

## ORDINANCE

WHEREAS, Fresh Picked Media, a Delaware Corporation (“FPM”) has approached the City of Chicago with a proposal to utilize certain Chicago River Bridge Houses and the Riverwalk development project as venues to advertise and promote tourism, special events, holidays and commerce in the City of Chicago (“Promotions”); and

WHEREAS, FPM will identify, select, and contract with various corporate, charitable, and governmental advertisers and promoters, who will pay for the use of their names or identification of their products in such Promotions (“Third Party Promoters”); and

WHEREAS, all Promotions to be undertaken by FPM must be approved in advance by the City Department of Transportation (“CDOT”) with full disclosure of all material terms and conditions; and

WHEREAS, FPM agrees to pay the City Seventy Five Percent (75%) of its Gross Media Revenues from sales to Third Party Promoters for their involvement in Promotions; and

WHEREAS, the City Department of Transportation (“CDOT”) wishes to accept such proposal, and wishes to obtain authorization to enter into an agreement with FPM which, among other terms, sets out the foregoing;

NOW THEREFORE, it is ordained as follows:

1. Incorporation of Recitals. The above recitals are incorporated into this Ordinance.
2. Authority to Enter into Agreement. The Commissioner of CDOT is authorized to enter into a Sponsorship Agreement with FPM, in substantially the form attached to this Ordinance as Exhibit 1 (the “Agreement”). Under the terms of the Agreement: (a) FPM will be required to pay the City Seventy Five Percent (75%) of all Gross Media Revenues received by FPM from sales to Third Party Promoters during the three (3) year term of the Agreement and any extensions thereof; (b) FPM’s right to sell advertising in connection with the Promotions is exclusive; (c) all Promotions and Third Party Promoter involvement must be approved in advance by the Commissioner of CDOT; and (d) FPM will be required to have MBE participation of 25% and WBE participation of 5% in the total costs in creating, producing, installation, and removal of all Promotional Materials. The Agreement will be terminable early at the option of the City upon certain terms and conditions, and will include options to extend the term of the Agreement for two successive one (1) year terms under the same terms and conditions, upon mutual agreement of the parties.
3. This Ordinance is effective upon its passage and approval.

Exhibit “1” referred to in this ordinance reads as follows:

Document No. PO2010- 4471

Document No. 02010- 3646

REFERRED TO COMMITTEE ON  
TRANSPORTATION AND PUBLIC WAY  
  
(JUN 30 2010)  
  
*Miguel del Valle*  
City Clerk City of Chicago

PASSED by the City Council of the City of  
Chicago and deposited in the office of the  
City Clerk of said City.  
  
(JUL 28 2010)  
  
*Miguel del Valle*  
City Clerk City of Chicago