

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


Resolution or Ordinance (Blue) 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 : September 11, 2019 **(BOT) Date:** September 19, 2019

SUBJECT: Butterfield Road/Yorktown Business District No. 2 – Imposing a
Business District Tax

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

BACKGROUND/POLICY IMPLICATIONS:

At the August 15, 2019 the Village Board meeting, Ordinance 7702 was adopted that established the Butterfield Road/Yorktown Business District No. 2. With the Ordinance in effect, the Village needs to establish by Ordinance the Retailers Occupation Tax and Service Occupation Tax for the newly created Business District. This action was the subject of the requisite public hearing held prior to consideration of this matter.

Attached for Village Board consideration and approval is an Ordinance that would impose a one percent (1%) tax on identified and applicable goods and services.

In order for the Village to meet the October 1, 2019 imposed filing deadlines by the Illinois Department of Revenue, staff recommends a waiver of first reading of the Ordinance.

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.

ORDINANCE NO. _____

**AN ORDINANCE IMPOSING A
BUSINESS DISTRICT RETAILERS' OCCUPATION TAX AND
A BUSINESS DISTRICT SERVICE OCCUPATION TAX
WITHIN THE BOUNDARIES OF LOMBARD'S
BUTTERFIELD ROAD/YORKTOWN BUSINESS DISTRICT NO. 2**

WHEREAS, Section 11-74.3-1(1) of the Illinois Business District Development and Redevelopment Law, 65 ILCS 5/11-74.3-1, *et seq.* (the "Law") allows a municipality to determine that it is "essential to the economic and social welfare of the municipality that business districts be developed, redeveloped, improved, maintained, and revitalized, that jobs and opportunity for employment be created within the municipality, and that, if blighting conditions are present, blighting conditions be eradicated by assuring opportunities for development or redevelopment, encouraging private investment, and attracting sound and stable business and commercial growth;" and

WHEREAS, pursuant to the Law, Kane, McKenna & Associates prepared a business district plan (the "Plan") for the Butterfield Road/Yorktown Business District No. 2, for consideration by the President and Board of Trustees; and

WHEREAS, following notice and a public hearing, the President and Board of Trustees of the Village of Lombard, on August 15, 2019, approved Ordinance No. 7702, entitled "An Ordinance Designating a Business District to be Known as the Butterfield Road/Yorktown Business District No. 2, Approving a Business District Plan in Relation Thereto, and Making a Blighted Area Finding in Relation Thereto" (the "Designating Ordinance"), designating the Butterfield Road/Yorktown Business District No. 2 as a business district pursuant to the terms of the Law (the "Business District"), approving a

Business District Plan in relation thereto (the “Business District Plan”) and making a blighted area finding in relation thereto; and

WHEREAS, the Business District Plan approved in the Designating Ordinance designated the area legally described in Exhibit A-1, and depicted in Exhibit A-2, both of which are attached hereto and made a part hereof, in the Village of Lombard, DuPage County, Illinois (the “Village”), as the Butterfield Road/Yorktown Business District No. 2 pursuant to the terms of the Law; and

WHEREAS, Sections 11-74.3-2 and 11-74.3-3 (65 ILCS 5/11-74.3-2 and 5/11-74.3-3) of the Law authorize the imposition of a Business District Retailers’ Occupation Tax at a rate of up to one percent (1%) and a Business District Service Occupation Tax at a rate of up to one percent (1%), for the planning, execution and implementation of the Business District Plan and to pay for Business District costs where the designating ordinance has found and determined that the Business District is a blighted area under the Law; and

WHEREAS, both the Business District Plan and the Designating Ordinance approved on August 15, 2019 included a blighted area finding relative to the Business District; and

WHEREAS, the President and Board of Trustees now desire to impose a Business District Retailers’ Occupation Tax and a Business District Service Occupation Tax, each at the rate of one percent (1%), pursuant to the Law; and, as required by Section 11-74.3-2 of the Law (65 ILCS 5/11-74.3-2), have approved an ordinance (Ordinance No. 7703 approved on August 15, 2019) fixing a time and place for a public hearing in relation to said taxes; have given notice of the public hearing through publication of a public notice in the *Daily Herald*, a newspaper of general circulation in

the Village, on August 29, 2019 and August 30, 2019; and have held the necessary public hearing on September 19, 2019;

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

SECTION 1: The preambles of this Ordinance are hereby incorporated as though fully set forth herein.

