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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. **Incorporation of Recitals**: The Village and Owner agree that the foregoing recitals are incorporated in this Amendment as if fully recited herein.

2. **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.

3. **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.

**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:

\_\_\_\_\_

OWNER:

By: \_\_\_\_\_

Its: \_\_\_\_\_

ATTEST:

Its: \_\_\_\_\_

DATED: \_\_\_\_\_

OWNER:

By: \_\_\_\_\_

Its: \_\_\_\_\_

ATTEST:

Its: \_\_\_\_\_

DATED: \_\_\_\_\_









SCHEDULE OF EXHIBITS

EXHIBIT A: Legal Description

EXHIBIT D: Landscape Plan

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

EXHIBIT D  
LANDSCAPE PLAN