

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


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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : November 9, 2022 **(BOT) Date:** November 17, 2022

SUBJECT: D. R. Horton Summit at Yorktown Economic Incentive Agreement –
First Amendment

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

At the October 20, 2022 Village Board meeting, the Village approved an Economic Incentive Agreement with D.R. Horton and associated with the purposed Summit at Yorktown Subdivision to be construed at 4-44 Yorktown Shopping Center. Horton was scheduled to close of the subject property on October 25, 2022. However, Horton was made aware of a contractual matter that needed to be addressed prior to the closing between the seller, YTC Land Owner LLC and D.R. Horton. It is anticipated that this can be satisfactorily perfected within the next few weeks. However due to private covenants and restrictions on the subject property and pursuant to the Yorktown reciprocal easements and agreements, this delay would preclude the project construction start within this year's holiday season.

Attached for the Village Board consideration is a First Amendment to the Economic Incentive Agreement to reflect changes. Please place this item on the November 17, 2023 Village Board agenda for consideration and approval, with a request for waiver of First Reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

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: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

MEETING DATE: November 17, 2022

SUBJECT: **D. R. Horton Summit at Yorktown Economic Incentive Agreement - First Amendment**

At the October 20, 2022 Village Board meeting, the Village approved an Economic Incentive Agreement with D.R. Horton and associated with the proposed Summit at Yorktown Subdivision to be construed at 4-44 Yorktown Shopping Center. Horton was scheduled to close of the subject property on October 25, 2022. However, Horton was made aware of a contractual matter that needed to be addressed prior to the closing between the seller, YTC Land Owner LLC, and D.R. Horton. It is anticipated that this can be satisfactorily perfected within the next few weeks. However, due to private covenants and restrictions on the subject property and pursuant to the Yorktown reciprocal easements and agreements, this delay would preclude the project construction start within this year's holiday season.

Holladay has assured the Village that they still intend on moving forward with the project. However, they are requesting that the Village Board favorably consider an amendment to the approved EIA in the following respects and pertaining to three prescribed dates:

1. The requisite closing date in Section V. A would change from December 1, 2022 to February 1, 2023;
2. The requisite date for submittal of a project construction schedule in Section V. B would change from December 1, 2022 to February 1, 2023; and
3. Required submittal of applicable building permits would change from January 1, 2023 to March 1, 2023, as set forth in Section V. C.

All other terms and conditions in the original EIA would remain in full force and effect.

Attached for Village Board consideration is a First Amendment to the Economic Incentive Agreement to reflect these changes. Please place this item on the November 17, 2023 Village Board agenda for consideration and approval, with a requested waiver of First Reading.



November 4, 2022

Via Email

William J. Heniff, AICP
Director of Community Development
Village of Lombard
255 E. Wilson Ave.
Lombard, IL 60148

RE: The Summit at Yorktown – Lombard, IL (“Project”)
Yorktown Commons Planned Development Parcel 4 – 4-44 Yorktown Center (“Subject Property”)
Request for Modification to Economic Incentive Redevelopment Agreement

Mr. Heniff:

In furtherance of our phone conversation earlier this week, D.R. Horton, Inc. – Midwest (DRH) respectfully requests minor date modifications to the Economic Incentive Redevelopment Agreement (EIA) for The Summit at Yorktown approved by the Village Board on October 20. As discussed, this request is due to need for additional time necessary to enable certain contractual matters to be fully addressed in accordance with the terms of the Purchase and Sale Agreement (PSA) between DRH and the seller of the Subject Property for DRH to then close on its desired acquisition of the Subject Property (Closing) and be able to then promptly commence work necessary to construct the Project.

To provide sufficient time to resolve relevant PSA requirements, which DRH and the seller of the Subject Property are currently coordinating to accomplish, ensure DRH compliance with the EIA, and enable commencement of work on the Subject Property promptly following DRH acquisition in accordance with applicable requirements of both the Second Amended and Restated Reciprocal Construction, Operation and Easement Agreement (RCOEA) recorded in 2017 against certain property, including the Subject Property, which prohibits commencement of work between November 1 and January 10 of any given calendar year and the related agreements between DRH and the seller of the Subject Property to be recorded against the Subject Property in conjunction with the Closing in furtherance of the PSA and the RCOEA, DRH respectfully requests the Village Board approve the following limited modifications to Section V of the EIA:

- 1) Replace the December 1, 2022 property acquisition date references in Section V(A) with a date of February 1, 2023 to ensure ample time to resolve and comply with above-referenced requirements and performance obligations;
- 2) Replace the December 1, 2022 construction timeline delivery date in Section V(B) with a date of February 1, 2023 to coincide with the above-stated property acquisition date modification to Section V(A) in the same manner as the EIA currently provides; and
- 3) Replace the January 1, 2023 application submission date in Section (V)(C) with a date of March 1, 2023 to provide a one-month duration between such submission date and the modified construction timeline delivery date in Section V(B) in the same manner as the EIA currently provides.



Although DRH regrets the unanticipated circumstances under which this request is made and the associated Project delay, we remain highly enthusiastic about the opportunity to bring new housing opportunity to Yorktown Mall and the Village as a whole, committed to acquiring the Subject Property in short order and promptly commencing redevelopment of the Subject Property to bring the Project to fruition in accordance with the vision of the Yorktown Commons Planned Development Design Guidelines. Accordingly, DRH respectfully seeks Village Board approval of a revised form of the EIA reflecting the foregoing limited modifications and a waiver of first reading of the ordinance approving such revised form of the EIA at the November 17th Village Board meeting.

We thank Village staff, Village President Giagnorio and the Village Board of Trustees for their support and cooperation to date and we thank them in advance for their consideration of this request.

Please contact me at (224) 548-0986 with any questions or to discuss this matter in further detail.