SECTION 2: The President and Board of Trustees hereby find that, in light of the blighted area finding made in the Business District Plan and the Designating Ordinance, the Village should impose a Business District Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail within the Butterfield Road/Yorktown Business District No. 2 at the rate of one percent (1%) of the gross receipts of sales made in the course of said business, pursuant to and in accordance with 65 ILCS 5/11-74.3-6, and should impose a Business District Service Occupation Tax upon all persons engaged in the business of making sales of service within the Butterfield Road/Yorktown Business District No. 2 who, as an incident to making those sales of service, transfer tangible personal property within the Butterfield Road/Yorktown Business District No. 2, either in the form of tangible personal property or real estate, as an incident to a sale of service, at the rate of one percent (1%) of the selling price of tangible personal property so transferred, pursuant to and in accordance with 65 ILCS 5/11-74.3-6.

SECTION 3: Pursuant to 65 ILCS 5/11-74.3-6(b), a Business District Retailers' Occupation Tax is hereby imposed upon all persons engaged in the business of selling tangible personal property within the Butterfield Road/Yorktown Business District No. 2, other than an item of tangible personal property titled or registered with an agency of

the State of Illinois, at retail within the Butterfield Road/Yorktown Business District No. 2 at the rate of one percent (1%) of the gross receipts from the sales made in the course of such business. Said tax shall not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

SECTION 4: Pursuant to 65 ILCS 5/11-74.3-6(c), a Business District Service Occupation Tax is hereby imposed upon all persons engaged in the business of making sales of service within the Butterfield Road/Yorktown Business District No. 2, who, as an incident to making those sales of service, transfer tangible personal property within the Butterfield Road/Yorktown Business District No. 2, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, at the rate of one percent (1%) of the selling price of the tangible personal property so transferred within the Butterfield Road/Yorktown Business District No. 2. Said tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

SECTION 5: The Illinois Department of Revenue shall collect and distribute the taxes imposed pursuant to Sections 3 and 4 above in accordance with the terms,

conditions and requirements set forth in 65 ILCS 5/11-74.3-6.

SECTION 6: There is hereby established a special fund of the Village, to be known as the Butterfield Road/Yorktown Business District No. 2 Business District Tax Allocation Fund. The proceeds of the taxes received from the Illinois Department of Revenue, as imposed by Sections 3 and 4 above, shall be deposited into said Butterfield Road/Yorktown Business District No. 2 Business District Tax Allocation Fund, with said taxes to be used for the purpose of paying for the planning, execution and implementation of Business District plans, Business District project costs and obligations incurred in the payment of those costs relative to Butterfield Road/Yorktown Business District No. 2.

SECTION 7: The Village's Finance Director, or his/her designee, is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue, on or before October 1, 2019, along with such other additional information, as required by the Illinois Department of Revenue, to allow the Illinois Department of Revenue to determine, by the address of a business, whether said business is located within the Butterfield Road/Yorktown Business District No. 2.

SECTION 8: The Village's Finance Director, or his/her designee, is directed to submit, to the Illinois Department of Revenue, any other information as the Illinois Department of Revenue may require for the administration and enforcement of the taxes imposed by Sections 3 and 4 above.

SECTION 9: All ordinances, orders and resolutions and parts thereof in conflict herewith shall be and the same are hereby repealed, and that this Ordinance shall be in full force and effect forthwith upon its adoption and approval.

SECTION 10: 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 _____, 2019.

First reading waived by action of the Board of Trustees this 19th day of September, 2019.

Passed on second reading this 19th day of September, 2019, pursuant to a roll call vote as follows.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2019.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this 20th day of September, 2019

Sharon Kuderna, Village Clerk

Exhibit A-1

Legal Description, Permanent Tax Index Numbers and Street Location (Common Addresses) for the Butterfield Road/Yorktown Business District No. 2

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) 200.00 FEET TO THE SOUTH LINE OF SAID BUTTERFIELD ROAD RIGHT OF WAY AS DEDICATED PER DOCUMENT 381698 AND 387284; THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE TO A POINT OF INTERSECTION WITH THE EAST LINE OF LOT 1 IN SAM'S CLUB RESUBDIVISION RECORDED SEPTEMBER 7, 2017 AS DOCUMENT R2017-092244; THENCE SOUTHEASTERLY ALONG THE AFORESAID EAST LINE OF LOT 1 610.21 FEET TO THE SOUTHEAST CORNER THEREOF, BEING ALSO THE NORTHEAST CORNER OF LOT 6 IN NORTHERN ILLINOIS GAS COMPANY YORK TOWNSHIP ASSESSMENT PLAT NO. 1 AS MONUMENTED AND DELINEATED ON SAID SAM'S CLUB RESUBDIVISION; THENCE SOUTHEASTERLY ALONG THE SOUTHEASTERLY EXTENSION OF THE AFORESAID EAST LINE OF LOT 1 IN SAM'S CLUB RESUBDIVISION A DISTANCE OF 83.57 FEET TO THE NORTH LINE OF INTERSTATE 88 (ILLINOIS TOLL HIGHWAY) AS MONUMENTED AND DELINEATED ON SAID SAM'S CLUB RESUBDIVISION, ALSO BEING THE SOUTH LINE OF

