

**ORDINANCE NO. 6680**

**AN ORDINANCE APPROVING A  
FIRST AMENDMENT TO THE  
BUSINESS DISTRICT REDEVELOPMENT AGREEMENT  
BY, BETWEEN AND AMONG YORKTOWN HOLDINGS, LLC,  
HIGHLAND YORKTOWN, LLC AND THE VILLAGE OF LOMBARD  
(LOMBARD BUSINESS DISTRICT NO. 1)**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** The President and Board of Trustees (the "Village Board") find as follows:

**A.** That on November 17, 2005, the Village Board designated the following legally described area as Lombard Business District No. 1 [Highland Avenue/Butterfield Road Business District] ("Lombard Business District No. 1"), and approved the Village of Lombard Highland Avenue/Butterfield Road Business District No. 1 Plan (the "Redevelopment Plan"), pursuant to Ordinance No. 5776, entitled, "An Ordinance Designating Lombard Business District No. 1 [Highland Avenue/Butterfield Road Business District] (Northeast Corner of Butterfield Road and Highland Avenue on the Yorktown Mall Property, generally Consisting of the Former Montgomery Wards Store Site and Surrounding Areas)":

LOT 1 IN TBA RESUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 13, 2003 AS DOCUMENT R2003-433529, IN DUPAGE COUNTY, ILLINOIS;

ALSO THAT PART OF LOTS 2, 3 AND 4 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 1968 AS DOCUMENT R68-44972 IN DUPAGE COUNTY, ILLINOIS AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOTS 4, 3 AND 2 TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH 89 DEGREES, 44 MINUTES, 47 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 558.70 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, 189.37 FEET ALONG THE ARC OF A CURVE

CONCAVE NORTHWESTERLY, SAID CURVE HAVING A RADIUS OF 500.00 FEET; THENCE SOUTH 22 DEGREES, 23 MINUTES, 10 SECONDS EAST, A DISTANCE OF 301.25 FEET TO THE NORTH LINE OF SAID LOT 3; THENCE NORTH 60 DEGREES, 00 MINUTES, 00 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 70.00 FEET; THENCE SOUTH 89 DEGREES, 17 MINUTES, 40 SECONDS WEST, ALONG SAID NORTH LINE, 561.13 FEET; THENCE SOUTHWESTERLY, 36.55 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, SAID CURVE HAVING A RADIUS OF 210.00 FEET AND A CHORD BEARING SOUTH 04 DEGREES, 38 MINUTES, 41 SECONDS WEST, 36.51 FEET; THENCE SOUTH 00 DEGREES, 20 MINUTES, 30 SECONDS EAST, A DISTANCE OF 680.98 FEET; THENCE SOUTH 82 DEGREES, 05 MINUTES, 50 SECONDS EAST, A DISTANCE OF 240.24 FEET; THENCE NORTH 60 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 165.00 FEET; THENCE NORTH 30 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 138.17 FEET; THENCE SOUTH 60 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 451.49 FEET; THENCE SOUTH 30 DEGREES, 00 MINUTES, 00 SECONDS WEST, A DISTANCE OF 65.00 FEET; THENCE SOUTH 60 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 17.45 FEET; THENCE SOUTH 30 DEGREES, 00 MINUTES, 00 SECONDS WEST, A DISTANCE OF 147.37 FEET; THENCE NORTH 60 DEGREES, 00 MINUTES, 00 SECONDS WEST, A DISTANCE OF 460.45 FEET; THENCE SOUTH 30 DEGREES, 00 MINUTES, 00 SECONDS WEST, A DISTANCE OF 580.73 FEET; THENCE SOUTH 89 DEGREES, 39 MINUTES, 30 SECONDS WEST, A DISTANCE OF 286.52 FEET TO THE POINT OF BEGINNING;

ALSO THE WEST 20 FEET OF LOT 1 IN THE RESUBDIVISION OF LOT 5 OF YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 4, 1971 AS DOCUMENT R71-37779, IN DUPAGE COUNTY, ILLINOIS; ALSO PART OF LOTS 4 AND 6 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 1968 AS DOCUMENT R68-44972 IN DUPAGE COUNTY, ILLINOIS; ALSO PART OF LOT 1 IN PEHRSON SECOND RESUBDIVISION OF LOTS 2 AND 3 IN THE RESUBDIVISION OF LOT 5 OF YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID PEHRSON SECOND RESUBDIVISION, RECORDED SEPTEMBER 3, 1976 AS DOCUMENT R76-62393 IN DUPAGE COUNTY, ILLINOIS AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1 IN THE RESUBDIVISION OF LOT 5 OF YORKTOWN; THENCE NORTH 37