Sincerely,

D.R. Horton, Inc. – Midwest

Chris Funkhouser
Land Acquisition Project Manager

CC: Patrick Cook, Land Acquisitioner – D.R. Horton
Derrick Hoffman, Land Acquisition Manager – D.R. Horton
Chris Lester, Land Manager – D.R. Horton
Steve Bauer, Entitlements Manager – D.R. Horton

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A FIRST AMENDMENT TO THE
ECONOMIC INCENTIVE REDEVELOPMENT AGREEMENT FOR THE D.R. HORTON
REDEVELOPMENT OF LOT 4 OF YORKTOWN COMMONS COMPRISING A PART
OF THE BUTTERFIELD-YORKTOWN TIF DISTRICT OF
THE VILLAGE OF LOMBARD, ILLINOIS**

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 of the Village of Lombard (hereinafter referred to as the "Village") find as follows:

- A. The Village is a non-home rule municipality pursuant to Section 7 of Article VII of the Constitution of the State of Illinois.
- B. The Village has the authority, pursuant to the laws of the State of Illinois, to promote the health, safety and welfare of the Village and its inhabitants, to prevent the presence of blight, to encourage private development in order to enhance the local tax base and increase additional tax revenues realized by the Village, to foster increased economic activity within the Village, to increase employment opportunities within the Village, and to enter into contractual agreements with third parties for the purpose of achieving the aforesaid purposes, and otherwise take action in the best interests of the Village.
- C. The Village is authorized under the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.*, as amended, to finance redevelopment in accordance with the conditions and requirements set forth in the TIF Act, and is authorized under the provisions of the Illinois Municipal Code, including, but not limited to, 65 ILCS 5/8-1-2.5, to appropriate and expend funds for economic development purposes that are deemed necessary or desirable for the promotion of economic development within the Village.
- D. Pursuant to Ordinance Numbers 7437, 7438 and 7439, adopted November 2, 2017, as amended by Ordinance Number 7451, adopted December 7, 2017, Ordinance Number 7705, adopted September 5, 2019, Ordinance Number 7758, adopted December 5, 2019, and Ordinance Numbers 7864, 7865 and 7866, adopted October 15, 2020, the Village approved a tax increment redevelopment plan and project (the "TIF Plan"), designated the tax increment redevelopment project area (the "Redevelopment Project Area"), and adopted tax increment financing relative to the Village's Butterfield-Yorktown Tax Increment Financing

District (the "TIF District") pursuant to the TIF Act, with said TIF District being legally described and depicted as set forth in EXHIBIT 1 and EXHIBIT 2 attached hereto and made part hereof, respectively.

- E. Pursuant to Ordinance No. 8091, adopted October 20, 2022, the Village approved an "Economic Incentive Redevelopment Agreement for the D.R. Horton Redevelopment of Lot 4 of Yorktown Commons Comprising a Part of the Butterfield-Yorktown TIF District of the Village of Lombard, Illinois," dated October 24, 2022, (the "Redevelopment Agreement") with D.R. Horton, Inc. – Midwest, a California corporation authorized to conduct business in the State of Illinois (the "Developer"), with said Redevelopment Agreement relating to the property (the "Property") legally described on EXHIBIT 3 attached hereto and made part hereof.
- F. The Village and the Developer desire to amend the Redevelopment Agreement to allow the Developer sufficient time to acquire the Property and thereafter prepare for necessary construction activities and submit application for all necessary permits and approvals to commence such activities for the Project, the Village and the Developer desire to amend certain provisions of the Redevelopment Agreement in order to (1) extend the time by which the Developer is to acquire the Property and provide the Village with a final timeline of proposed and requisite construction activities, in both instances, from December 1, 2022 to February 1, 2023; and (2) extend the time by which the Developer is to submit application for all necessary permits and approvals related to the Project from January 1, 2023 to March 1, 2023.
- G. That, attached hereto as EXHIBIT 4 and made part hereof, is a first amendment to the Redevelopment Agreement, between the Developer and the Village, which sets forth the revisions necessary to facilitate the changes referenced in subsection F. above (the "First Amendment").
- H. That it is in the best interests of the Village to approve the First Amendment, so that redevelopment within the TIF District can continue.

SECTION 2: Based upon the foregoing, the First Amendment is hereby approved, and the Village President and Village Clerk of the Village are hereby authorized and directed to execute and deliver said First Amendment, as well as such other instruments as may be necessary or convenient to carry out the terms of said First Amendment, and the Redevelopment Agreement as amended by the First Amendment.

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

Passed on first reading this ____ day of _____, 2022.

First reading waived by action of the Board of Trustees this 17th day of November, 2022.

Passed on second reading this 17th day of November, 2022, pursuant to a roll call vote as follows.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 17th day of November, 2022.

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published by me in pamphlet form this ____ day of November, 2022.

Elizabeth Brezinski, Village Clerk

Exhibit 1

Redevelopment Project Area for the Lombard Butterfield-Yorktown Tax Increment Financing District

