Space above reserved for Recorder's use

FIRST AMENDMENT TO THE ANNEXATION AGREEMENT DATED OCTOBER 10, 1990 FOR NORTHGATE PLAZA SHOPPING CENTER, LOMBARD, IL

Parcel Nos. 02-36-412-030, 02-36-412-034

Common Address: 1000 N. Rohlwing Road, Lombard, Illinois

AFTER RECORDING RETURN TO:

Village of Lombard Department of Community Development 255 E. Wilson Avenue Lombard, IL 60148

NORTHGATE PLAZA SHOPPING CENTER FIRST AMENDMENT TO THE ANNEXATION AGREEMENT

THIS FIRST AMENDMENT (hereinafter referred to as the "Amendment") to the Northgate Plaza Shopping Center Annexation Agreement dated October 10, 1990, and recorded on October 17, 1990 as Document Number R90-139896 (hereinafter referred to as the "Agreement") is made and entered into this ______ day of September, 2006, by and between the Village of Lombard, a municipal corporation (hereinafter referred to as the "Village"), and Lombard Northgate, L.L.C., a Delaware limited liability company, and BBP VI L.L.C., an Illinois limited liability company (hereinafter referred to as the "Owner");

WITNESSETH:

WHEREAS, the Owner is the record owner of the property legally described in **EXHIBIT**A, attached hereto and made a part hereof (hereinafter referred to as the "Subject Property"); and

WHEREAS, the Subject Property was annexed to the corporate limits of the Village, which
was passed and approved by the Corporate Authorities of the Village on October 10, 1990; and

WHEREAS, the Subject Property is subject to the terms of an Annexation Agreement; said
agreement adopted October 10, 1990; and

WHEREAS, the Village has received an application for an amendment to Exhibit D of the

Annexation Agreement to provide for an amended landscape plan for the Subject Property; and

WHEREAS, said landscape improvements result in significant revisions to the approved landscape plan for the Subject Property; and

WHEREAS, said application was forwarded to the Plan Commission of the Village; and WHEREAS, a public hearing by the Plan Commission was held on June 19, 2006 for the purpose of considering an amended landscape plan, and the Plan Commission has submitted to the Corporate Authorities of the Village (hereinafter referred to as the "Corporate Authorities") its findings of fact and recommendations with respect to said application and petition; and

WHEREAS, a public hearing on this Amendment was held by the Corporate Authorities on September 7, 2006; and

WHEREAS, the parties wish to amend the Agreement with respect to the revised landscape plan in accordance with the plan contained herein; and

WHEREAS, all public hearings and other actions required to be held or taken prior to the adoption and execution of this Amendment, in order to make the same effective, have been held or taken, including all hearings and actions required in connection with amendments to and classifications under Chapter 155 of the Lombard Village Code (hereinafter referred to as the "Zoning Ordinance") and Chapter 154 of the Lombard Village Code (hereinafter, the "Subdivision and Development Ordinance"), such public hearings and other actions having been held pursuant to public notice as required by law and in accordance with all requirements of law prior to adoption and execution of this Amendment; and

WHEREAS, the Corporate Authorities of the Village and the Owner deem it to the mutual

advantage of the parties and in the public interest that the Subject Property be maintained as hereinafter provided; and

WHEREAS, the Corporate Authorities of the Village have examined the proposed Amendment by the Owner and have determined that said Amendment complies with the Comprehensive Plan of the Village and is in the public interest;

NOW THEREFORE, in consideration of foregoing and the mutual promises herein set forth, the sufficiency of which is acknowledged by all parties, the parties hereto agree as follows:

- 1. <u>Incorporation of Recitals</u>: The Village and Owner agree that the foregoing recitals are incorporated in this Amendment as if fully recited herein.
- **Amendment:** The Agreement is hereby amended by substituting Exhibit D within the original Agreement with a new landscape plan attached as Exhibit D and made a part hereof entitled "Survey of Existing Landscape Plantings", prepared by Rolf C. Campbell & Associates, dated June 20, 2005, with annotations provided by the Owner and the Village.
 - **Ratification of Existing Terms**. Except to the extent specifically amended hereby, all other terms and provisions of and exhibits to the Agreement shall remain in full force and effect as if set forth in their entirety herein.

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IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this Amendment on the day and year first above written.

	VILLAGE OF LOMBARD
ATTEST:	By:
	Village President
	_
Village Clerk	
DATED:	

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	OWNER:
	Ву:
	Ita
	Its:
ATTEST:	
Its:	
DATED:	
	OWNER:
	Ву:
	Its:
ATTEST:	
Its:	
DATED:	

ACKNOWLEDGMENTS

STATE OF ILLINOIS)
) SS
STATE OF ILLINOIS COUNTY OF DU PAGE)
I, the undersigned, a l	Notary Public, in and for the County and State aforesaid, DO HEREBY
CERTIFY that	, personally known to me to be the President of the
	Corporation, an Illinois corporation, and
	, personally known to me to be the
	, and personally known to me to be the same persons whose names are
	g instrument, appeared before me this day in person and severally
=	resident and Secretary, they signed and delivered the
	he corporate seal of said corporation to be affixed thereto, as their free e free and voluntary act and deed of said corporation, for the uses and
purposes therein set forth.	s free and voluntary act and deed of said corporation, for the uses and
GIVEN under my ha	nd and official seal, this day of,
Commission expires	, 20
Notary Public	

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ACKNOWLEDGMENTS

STATE OF ILLINOIS)
STATE OF ILLINOIS) SS COUNTY OF DU PAGE)
I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that, personally known to me to be the President of the Corporation, an Illinois corporation, and, personally known to me to be the
Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Secretary, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.
GIVEN under my hand and official seal, this day of,
Commission expires, 20
Notary Public

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STATE OF ILLINOIS COUNTY OF DU PAGE)) SS		
COUNTY OF DU PAGE)		
I, the undersigned, a N CERTIFY that William J. M Lombard, and Brigitte O'Brie corporation, and personally ke foregoing instrument, appeare President and Village Clerk, t seal of said municipal corpora Trustees of said municipal cor act and deed of said municipal	en, personally known to me nown to me to be the same ed before me this day in perthey signed and delivered the ation to be affixed thereto, or poration, as their free and	to me to be the Preside ne to be the Village Cler e persons whose names a rson and severally acknow the said instrument and of pursuant to authority gi	ent of the Village of rk of said municipal are subscribed to the wledged that as such caused the corporate iven by the Board of e free and voluntary
GIVEN under my han	nd and official seal, this _	day of	_, ·
Commission expires	, 20		
Notary Public			

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SCHEDULE OF EXHIBITS

EXHIBIT A: Legal Description

EXHIBIT D: Landscape Plan

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EXHIBIT A LEGAL DESCRIPTION

LOT 1 IN NORTHGATE PLAZA ASSESSMENT PLAT 1, IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. R96-046670, IN DUPAGE COUNTY, ILLINOIS; ALSO

LOT 2 IN NORTHGATE PLAZA RESUBDIVISION, BEING A RESUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. R93-269848, IN DUPAGE COUNTY, ILLINOIS.

Property Address: 1000 N. Rohlwing Road, Lombard, Illinois 60148

Parcel Nos.: 02-36-412-030, 02-36-412-034

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EXHIBIT D LANDSCAPE PLAN