

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) *Waiver of First Requested*
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: March 9, 2004 (B of T) Date: March 18, 2004

TITLE: 37 E. St. Charles Road

SUBMITTED BY: Department of Community Development *QGH*

BACKGROUND/POLICY IMPLICATIONS:

Please find attached a resolution authorizing signatures of President and Clerk on a Termination and Release Contract. (DISTRICT #1)

Staff recommends approval of this request.

Please place this item on the March 18, 2004 Board of Trustees agenda.

Fiscal Impact/Funding Source:

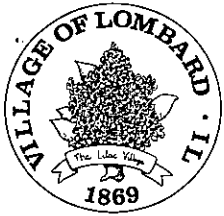
Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X *W. T. Lichter* _____ Date 3/10/04

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *DAH*

DATE: February 24, 2004

SUBJECT: 37 E. St. Charles Road – Termination and Release Contract

This is an official closing out of the exhausted case which was terminated by a failure to perform. Since the seller has paid the lien and the Village is in receipt of said funds, the purchaser seeks the Village to provide a termination and release of that original contract.

Should you have any questions, please call free to contact me at extension 5756.

DAH/jd

R E S O L U T I O N
R _____ 04

**A RESOLUTION AUTHORIZING SIGNATURES OF
PRESIDENT AND CLERK ON A
TERMINATION AND RELEASE CONTRACT**

WHEREAS, the Corporate Authorities of the Village of Lombard have received a Termination and Release Agreement between the Village of Lombard and Elmhurst Memorial Healthcare, as attached hereto and marked Exhibit A and

WHEREAS, the Corporate Authorities deem it to be in the best interest of the Village of Lombard to approve such Contract.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the Village President be and hereby is authorized to sign on behalf of the Village of Lombard said Contract as attached hereto.

SECTION 2: That the Deputy Village Clerk be and hereby is authorized to attest said Contract as attached hereto

Adopted this ____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____ day of _____, 2004.

William J. Mueller
Village President

ATTEST:

Barbara A. Johnson
Deputy Village Clerk

**This instrument prepared by
and after recording should be
returned to:**

Michael F. Smetana, Esq.
MKS, Attorneys at Law
225 West Hubbard Street, Suite 650
Chicago, Illinois 60610

TERMINATION AND RELEASE AGREEMENT

THIS TERMINATION AND RELEASE AGREEMENT (this "Agreement") is made and entered into as of _____, 2004 by and between THE VILLAGE OF LOMBARD ("Village"), and ELMHURST MEMORIAL HEALTHCARE ("EMHC").

W I T N E S S H:

A. The Village and EMHC's predecessor in interest entered into that certain Redevelopment Agreement dated as of August 4, 1997 as amended by First Amendment to Redevelopment Agreement dated September 2, 1997 (as amended, "Redevelopment Agreement") affecting that certain real property commonly known as 29-37 East St. Charles Road, Lombard, Illinois and legally described on Exhibit A attached hereto and incorporated herein by this reference ("Property") and such Redevelopment Agreement was approved by the Village pursuant to Resolution No. 16-98 dated July 17, 1997 and recorded as Document No. 97-137213 ("Resolution").

B. The parties obligations under the Redevelopment Agreement have been fully performed, and the Village and EMHC desire to terminate the Redevelopment Agreement and release each other and the Property from all obligations and liabilities thereunder, if any, as more particularly provided hereinafter.

NOW THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Village and EMHC agree as follows:

1. Termination. The Redevelopment Agreement is hereby terminated effective as of March 9, 2004.

2. Release. EMHC and the Village hereby forever release the Property and each other from any and all liabilities, costs, expenses and obligations arising under or pursuant to the Redevelopment Agreement.

3. Authorization. The undersigned individuals executing this Agreement on behalf of a party hereto does hereby represent and warrant that (s)he is fully empowered and authorized to execute this Agreement on behalf of such party.

{Signature Page Follows}

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first above written.

EMHC:

Elmhurst Memorial Healthcare,
an Illinois not for profit corporation

By: _____
Name: Leo F. Fronza
Title: President and Chief Executive Officer

VILLAGE:

The Village of Lombard

By: _____
Name: William J. Mueller
Title: Village President

Attest: _____
Name: Barbara A. Johnson
Title: Deputy Village Clerk

STATE OF ILLINOIS)
) ss:
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Leo F. Fronza, personally known to me to be the President and Chief Operating Officer of Elmhurst Memorial Healthcare, an Illinois not for profit corporation, acknowledged that as such officer, being authorized so to do, (s)he executed the foregoing instrument on behalf of said corporation as such officer, as his/her free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this _____ day of _____, 2004.

Notary Public

My Commission Expires: _____

STATE OF ILLINOIS)
) ss:
COUNTY OF _____)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that _____ and _____ personally known to me to be the _____ and _____, respectively, of the Village of Lombard, an Illinois municipal corporation, acknowledged that as such officer(s), being authorized so to do, (s)he/they executed the foregoing instrument on behalf of said corporation as such officer, as his/her/their free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this _____ day of _____, 2004.

Notary Public

My Commission Expires: _____

EXHIBIT A

Legal Description-Property

PARCEL 1

ALL OF BLOCK 15, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 AND 14 IN BLOCK 16 AND LOTS 1, 2, 3, 4 AND 5 IN BLOCK 17 OF THE PLAT OF THE TOWN OF LOMBARD, BEING A SUBDIVISION IN SECTIONS 5, 6, 7, 8 AND 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1868 AS DOCUMENT 9483, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2

THAT PART OF CHARLOTTE STREET LYING EAST OF BLOCK 17 AND WEST OF BLOCK 16 IN THE ORIGINAL TOWN OF LOMBARD, A SUBDIVISION OF PARTS OF SECTIONS 5, 6, 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF ST. CHARLES ROAD AND LYING NORTH OF THE NORTHERLY LINE OF THE UNION PACIFIC RAILROAD (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD) AND THAT PART OF MARTHA STREET LYING EAST OF BLOCK 16 AND WEST OF BLOCK 15 IN THE ORIGINAL TOWN OF LOMBARD, A SUBDIVISION OF PART OF SECTIONS 5, 6, 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF ST. CHARLES ROAD AND LYING NORTH OF THE NORTHERLY LINE OF THE UNION PACIFIC RAILROAD (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD), ALL IN DUPAGE COUNTY, ILLINOIS.

PINS: 06-08-110-002, 06-08-109-002 and 06-08-108-011

Common Address: 29-37 East St. Charles Road, Lombard, Illinois.