Legal Description

A PARCEL OF LAND IN THE NORTH HALF OF THE EAST HALF OF SECTION 29, AND THE EAST HALF OF THE WEST HALF OF SECTION 29, BOTH IN TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 IN FINAL PLAT OF SUBDIVISION OF 701-747 22ND STREET SUBDIVISION, RECORDED APRIL 5, 2010 AS DOCUMENT R2010-043541 AND RUNNING THENCE SOUTHEASTERLY ALONG THE EAST LINE OF SAID LOT 1 686.60 FEET TO AN ANGLE POINT; THENCE SOUTHWESTERLY ALONG THE MOST SOUTHEASTERLY LINE OF SAID LOT 1, 69.66 FEET TO THE SOUTHEAST CORNER THEREOF, ALSO BEING THE NORTHEAST CORNER OF PARCEL 1 IN NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT RECORDED AUGUST 28, 2007 AS DOCUMENT R2007-159301; CONTINUING THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID PARCEL 1 PER DOCUMENT R2007-159301, 717.65 FEET; THENCE ALONG THE SOUTHERN BOUNDARY LINES OF SAID PARCEL 1 THE FOLLOWING 7 COURSES; 1) NORTHWESTERLY 93.42 FEET, 2) SOUTHWESTERLY 173.27 FEET, 3) SOUTHEASTERLY 186.14 FEET, 4) SOUTHWESTERLY 107.62 FEET, 5) SOUTHWESTERLY 67.48 FEET, 6) NORTHWESTERLY 138.83 FEET, 7) SOUTHWESTERLY 300.00 FEET; THENCE SOUTHEASTERLY 104.26 FEET TO A POINT OF CURVATURE CONVEX TO THE SOUTHWEST, HAVING A RADIUS OF 591.66 FEET, AND AN ARC DISTANCE OF 93.90 FEET TO A POINT OF COMPOUND CURVATURE, CONVEX TO THE SOUTHWEST, HAVING A RADIUS OF 402.98 FEET, AND AN ARC DISTANCE OF 116.05 FEET TO A POINT OF COMPOUND CURVATURE CONVEX TO THE SOUTHWEST, HAVING A RADIUS OF 683.51 FEET AND AN ARC DISTANCE OF 95.44 FEET TO A POINT OF COMPOUND CURVATURE, HAVING A RADIUS OF 198.74 FEET AND AN ARC DISTANCE OF 64.17 FEET TO A POINT OF REVERSE CURVATURE, CONVEX TO THE NORTHEAST, HAVING A RADIUS OF 121.91 FEET AND AN ARC DISTANCE OF 74.06 FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID PARCEL 1 PER DOCUMENT R2007-159301, ALSO BEING A POINT ON THE NORTH RIGHT OF WAY LINE OF STATE ROUTE 56, BUTTERFIELD ROAD; THENCE SOUTHEASTERLY ALONG A LINE PERPENDICULAR TO THE SOUTH LINE OF PARCEL 1 AFORESAID (ALSO BEING THE NORTH LINE OF BUTTERFIELD ROAD-F.A. RTE. 131, ST. RT. 56) 100.00 FEET TO THE CENTERLINE OF SAID BUTTERFIELD ROAD RIGHT OF WAY; THENCE SOUTHWESTERLY ALONG SAID CENTERLINE APPROXIMATELY 624.91 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF PARCEL 1 PER DOCUMENT R2007-159301; THENCE NORTHWESTERLY ALONG SAID SOUTHERLY EXTENSION APPROXIMATELY 109.56 FEET TO THE SOUTHWEST CORNER OF PARCEL 1 AFORESAID; THENCE NORTHWESTERLY ALONG THE WEST LINE OF SAID PARCEL 1 560.00 FEET TO THE SOUTHEAST CORNER OF LOT 6 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION RECORDED NOVEMBER 17, 1995 AS DOCUMENT R95-162762; THENCE THE FOLLOWING 3 COURSES ALONG THE SOUTHERLY BOUNDARY LINES OF SAID LOT 6; 1) SOUTHWESTERLY 200.00 FEET, 2) NORTHWESTERLY 116.21 FEET, 3) SOUTHWESTERLY 320.91 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6, ALSO BEING A POINT ON THE EAST LINE OF

LOT 1 IN FINAL PLAT OF SUBDIVISION OF YORKTOWN COMMONS PHASE 1 RECORDED SEPTEMBER 1, 2016 AS DOCUMENT R2016-093310; THENCE SOUTHEASTERLY ALONG SAID EAST LINE APPROXIMATELY 902.0 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, ALSO BEING A POINT ON THE NORTH RIGHT OF WAY LINE OF, BUTTERFIELD ROAD (F.A. RTE 131, ST. RTE 56); THENCE SOUTHEASTERLY ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 1, APPROXIMATELY 106.75 FEET TO THE CENTERLINE OF SAID BUTTERFIELD ROAD; THENCE SOUTHWESTERLY ALONG SAID CENTERLINE, APPROXIMATELY 41.04 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 1 PER DOCUMENT R2016-093310; THENCE NORTHWESTERLY ALONG SAID SOUTHERLY EXTENSION, APPROXIMATELY 106.75 FEET TO THE NORTH LINE OF SAID BUTTERFIELD ROAD RIGHT OF WAY AND A SOUTHERLY CORNER OF SAID LOT 1; THENCE ALONG THE FOLLOWING 4 COURSES, BEING SOUTHERLY BOUNDARY LINES OF SAID LOT 1; 1) NORTHWESTERLY 78.22 FEET, 2) NORTHWESTERLY 757.44 FEET, 3) S 27°55'03" W, 130.25 FEET, 4) NORTHWESTERLY 87.88 FEET; THENCE N 27°55'03" E, 370.54' TO THE MOST SOUTHEASTERLY CORNER OF PARCEL 2 IN HIGHLAND AVENUE ASSESSMENT PLAT RECORDED JANUARY 30, 2012 AS DOCUMENT R2012-012175; THENCE NORTHWESTERLY THE FOLLOWING 2 COURSES ALONG THE SOUTH PROPERTY LINES OF SAID PARCEL 2; 1) NORTHWESTERLY 849.86 FEET, 2) SOUTHWESTERLY 604.32 FEET (PER DOCUMENT R2012-012175, 604.69 FEET PER DOCUMENT R2000-120890) TO A SOUTHWEST CORNER THEREOF, ALSO BEING THE NORTHEAST CORNER OF LOT 2 IN CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER RECORDED AUGUST 8, 2000 AS DOCUMENT R2000-120890 AND RUNNING THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 2, 448.23 FEET TO A POINT OF CURVATURE; THENCE ALONG THE FOLLOWING 4 COURSES, BEING THE SOUTHERLY PROPERTY LINES OF SAID LOT 2, 1) ALONG A CURVE CONVEX TO THE SOUTHEAST HAVING A RADIUS OF 25.00 FEET AND AN ARC DISTANCE OF 39.27', 2) SOUTHWESTERLY 114.00 FEET TO A POINT OF CURVATURE CONVEX TO THE SOUTHWEST, HAVING A RADIUS OF 90.00 FEET AND AN ARC DISTANCE OF 75.72 FEET, 4) THENCE NORTHWESTERLY 12.45 FEET; THENCE WESTERLY PERPENDICULAR TO THE WEST LINE OF SAID LOT 2 PER DOCUMENT R2000-120890, 100 FEET TO THE WEST RIGHT OF WAY LINE OF HIGHLAND AVENUE; THENCE NORTHERLY ALONG THE WEST LINE OF SAID HIGHLAND AVENUE TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE MOST SOUTHERLY NORTH PROPERTY LINE OF PARCEL 2 PER DOCUMENT R2012-012175 AFORESAID; THENCE EASTERLY ALONG SAID WESTERLY EXTENSION TO THE MOST NORTHWESTERLY CORNER OF SAID PARCEL 2; THENCE NORTHEASTERLY 558.70 FEET ALONG A NORTH PROPERTY LINE OF SAID PARCEL 2 TO A POINT OF CURVATURE CONVEX TO THE SOUTHEAST, HAVING A RADIUS OF 500.00 FEET AND ARC DISTANCE OF 152.01 FEET TO THE SOUTHWEST CORNER OF LOT 4 IN FINAL PLAT OF SUBDIVISION OF YORKTOWN COMMONS PHASE 1 (PLAT PER DOCUMENT R2016-093310 AFORESAID); THENCE THE FOLLOWING 4 COURSES ALONG THE WEST PROPERTY LINES OF SAID LOT 4; 1) NORTHWESTERLY 104.26 FEET, 2) NORTHWESTERLY 44.24 FEET, 3) WESTERLY 43.47 FEET, 4) NORTHWESTERLY 221.71 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE NORTHEASTERLY 742.45 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE ALONG A LINE PERPENDICULAR TO THE EAST LINE OF SAID LOT 4 67.00 FEET TO THE EAST RIGHT OF WAY LINE OF GRACE STREET; THENCE SOUTHEASTERLY PARALLEL WITH THE EAST LINE OF LOT 4 AFORESAID ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID GRACE STREET RIGHT OF WAY TO A POINT ON THE NORTHEASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 4 (ALSO BEING THE SOUTHWEST CORNER OF LOT 4 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION PER

