015

  
Lael Miller, Village President

Attest:   
Heather Maieritsch, Village Clerk

**ASSIGNMENT OF THE CONCESSION LICENSE AGREEMENT**  
(Caboose Concession Stand, Depot Park)

**THIS ASSIGNMENT** is made and entered into this 16<sup>th</sup> day of February, 2015, by and between Blues Restaurants-Chicago LLC, an Illinois corporation (hereinafter referred to as "*Blues Restaurants-Chicago LLC*"), and James Stanula RDC, Inc., an Illinois corporation (hereinafter referred to as the "*Assignee*").

**WITNESSETH:**

**WHEREAS**, on October 6, 2014, the President and Board of Trustees (the "*Corporate Authorities*") of the Village of East Dundee, Cook and Kane Counties, Illinois (the "*Village*") approved a Concession License Agreement (the "*Agreement*"), attached hereto and made a part hereof as *Exhibit A*, which Agreement addressed Blues Restaurants-Chicago LLC's operation of the caboose located at 112 Railroad Street in Depot Park as a concession stand; and,

**WHEREAS**, Blues Restaurants-Chicago LLC can no longer perform its obligations pursuant to the Agreement and desires, pursuant to Section 6 of the Agreement, to assign its obligations pursuant to the Agreement to the Assignee; and,

**WHEREAS**, the Assignee desires to assume all of the obligations of the Agreement.

**NOW, THEREFORE**, in consideration of the promises and the mutual covenants hereinafter contained, the parties hereto agree as follows:

1. Blues Restaurants-Chicago LLC hereby assigns to the Assignee any and all of its rights and obligations under the Agreement, as approved by the Corporate Authorities on October 6, 2014, and the Assignee hereby accepts the assignment.
2. The Assignee hereby covenants and agrees to pay all rent due and to assume and perform all duties and obligations required by the terms of the Agreement, and hereby acknowledges and affirms to abide by all of its covenants, agreements and terms.
3. The Assignee hereby covenants and agrees that it shall not assign the Agreement without the prior written consent of the Village.

**IN WITNESS WHEREOF**, the parties hereto have caused this Assignment to be executed by their duly authorized officers on the above date at East Dundee, Illinois.

Blues Restaurants-Chicago LLC, an Illinois  
corporation

By: \_\_\_\_\_

Its President

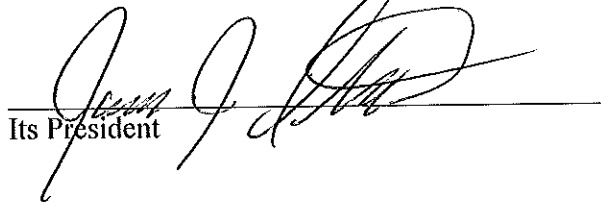
Attest:



Secretary

James Stanula RDC, Inc., an Illinois corporation

By:

  
Its President

Attest:



Secretary

*[Faint, illegible text]*

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