

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DATE: February 7, 2008

SUBJECT: **Assumption and Consent Agreement Associated with the Redevelopment Agreement between the Village and the Shops at Lincoln Place LLC (129 & 143 W. St. Charles Road)**

Attached for the Village Board's consideration is an Assumption and Consent Agreement between the Village and The Shops at Lincoln Place LLC (SLPLLC). With the completion of the Lincoln Place development, the SLPLLC is being established as separate entity and will assume similar rights and responsibilities previously agreed to by Norwood-Lombard LLC in their Redevelopment Agreement.

The agreement states the following:

- SLPLLC will not seek any special classification for tax purposes;
- SLPLLC will not seek to lower the assessed valuation prior to 2012 (the termination date of the previously approved agreement);
- SLPLLC grants rights to the Village to enforce existing tax covenants against SLPLLC at their expense; and
- SLPLLC also agrees to a hold harmless clause.

The consent portion of the agreement will identify SLPLLC as an additional developer and its successor, pursuant to the previously approved redevelopment agreement. However, Norwood would retain responsibility for tax covenants if SLPLLC fails to do so.

ACTION REQUESTED

Staff recommends that this item be placed on the February 8, 2008 Village Board Agenda with a motion authorizing that the President and Village Clerk to sign the Assumption and Consent Agreement.