DOCUMENT R95-162762); THENCE NORTHEASTERLY ALONG SAID EASTERLY EXTENSION 102.61 FEET TO AN ANGLE POINT; THENCE SOUTHEASTERLY 11.80 FEET TO A POINT OF CURVATURE, ALSO BEING THE MOST NORTHWESTERLY CORNER OF LOT 1 IN FINAL PLAT OF SUBDIVISION OF YORKTOWN COMMONS PHASE 1 AFORESAID; THENCE ALONG THE ARC OF CURVE CONVEX TO THE NORTHEAST (ALSO BEING A NORTH PROPERTY LINE OF SAID LOT 1) HAVING A RADIUS OF 368.00 FEET FOR AN ARC DISTANCE OF 193.99 FEET; THENCE SOUTHEASTERLY (CONTINUING ALONG THE NORTH PROPERTY LINE OF SAID LOT 1) 119.26 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE CONVEX TO THE NORTHEAST, HAVING A RADIUS OF 518.00 FEET FOR AN ARC DISTANCE OF 43.47 FEET TO THE SOUTHEAST CORNER OF OUTLOT A IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION AFORESAID; THENCE NORTHEASTERLY ALONG THE WESTERLY PROPERTY LINE OF SAID OUTLOT A 337.42 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHEASTERLY ALONG THE NORTH PROPERTY LINE THEREOF 84.34 FEET TO THE NORTHEAST CORNER THEREOF (ALSO BEING THE NORTHWEST CORNER OF LOT 1 IN FINAL PLAT OF LOMBARD WESTIN HOTEL AND CONVENTION CENTER RECORDED APRIL 17, 2009 AS DOCUMENT R2009-057156; THENCE SOUTHEASTERLY ALONG THE A NORTH PROPERTY LINE OF SAID LOT 1 546.67 FEET; THENCE NORTHWESTERLY 3.57 FEET TO THE MOST NORTHERLY PROPERTY LINE OF SAID LOT 1 (ALSO BEING A POINT ON THE WEST PROPERTY LINE OF PARCEL 1 IN NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT AFORESAID; THENCE NORTHWESTERLY ALONG THE WEST PROPERTY LINE OF SAID PARCEL 1, 116.51 FEET; THENCE NORTHEASTERLY 157.16 FEET TO THE MOST NORTHWESTERLY CORNER OF SAID PARCEL 1; THENCE SOUTHEASTERLY 282.40 FEET ALONG THE MOST NORTHERLY LINE OF SAID PARCEL 1 (ALSO BEING THE SOUTH PROPERTY LINE OF LOT 2 IN FINAL PLAT OF SUBDIVISION OF 701-747 22ND STREET SUBDIVISION AFORESAID); THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE CONVEX TO THE NORTHEAST, HAVING A RADIUS OF 1,661.83 FEET AND AN ARC DISTANCE OF 70.50 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A CURVE CONVEX TO THE NORTHEAST HAVING A RADIUS OF 767.39 FEET AND AN ARC DISTANCE OF 103.23 FEET; THENCE NORTHEASTERLY ALONG A NORTH PROPERTY LINE OF SAID PARCEL 1 (ALSO BEING THE SOUTH PROPERTY LINE OF LOT 2 IN FINAL PLAT OF SUBDIVISION OF 701-747 22ND STREET SUBDIVISION AFORESAID) 229.59 FEET TO THE SOUTHEAST CORNER THEREOF (ALSO BEING THE SOUTHWEST CORNER OF LOT 1 IN SAID FINAL PLAT OF SUBDIVISION OF 701-747 22ND STREET SUBDIVISION AFORESAID); THENCE THE FOLLOWING 10 COURSES, ALL BEING ALONG THE WESTERLY PROPERTY LINES OF SAID LOT 1; 1) NORTHWESTERLY, 326.45 FEET, 2) NORTHWESTERLY 154.85 FEET, 3) NORTHEASTERLY 3.07 FEET, 4) NORTHWESTERLY 122.51 FEET, 5) SOUTHWESTERLY 3.07 FEET, 6) NORTHWESTERLY 32.04 FEET, 7) NORTHWESTERLY 48.33 FEET, 8) NORTHEASTERLY 42.43 FEET, 9) NORTHEASTERLY 34.93 FEET, 10) NORTHEASTERLY 21.85 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 (ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF 22ND STREET); THENCE NORTHWESTERLY, PERPENDICULAR TO THE NORTH LINE OF SAID LOT 1 AND THE SAID SOUTH RIGHT OF WAY LINE OF 22ND STREET 100.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID 22ND STREET; THEN NORTHEASTERLY ALONG SAID NORTH RIGHT OF WAY LINE 817.98 FEET TO A POINT 100.00 FEET NORTH OF (AS MEASURED PERPENDICULAR TO) THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTHERLY, ALONG A LINE PERPENDICULAR THE AFORESAID NORTH RIGHT OF WAY LINE OF 22ND STREET TO THE NORTHEAST CORNER OF LOT 1, BEING THE AFORESAID POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS;

ALONG WITH:

PARCEL 1:

LOT 3 IN YORKTOWN COMMONS PHASE 1, 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 1, 2016 AS DOCUMENT R2016-093310, ALL IN DUPAGE COUNTY, ILLINOIS.