SAID LOT 6 IN NORTHERN ILLINOIS GAS COMPANY YORK TOWNSHIP ASSESSMENT PLAT NO. 1 AFORESAID; THENCE SOUTHWESTERLY ALONG SAID NORTH LINE OF INTERSTATE 88 AND SOUTH LINE OF LOT 6 AFORESAID, BEING THE ARC OF CURVE, CONVEX TO THE SOUTHEAST, HAVING A RADIUS OF 11334.19 FEET, WHOSE CHORD BEARS SOUTH 68 DEGREES 47 MINUTES 10 SECONDS WEST A DISTANCE OF 342.77 FEET FOR AN ARC DISTANCE OF 342.78 FEET; CONTINUING THENCE SOUTHWESTERLY ALONG SAID NORTH LINE OF INTERSTATE 88 AND SOUTH LINE OF LOT 6, 674.18 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF VACATED FAIRFIELD AVENUE (PER DOCUMENT R1971-061911); THENCE NORTHWESTERLY ALONG A PROPERTY LINE OF SAID LOT 6 IN NORTHERN ILLINOIS GAS COMPANY YORK TOWNSHIP ASSESSMENT PLAT NO. 1 AFORESAID 26.29 FEET; CONTINUING THENCE SOUTHWESTERLY ALONG A SOUTH PROPERTY LINE OF LOT 6 AFORESAID TO A POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE MOST EASTERLY LINE OF LOT 1 IN WINDY HILL ACRES RECORDED FEBRUARY 18, 1958 AS DOCUMENT R1958-871168; THENCE NORTHERLY ALONG SAID SOUTHERLY EXTENSION, ALSO BEING THE WEST LINE OF LOT 6 AFORESAID, ALSO BEING THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 29 AFORESAID AND THE WEST LINE OF A 33 FOOT EASEMENT FOR PUBLIC ROAD DEDICATED PER DOCUMENT R1954-741488 AND SHOWN AS GILMORE STREET PER DOCUMENT R1958-871168 (SUBSEQUENTLY VACATED), 86.75 FEET TO THE ORIGINALLY PLATTED MOST SOUTHEASTERLY CORNER OF SAID LOT 1 IN WINDY HILL ACRES; THENCE NORTHERLY ALONG THE MOST EASTERLY LINE OF SAID LOT 1, ALSO BEING THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 29 AND THE ORIGINALLY PLATTED WEST LINE OF AFORESAID GILMORE ST. A DISTANCE OF 197.25 FEET (ACCORDING TO THE PLAT OF HIGHWAYS RECORDED AS DOCUMENT R1988-023382) TO THE SOUTHEAST CORNER OF PARCEL ONE OF ARLEY BOZICNIK PLAT OF SURVEY RECORDED OCTOBER 15, 1954 AS DOCUMENT R1954-733706; THENCE NORTHERLY ALONG THE EAST LINE OF SAID PARCEL ONE, ALSO BEING THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 29 AFORESAID A DISTANCE OF 225.23 FEET TO THE SOUTH LINE OF ILLINOIS ROUTE 56 (BUTTERFIELD ROAD) AS SHOWN ON AFORESAID PLAT OF HIGHWAYS DOCUMENT R1988-023382 (SAID SOUTH LINE OF BUTTERFIELD ROAD AS TAKEN PER DOCUMENT R1968-049027 FROM SAID PARCEL ONE); THENCE NORTHWESTERLY PERPENDICULAR TO THE SAID SOUTH LINE OF BUTTERFIELD ROAD TO THE NORTH LINE OF SAID BUTTERFIELD ROAD RIGHT OF WAY; THENCE NORTHEASTERLY ALONG SAID NORTH LINE OF THE BUTTERFIELD ROAD RIGHT OF WAY TO A POINT OF INTERSECTION WITH THE AFORESAID EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 29 (ALSO BEING THE SOUTHWEST CORNER OF TAX PARCEL NUMBER 06-29-400-001 SHOWN ON YORKTOWN, DOCUMENT NO. R1968-044972 AS "CEMETERY" PARCEL); CONTINUING THENCE NORTHEASTERLY ALONG SAID NORTH RIGHT OF WAY LINE, 990.79 FEET, MORE OR LESS, TO THE MOST SOUTHEASTERLY CORNER OF PARCEL 2 IN YORKTOWN COMMONS PHASE 1 ASSESSMENT PLAT RECORDED SEPTEMBER 1, 2017 AS DOCUMENT R2017-090478, ALSO BEING THE SOUTHWEST CORNER OF LOT 1 IN THE RESUBDIVISION OF LOT 5 OF YORKTOWN PER DOCUMENT RECORDED AUGUST 4, 1971 AS DOCUMENT NO. R1971-037779; THENCE NORTHWESTERLY ALONG THE WEST LINE OF SAID LOT 1 (PER DOCUMENT R1971-037779) 295.00 FEET; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID LOT 1, 150.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE NORTHWESTERLY 212.19 FEET TO A POINT OF INTERSECTION WITH A LINE BEING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF LOT 1 IN RESUBDIVISION OF LOT 1 IN PEHRSON SECOND RESUBDIVISION PER DOCUMENT R2015-128216; THENCE NORTHWESTERLY 165.00 FEET ALONG SAID PARALLEL LINE;

