

**RESOLUTION NO: 14-2017**

**RESOLUTION OF THE COLUMBUS REDEVELOPMENT COMMISSION  
TO  
ASSIGNMENT OF JORDY'S LEASE  
TO LUCIANA'S MEXICAN RESTAURANT AND CANTINA**

Comes now the City of Columbus Department of Redevelopment, more commonly known as the City of Columbus Redevelopment Commission, and for this Resolution, says as follows:

WHEREAS, Indiana Code §36-7-14-1 *et seq.* provides that a community may establish a Department of Redevelopment to be controlled by a Redevelopment Commission; and

WHEREAS, the City of Columbus, through its Common Council, did on August 19, 2003 create the City of Columbus Department of Redevelopment and the City of Columbus Redevelopment Commission ("Redevelopment Commission") by way of Ordinance Number 25, 2003; and

WHEREAS, in December of 2013 Tim Rohr and David Baker formed a corporation known as Jordy's Inc.; and,

WHEREAS, on December 9, 2013 Jordy's, Inc. entered into a Commercial Sub-Lease Agreement by and between the City of Columbus Redevelopment Commission for a space located at 310 Washington Street in the Commons Mall whereby Jordy's would be operating a restaurant more commonly known as Jordy McTaggart's Grill and Pub; and,

WHEREAS, the ownership of the property commonly known as 310 Washington Street is the City of Columbus and the facility is managed by an oversight board known as the Commons Board; and,

WHEREAS, the Commons Board executed a Master Lease agreement with the City of Columbus Redevelopment Commission for the lease, operation, management and maintenance of certain commercial retail spaces located in the property known as The Commons; and,

WHEREAS, on or about December 31, 2014 Jordy's Inc. was sold in its entirety to Mark Wilcox and Richard Wilcox, son and father; and,

WHEREAS, the Redevelopment Commission was not consulted regarding consent to transfer as the entire corporation was sold, the lease was with Jordy's, Inc. and as such the lease remained with Jordy's; only the ownership of Jordy's Inc. changed; and,

WHEREAS, Jordy's, Inc. formally closed on January 30, 2017; and,

WHEREAS, Jordy's, Inc., Tim Rohr, David Baker and the Redevelopment Commission have been working on an suitable close out and exit arrangement; and,

WHEREAS, the Redevelopment Commission and Rohr/Baker have met with the proprietors of Luciana's Mexican Restaurant and Cantina, an ongoing restaurateur, with two (2) locations in Indianapolis; and,

WHEREAS, members of the Redevelopment Commission have met with the proprietor and have examined their financials and believes they are a quality restaurant, that the business owners have sufficient skill and expertise to operate a restaurant in the Commons facility; and,

WHEREAS, the Rohr/Baker would like to have the Jordy's lease assigned directly to Luciana's; and,

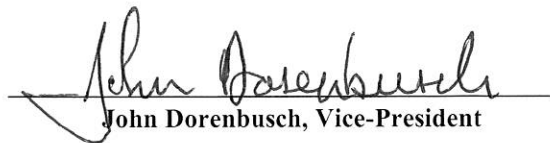
WHEREAS, upon assignment of the Lease it will be necessary to make certain changes within the lease to accommodate Luciana's.

**IT IS NOW THEREFORE AGREED:**

1. The City of Columbus Redevelopment Commission does, upon recommendation by its Commissioners and with input from its Redevelopment Director consent to an assignment of the Jordy's Lease, executed on December 9, 2013, to Luciana's Mexican Restaurant and Cantina.
2. The assignment is authorized pursuant to Section Twenty of the December 9, 2013 lease.
3. All terms and conditions of the lease shall remain the same and in full force and effect with exception of certain changes to the lease that are necessary to accommodate Luciana's.
4. Counsel is authorized to make the necessary changes to Section Two, Section 18 and Section 23 of the lease and other such provisions as may be necessary to accommodate Luciana's.
5. The financial terms of the lease remain the same.
6. The President of the Commission is hereby authorized to work with the Commission's counsel to work out a suitable Addendum to the Jordy's lease with Luciana's counsel sufficient to accommodate Luciana's and is authorized to execute same.

Adopted this 8<sup>th</sup> day of May, 2017.

  
Sarah Cannon, President

  
John Dorenbusch, Vice-President

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Donald Trapp, Secretary