ALSO

PARCEL 2:

A PARCEL OF LAND DESCRIBED BY BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER, BEING AN ASSESSMENT PLAT OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER RECORDED AUGUST 8, 2000 AS DOCUMENT R2000-120890 AND RUNNING THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID LOT 1 604.49 FEET TO AN ANGLE POINT; THENCE SOUTHEASTERLY ALONG A NORTHERLY PROPERTY LINE OF SAID LOT 1 400.65 FEET TO THE NORTHWEST CORNER OF PARCEL 1 IN YORKTOWN COMMONS PHASE 1 ASSESSMENT PLAT RECORDED SEPTEMBER 1, 2017 AS DOCUMENT NO. R2017-090478, IN DUPAGE COUNTY, ILLINOIS; THENCE SOUTHEASTERLY ALONG THE NORTH LINE OF SAID PARCEL 1 449.16 FEET TO THE NORTHEAST CORNER THEREOF; THENCE THE FOLLOWING 3 COURSES, ALL BEING ALONG PROPERTY LINES OF SAID PARCEL 1, 1) SOUTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 358.05 FEET; 2) THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 198.70 FEET; 3) THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 390.12 FEET TO A POINT ON THE NORTH LINE OF LOT 1 IN FINAL PLAT OF HIGHLAND-YORKTOWN RESUBDIVISION RECORDED OCTOBER 13, 2006 AS DOCUMENT NO. R2006-198283 IN DUPAGE COUNTY, ILLINOIS BEING 460.45 FEET SOUTHEASTERLY OF THE NORTHWEST CORNER THEREOF; THENCE THE FOLLOWING 17 COURSES, ALL BEING ALONG PROPERTY LINES OF SAID LOT 1 IN FINAL PLAT OF HIGHLAND-YORKTOWN RESUBDIVISION, 1) SOUTHEASTERLY ALONG SAID NORTH LINE OF SAID LOT 1 (PER DOC. R2006-198283) 102.15 FEET TO THE MOST NORTHEASTERLY CORNER THEREOF, 2) SOUTHEASTERLY 231.10 FEET TO THE MOST EASTERLY CORNER THEREOF, 3) SOUTHWESTERLY 473.24 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF BUTTERFIELD ROAD RIGHT OF WAY, 4) SOUTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE ALSO BEING A SOUTH LINE OF LOT 1 AFORESAID 9.00 FEET, SAID POINT ALSO BEING THE MOST SOUTHEASTERLY CORNER OF LOT 2 IN SAID HIGHLAND-YORKTOWN RESUBDIVISION, 5) NORTHWESTERLY 149.27 FEET ALONG A PROPERTY LINE COMMON TO LOTS 1 AND 2 AFORESAID, 6) SOUTHWESTERLY 367.69 FEET ALONG A PROPERTY LINE COMMON TO SAID LOTS 1 AND 2, 7) SOUTHEASTERLY 149.27 FEET ALONG A PROPERTY LINE COMMON TO SAID LOTS 1 AND 2 TO A POINT ON THE NORTH LINE OF BUTTERFIELD ROAD RIGHT OF WAY, 8) SOUTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE OF BUTTERFIELD ROAD 258.31 FEET TO THE MOST SOUTHWESTERLY CORNER OF SAID LOT 1, BEING A COMMON PROPERTY CORNER WITH LOT 8 IN YORKTOWN, RECORDED SEPTEMBER 27, 1968 AS DOCUMENT R1968-044972 IN DUPAGE COUNTY, ILLINOIS, 9) NORTHWESTERLY ALONG A PROPERTY LINE COMMON TO LOTS 1 AND LOT 8 (YORKTOWN) 211.36 FEET, 10) NORTHEASTERLY ALONG A PROPERTY LINE COMMON TO SAID LOTS 1 AND 8, 74.59 FEET, 11) THENCE NORTHWESTERLY ALONG A PROPERTY LINE COMMON TO SAID LOTS 1 AND 8, 69.04 FEET TO A POINT OF