DEGREES, 24 MINUTES, 23 SECONDS WEST, A DISTANCE OF 212.19 FEET; THENCE NORTH 02 DEGREES, 58 MINUTES, 02 SECONDS WEST, A DISTANCE OF 165.00 FEET; THENCE SOUTH 87 DEGREES, 01 MINUTES, 58 SECONDS WEST, A DISTANCE OF 85.00 FEET; THENCE SOUTH 02 DEGREES, 58 MINUTES, 02 SECONDS EAST, A DISTANCE OF 149.12 FEET; THENCE SOUTH 38 DEGREES, 25 MINUTES, 42 SECONDS WEST, A DISTANCE OF 604.76 FEET; THENCE SOUTH 66 DEGREES, 33 MINUTES, 07 SECONDS WEST, A DISTANCE OF 515.96 FEET; THENCE SOUTH 67 DEGREES, 08 MINUTES, 52 SECONDS WEST, A DISTANCE OF 189.32 FEET TO A POINT ON THE WEST LINE OF SAID LOT 6; THENCE SOUTH 30 DEGREES, 00 MINUTES, 00 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 314.64 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE NORTH 67 DEGREES, 08 MINUTES, 52 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 377.85 FEET; THENCE NORTH 00 DEGREES, 20 MINUTES, 12 SECONDS WEST, A DISTANCE OF 97.52 FEET; THENCE NORTH 66 DEGREES, 07 MINUTES, 38 SECONDS EAST, A DISTANCE OF 169.70 FEET; THENCE SOUTH 02 DEGREES, 57 MINUTES, 12 SECONDS EAST, A DISTANCE OF 97.10 FEET TO THE SOUTH LINE OF SAID LOT 6; THENCE NORTH 66 DEGREES, 33 MINUTES, 07 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 821.09 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 02 DEGREES, 58 MINUTES, 03 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 295.00 FEET; THENCE NORTH 87 DEGREES, 01 MINUTES, 57 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING;

P.I.N.s: Pt. 06-29-101-036; 06-29-101-037; Pt. 06-29-101-038;  
Pt. 06-29-101-041; 06-29-101-042; Pt. 06-29-200-017;  
Pt. 06-29-200-028; Pt. 06-29-301-008; 06-29-301-014;  
Pt. 06-29-301-015; and Pt. 06-29-400-002;

Commonly known as the Northeast Corner of Highland Avenue and Butterfield Road on the Yorktown Mall Property.

**B.** That on December 1, 2005, the Village Board adopted Ordinance No. 5788, which imposed Business District Retailers' Occupation and Business District Service Occupation Taxes, each at the rate of one percent (1%), within the boundaries of Lombard Business District No. 1;

**C.** That on June 1, 2006, the Village Board approved a "BUSINESS DISTRICT REDEVELOPMENT AGREEMENT BY, BETWEEN AND AMONG YORKTOWN HOLDINGS, LLC, a Delaware limited liability company and HIGHLAND YORKTOWN, LLC, an Illinois limited liability company and THE VILLAGE OF LOMBARD, an Illinois municipal corporation," (the "Original Agreement") pursuant to Ordinance No. 5880, a

copy of which was recorded with the DuPage County Recorder's Office on July 19, 2006, as document no. R2006-138339;

D. So as to achieve the economic redevelopment goals, as set forth in the Redevelopment Plan for Lombard Business District No. 1, it is necessary to amend the Original Agreement;

E. That the first amendment to the Original Agreement attached hereto as Exhibit 1, entitled, "First Amendment to the Business District Redevelopment Agreement By, Between and Among Yorktown Holdings, LLC, Highland Yorktown, LLC and the Village of Lombard (Lombard Business District No. 1)," and made part hereof (hereinafter the "First Amendment"), will, if entered into by the Village, help to achieve the economic redevelopment goals as set forth in the Redevelopment Plan for Lombard Business District No. 1; and

F. That it is in the best interests of the Village to enter into the First Amendment attached hereto as Exhibit 1.

**SECTION 2:** Based upon the foregoing, and pursuant to: 65 ILCS 5/11-74.3-1, *et seq.*; Title 3, Chapter 38 of the Lombard Village Code; Ordinance No. 5776, adopted November 17, 2005; Ordinance No. 5788, adopted December 1, 2005; Ordinance No. 5880, adopted June 1, 2006; and the Redevelopment Plan for Lombard Business District No. 1; the First Amendment, attached hereto as Exhibit 1, is hereby approved, and the President and Clerk of the Village be and they are hereby authorized and directed to execute said First Amendment on behalf of the Village of Lombard, as well as any additional documents in furtherance thereof.

**SECTION 3:** That this Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

First reading waived by action of the Board of Trustees this 16th day of February, 2012.


Passed on second reading this 16th day of February, 2012,  
pursuant to a roll call vote as follows:

**AYES:** Trustee Gron, Giagnorio, Wilson, Breen and Fitzpatrick

**NAYS:** None

**ABSENT:** Trustee Ware

**APPROVED** by me this 16th day of February, 2012.

  
\_\_\_\_\_  
William J. Mueller  
Village President

**ATTEST:**

  
\_\_\_\_\_  
Brigitte O'Brien  
Village Clerk

Published by me in pamphlet form this 17th day of February,  
2012.

  
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Brigitte O'Brien  
Village Clerk