CURVATURE, (SAID POINT ALSO BEING THE MOST EASTERLY CORNER OF LOT 2 IN TBA RESUBDIVISION PLAT RECORDED NOVEMBER 13, 2003 AS DOCUMENT R2003-433529, 12) ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 150.00 FEET, A CHORD DISTANCE OF 189.018 FEET FOR AN ARC DISTANCE OF 197.835 FEET (ALSO BEING A PROPERTY LINE COMMON WITH SAID LOT 2 TBA RESUBDIVISION), 13) NORTH ALONG A PROPERTY LINE COMMON WITH THE EAST LINE OF SAID LOT 2 (TBA RESUBDIVISION) 145.143 FEET TO A POINT OF CURVATURE, 14) ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 25.00 FEET, WHOSE CHORD BEARS NORTHWESTERLY FOR AN ARC DISTANCE OF 39.56 FEET TO A POINT OF COMPOUND CURVATURE, 15) ALONG A CURVE WHOSE CHORD BEARS WEST 91.50 FEET FOR AN ARC DISTANCE OF 92.00 FEET, SAID CURVE BEING A COMMON PROPERTY LINE WITH THE MOST NORTH LINE OF SAID LOT 2 (TBA RESUBDIVISION) TO A POINT OF COMPOUND CURVATURE, 16) ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 105.00 FEET, WHOSE CHORD BEARS SOUTHWESTERLY TO A POINT OF INTERSECTION WITH THE EAST LINE OF HIGHLAND AVENUE RIGHT OF WAY AS TAKEN PER DOCUMENT RECORDED JANUARY 16, 2004 AS NO. R2004-015543, 17) THENCE NORTHWESTERLY ALONG THE EASTERLY LINE OF SAID RIGHT OF WAY 31.66 FEET TO THE NORTHEAST CORNER OF SAID RIGHT OF WAY BEING ON A PROPERTY LINE COMMON TO SAID LOT 1 AND THE MOST SOUTHERLY PROPERTY LINE OF PARCEL 1 IN YORKTOWN COMMONS PHASE 1 ASSESSMENT PLAT AFORESAID; THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID PARCEL 1 AND THE NORTH LINE OF THE AFORESAID HIGHLAND AVENUE RIGHT OF WAY TAKING 20.02 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1; THENCE THE FOLLOWING 7 COURSES, ALL BEING ALONG PROPERTY LINES OF SAID PARCEL 1, 1) NORTHWESTERLY 91.21 FEET, 2) SOUTHEASTERLY 47.32 FEET, 3) SOUTHEASTERLY 7.32 FEET TO A POINT OF CURVATURE, 4) ALONG A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 105.00 FEET WHOSE CHORD BEARS SOUTHEASTERLY FOR AN ARC DISTANCE OF 56.51 FEET, 5) NORTHEASTERLY 92.00 FEET TO A POINT OF CURVATURE, 6) ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 25.00 FEET WHOSE CHORD BEARS NORTHEASTERLY FOR AN ARC DISTANCE OF 39.27 FEET, 7) NORTHWESTERLY 282.62 FEET TO A CORNER OF PARCEL 1, ALSO BEING THE NORTHEAST CORNER OF LOT 1 IN FINAL PLAT OF YORKTOWN-HIGHLAND RESUBDIVISION (DOC. R2006-170876 AFOREMENTIONED), THE PREVIOUS 7 COURSES ALL BEING COMMON PROPERTY LINES WITH LOT 1 IN SAID FINAL PLAT OF YORKTOWN-HIGHLAND RESUBDIVISION (DOC. R2006-170876), AND SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 1 IN CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER PER DOCUMENT R2000-120890 AFOREMENTIONED; THENCE ALONG THE FOLLOWING 9 COURSES, ALL BEING PROPERTY LINES OF SAID LOT 1 (DOC. R2000-120890), 1) NORTHWESTERLY 352.27 FEET TO A POINT OF CURVATURE, 2) ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET WHOSE CHORD BEARS NORTHWESTERLY 35.36 FEET, AN ARC DISTANCE OF 39.27 FEET, 3) SOUTHWESTERLY 114.00 FEET TO A POINT OF CURVATURE, 4) ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 77.00 FEET, WHOSE CHORD BEARS SOUTHWESTERLY 75.83 FEET, AN ARC DISTANCE OF 79.29 FEET (PREVIOUS 4 COURSES ALL BEING PROPERTY LINES COMMON TO LOT 3 IN SAID CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER), 5) NORTHWESTERLY ALONG THE MOST WESTERLY LINE OF SAID LOT 1 (ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF HIGHLAND AVENUE RIGHT OF WAY) 119.32 FEET TO A POINT OF CURVATURE, 6) ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 90.00 FEET, WHOSE CHORD BEARS

SOUTHEASTERLY 73.51 FEET AN ARC DISTANCE OF 75.72 FEET 7) NORTHEASTERLY 114.00 FEET TO A POINT OF CURVATURE, 8) ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 25.00 FEET, WHOSE CHORD BEARS NORTHEASTERLY 35.36 FEET AN ARC DISTANCE OF 39.27 FEET, 9) NORTHWESTERLY 448.23 FEET TO THE POINT OF BEGINNING (PREVIOUS 4 COURSES ALL BEING PROPERTY LINES COMMON TO LOT 2 IN SAID CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER), ALL IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3:

A PARCEL OF LAND DESCRIBED BY BEGINNING AT A POINT ON THE MOST WESTERLY LOT LINE OF LOT 1 IN CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER, BEING AN ASSESSMENT PLAT OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER RECORDED AUGUST 8, 2000 AS DOCUMENT R2000-120890, SAID POINT BEING THE MOST SOUTHERLY CORNER OF SAID WESTERLY LOT LINE AND RUNNING THENCE NORTHEASTERLY ALONG SAID WEST LINE OF SAID LOT 1 119.32 FEET; THENCE NORTHWESTERLY 2.31 FEET TO A POINT BEING A COMMON CORNER WITH LOT 2 OF SAID CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER; THENCE CONTINUING NORTHWESTERLY ALONG A SOUTHWESTERLY LINE OF SAID LOT 2 12.45 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF HIGHLAND AVENUE AS SHOWN PER DOCUMENT R2000-120890 AFORESAID; THENCE WESTERLY PERPENDICULAR TO THE WEST LINE OF SAID LOT 2 ACROSS THE FULL RIGHT OF WAY OF HIGHLAND AVENUE TO THE WEST LINE OF SAID RIGHT OF WAY; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE TO A POINT OF INTERSECTION WITH A LINE DRAWN PERPENDICULAR TO THE AFORESAID MOST WESTERLY PROPERTY LINE OF LOT 1 IN CARSON'S ASSESSMENT PLAT, SAID PERPENDICULAR LINE BEING DRAWN FROM THE AFORESAID MOST SOUTHERLY CORNER OF THE MOST WESTERLY PROPERTY LINE OF LOT 1; THENCE EASTERLY ALONG SAID PERPENDICULAR LINE TO THE AFORESAID MOST SOUTHERLY CORNER OF THE MOST WESTERLY PROPERTY LINE OF LOT 1; BEING ALSO THE POINT OF BEGINNING, IN DUPAGE COUNTY ILLINOIS.

PARCEL 4:

A PARCEL OF LAND DESCRIBED BY BEGINNING AT A POINT BEING THE NORTHEAST CORNER OF A PARCEL OF LAND DEDICATED FOR HIGHLAND AVENUE RIGHT OF WAY PER DOCUMENT NO. R2004-015543, SAID POINT ALSO BEING THE MOST NORTHERLY CORNER OF THE MOST WESTERLY PROPERTY LINE OF LOT 1 IN FINAL PLAT OF HIGHLAND-YORKTOWN RESUBDIVISION PER DOCUMENT R 2006-198283 AND RUNNING THENCE SOUTHEASTERLY ALONG THE EAST LINE OF SAID DEDICATION 62.79 FEET; THENCE SOUTHWESTERLY 28.28 FEET ALONG THE SOUTHERLY LINE OF SAID TAKING TO THE SOUTHWEST CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE MOST WESTERLY PROPERTY LINE OF LOT 2 IN TBA RESUBDIVISION PLAT PER DOCUMENT R2003-433529; THENCE WESTERLY PERPENDICULAR TO THE MOST WESTERLY PROPERTY LINE OF LOT 2 AFORESAID ACROSS THE FULL RIGHT OF WAY OF HIGHLAND AVENUE TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID HIGHLAND AVENUE; THENCE NORTHERLY ALONG SAID WEST RIGHT OF WAY LINE TO A POINT OF INTERSECTION WITH A LINE DRAWN PERPENDICULAR TO A WESTERLY PROPERTY LINE OF PARCEL 1 IN YORKTOWN COMMONS PHASE 1 ASSESSMENT PLAT PER DOCUMENT R2017-090478, SAID PERPENDICULAR LINE BEING DRAWN FROM THE MOST NORTHERLY CORNER OF THE MOST WESTERLY PROPERTY LINE OF SAID PARCEL 1; THENCE SOUTHWESTERLY ALONG SAID MOST WESTERLY PROPERTY LINE

91.21 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND DEDICATED FOR HIGHLAND AVENUE RIGHT OF WAY PER DOCUMENT R2004-015543 AFORESAID; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID DEDICATION (ALSO BEING ALONG THE MOST SOUTHERLY LINE OF SAID PARCEL 1) 20.02 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 5:

A PARCEL OF LAND DESCRIBED BY BEGINNING AT THE MOST SOUTHWESTERLY CORNER OF LOT 1 IN HIGHLAND YORKTOWN RESUBDIVISION PER DOCUMENT R2006-198283 AND RUNNING SOUTHEASTERLY ALONG THE SOUTHEASTERLY EXTENSION OF A 211.36 FOOT LONG PROPERTY LINE COMMON TO LOT 1 AFORESAID AND LOT 8 IN YORKTOWN PER DOCUMENT R1968-044972 TO THE CENTERLINE OF BUTTERFIELD ROAD RIGHT OF WAY; THENCE NORTHEASTERLY ALONG SAID CENTERLINE FEET TO A POINT OF INTERSECTION WITH THE SOUTHEASTERLY EXTENSION OF A PROPERTY LINE BEING 149.27 FEET LONG AND COMMON TO LOT 1 AFORESAID WITH THE SOUTHWESTERLY LINE OF LOT 2 IN HIGHLAND YORKTOWN RESUBDIVISION AFORESAID; THENCE NORTHWESTERLY ALONG SAID SOUTHEASTERLY EXTENSION TO THE MOST SOUTHWESTERLY CORNER OF SAID LOT 2 (ALSO BEING A CORNER COMMON TO LOT 1 AFORESAID), IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 06-29-101-037, 06-29-101-038, 06-29-101-043, 06-29-101-044, 06-29-101-046, 06-29-101-047, 06-29-101-048, 06-29-101-049, 06-29-200-051, 06-29-200-052, 06-29-200-053, 06-29-200-056, 06-29-200-057, 06-29-200-059 and 06-29-301-014.

Common Boundary Description: The area generally bounded by: 22nd Street on the North; the West line of the Fountain Square development on the East; Butterfield Road on the South; and Highland Avenue on the West; exclusive of: the 701 East 22nd Street office building; Target, 1, 3, 55, 80, 84, 85, 87, 90, 92, 94, 96 and 145 Yorktown Shopping Center; the multi-family residential and vacant properties located North of the East/West portion of Yorktown Mall Drive; the Boeger Cemetery property located along the North side of Butterfield Road, South of 145 Yorktown Shopping Center; and the 700 and 720 East Butterfield Road office buildings; in Lombard, Illinois.

Exhibit 2

Redevelopment Project Area for the Lombard Butterfield-Yorktown Tax Increment Financing District

Depiction

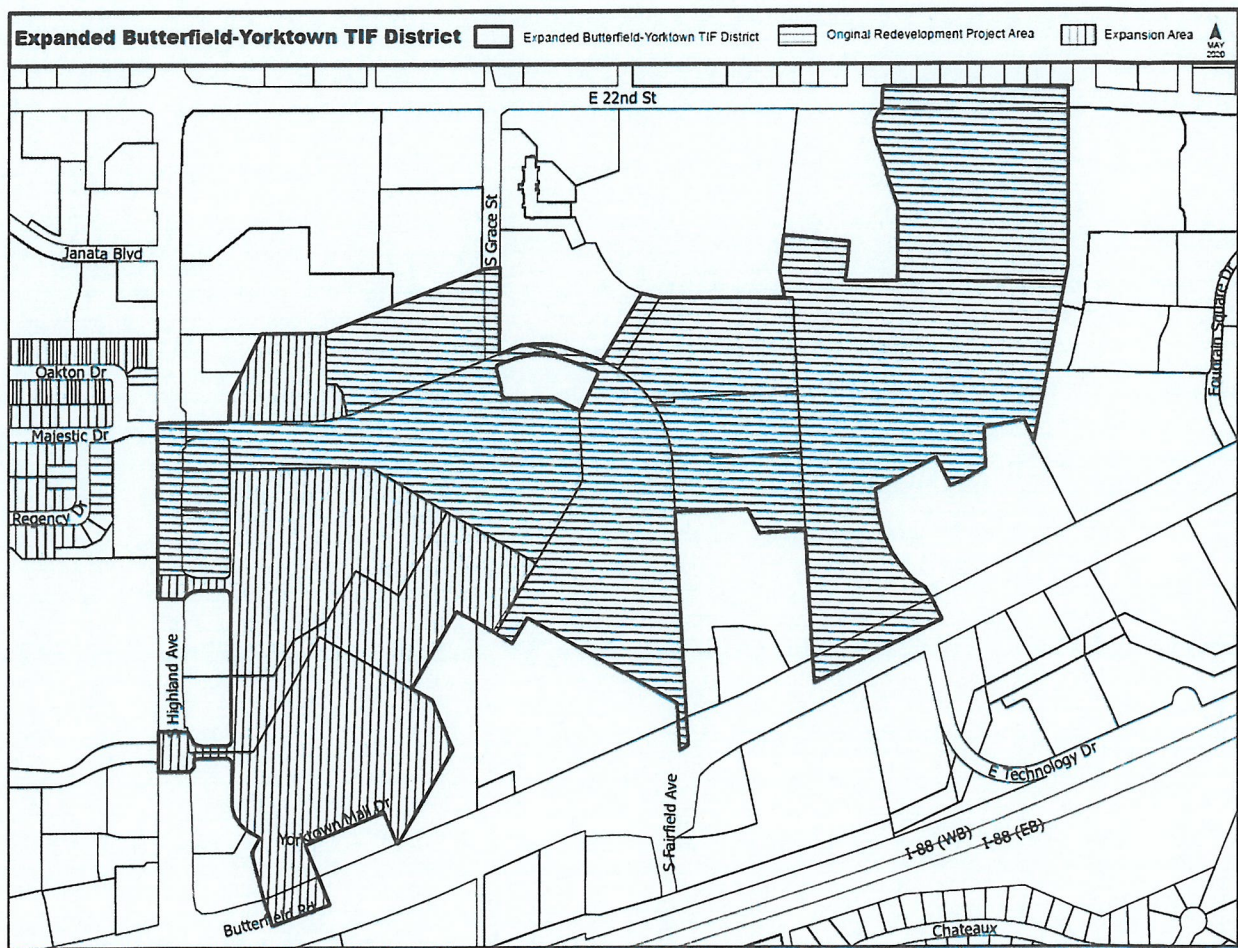


Exhibit 3

**Legal Description
of the Property**

LOT 4 IN YORKTOWN COMMONS PHASE 1, BEING A RESUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 1, 2016 AS DOCUMENT R2016-093310, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 06-29-101-047

Common Address: 4 - 44 Yorktown Center, Lombard, Illinois 60148

Exhibit 4

**First Amendment to
the Redevelopment Agreement**

(attached)

**FIRST AMENDMENT TO ECONOMIC INCENTIVE
REDEVELOPMENT AGREEMENT FOR THE D.R. HORTON REDEVELOPMENT OF
LOT 4 OF YORKTOWN COMMONS COMPRISING A PART OF THE BUTTERFIELD-
YORKTOWN TIF DISTRICT OF THE VILLAGE OF LOMBARD, ILLINOIS**

This First Amendment (the "First Amendment") to Redevelopment Agreement (as defined below) is made and entered into as of the ____ day of November 2022 by and between the Village of Lombard, Illinois, an Illinois non-home rule municipal corporation (the "Village") and D.R. Horton, Inc. – Midwest, a California corporation authorized to conduct business in the State of Illinois (the "Developer"). (The Village and the Developer are sometimes referred to herein collectively as the "Parties." Each initially capitalized term used but undefined herein shall have the meaning ascribed to it in the Redevelopment Agreement.)

WITNESSETH

WHEREAS, pursuant to Ordinance No. 8091 adopted October 20, 2022, the Village approved an ECONOMIC INCENTIVE REDEVELOPMENT AGREEMENT FOR THE D.R. HORTON REDEVELOPMENT OF LOT 4 OF YORKTOWN COMMONS COMPRISING A PART OF THE BUTTERFIELD-YORKTOWN TIF DISTRICT OF THE VILLAGE OF LOMBARD, ILLINOIS," dated October 24, 2022 (the "Redevelopment Agreement"), with the Developer relative to the property legally described in Exhibit A attached hereto and made part hereof (the "Property"); and

WHEREAS, to allow the Developer sufficient time to acquire the Property and thereafter prepare for necessary construction activities and submit application for all necessary permits and approvals to commence such activities for the Project, the Village and the Developer desire to amend certain provisions of the Redevelopment Agreement in order to (1) extend the time by which the Developer is to acquire the

Property and provide the Village with a final timeline of proposed and requisite construction activities, in both instances, from December 1, 2022 to February 1, 2023; and (2) extend the time by which the Developer is to submit application for all necessary permits and approvals related to the Project from January 1, 2023 to March 1, 2023.

WHEREAS, in accordance with the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.*, it is in the best interests of the Village and the Developer to enter into this First Amendment.

NOW, THEREFORE, in consideration of the foregoing, other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, and the mutual covenants and agreements hereinafter contained, the Parties hereby agree as follows:

1. That Section V.A. of the Redevelopment Agreement is hereby amended as follows: the two references to the date "December 1, 2022" are each revised to read "February 1, 2023."

2. That Section V.B. of the Redevelopment Agreement is hereby amended as follows: the reference to the date "December 1, 2022" is revised to read "February 1, 2023."

3. That Section V.C. of the Redevelopment Agreement is hereby amended as follows: the reference to the date "January 1, 2023" is revised to read "March 1, 2023."

4. That all portions of the Redevelopment Agreement not amended hereby shall remain in full force and effect.

5. This First Amendment shall be executed concurrently in two (2) counterparts, each of which shall be deemed an original, but both of which shall constitute one and the same First Amendment.

6. The Parties agree to record this First Amendment with the DuPage County Recorder's Office, with the Developer paying the cost of the recording charges therefor.

7. This First Amendment shall be deemed dated and become effective on the date on which this First Amendment is executed by the last of the signatories, as set forth below, with said effective date appearing on page 1 hereof.

IN WITNESS WHEREOF, the Parties have caused this First Amendment to be executed on or as of the date and year first above written.

VILLAGE OF LOMBARD,
an Illinois home rule municipal corporation

ATTEST:

By: _____
Keith Giagnorio
Village President

By: _____
Elizabeth Brezinski
Village Clerk

Date: _____, 2022

Date: _____, 2022

D.R. HORTON, INC. - MIDWEST
a California corporation,

By: _____
Cole Tyrell
Division President

Date: _____, 2022

ACKNOWLEDGMENT

State of Illinois)
) SS
County of DuPage)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Keith Giagnorio and Elizabeth Brezinski, personally known to me to be the Village President and Village Clerk of the Village of Lombard, 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 Village Clerk, they signed and delivered the said instrument and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the Village Council of said Illinois corporation, as their free and voluntary act, and as the free and voluntary act and deed of said Illinois corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____,
2022.

Notary Public

ACKNOWLEDGMENT

State of Illinois)
) SS
County of _____)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Cole Tyrell, personally known to me to be the Division President of D.R. Horton, Inc. – Midwest, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that, as such Division President, he signed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act and deed of D.R. Horton, Inc. – Midwest, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____, 2022.

Notary Public

Exhibit A

**Legal Description
of the Property**

LOT 4 IN YORKTOWN COMMONS PHASE 1, BEING A RESUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 1, 2016 AS DOCUMENT R2016-093310, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 06-29-101-047

Common Address: 4 - 44 Yorktown Center, Lombard, Illinois 60148