THENCE SOUTHWESTERLY PERPENDICULAR TO THE LAST DESCRIBED COURSE, 85.00 FEET; THENCE SOUTHEASTERLY ALONG A LINE 50 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF LOT 1 (PER DOCUMENT R2015-128216) AFORESAID, 149.12 FEET; THENCE SOUTH 38 DEGREES 25 MINUTES 42 SECONDS WEST (DEED, 44 SECONDS WEST CALC.) 604.76 FEET; THENCE SOUTH 66 DEGREES 33 MINUTES 07 SECONDS WEST, 515.96 FEET; THENCE SOUTHWESTERLY, 189.32 FEET (DEED, CALC.=190.92 FEET) TO A POINT ON THE MOST SOUTHWESTERLY LINE OF LOT 6 IN YORKTOWN (PER DOCUMENT R1968-044972) AFORESAID; THENCE NORTHEASTERLY ALONG MOST SOUTHWESTERLY LINE OF LOT 6 AFORESAID, 156.59 FEET TO A PROPERTY CORNER THEREOF, ALSO BEING A PROPERTY CORNER IN COMMON WITH LOT 1 OF HIGHLAND-YORKTOWN RESUBDIVISION RECORDED AS DOCUMENT R2006-198283; THENCE NORTHWESTERLY ALONG A SOUTHWESTERLY LINE OF LOT 6 AFORESAID, 231.096 FEET TO ANOTHER CORNER OF SAID LOT 6, ALSO IN COMMON WITH LOT 1 (PER DOC. R2006-198283, 231.10 FEET); THENCE NORTHWESTERLY ALONG A LINE COMMON TO SAID LOT 6 AND LOT 1, 102.16 FEET TO A POINT ON THE MOST NORTHWESTERLY PROPERTY LINE OF SAID LOT 6; THENCE NORTHEASTERLY ALONG SAID PROPERTY LINE (ALSO BEING A COMMON PROPERTY LINE WITH PARCEL 2 IN YORKTOWN COMMONS PHASE 1 ASSESSMENT PLAT PER DOCUMENT R2017-090478), 147.40 FEET; THENCE NORTHWESTERLY PERPENDICULAR TO THE LAST DESCRIBED COURSE, 17.93 FEET (DEED, CALC. = 17.29 FEET), THENCE NORTHEASTERLY PERPENDICULAR TO THE LAST DESCRIBED COURSE, 65.00 FEET; THENCE NORTHWESTERLY PERPENDICULAR TO THE LAST DESCRIBED COURSE, 451.59 FEET TO A POINT ON A NORTHWESTERLY PROPERTY LINE OF SAID PARCEL 1 PER DOCUMENT R2017-090478; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE 138.17 FEET TO AN ANGLE POINT; THENCE SOUTHWESTERLY ALONG A NORTHWESTERLY PROPERTY LINE OF SAID PARCEL 1, 165.00 FEET; THENCE NORTHWESTERLY, 240.24 FEET TO A POINT OF INTERSECTION WITH A LINE BEING 40 FEET EAST OF AND PARALLEL WITH THE EAST LINES OF LOTS 2 AND 3 IN CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER PER DOCUMENT R2000-120890; THENCE NORTHWESTERLY ALONG SAID PARALLEL LINE, 680.98 FEET TO A POINT OF CURVATURE; THENCE 36.54 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 210.00 FEET; WHOSE CHORD BEARS NORTHEASTERLY 36.496 FEET TO A POINT ON THE NORTH LINE OF LOT 1 IN SAID CARSON'S ASSESSMENT PLAT; THENCE SOUTHEASTERLY ALONG SAID NORTH LINE, 561.13 FEET TO AN ANGLE POINT; THENCE SOUTHEASTERLY ALONG A NORTH LINE OF SAID LOT 1, 70.00 FEET; THENCE NORTHWESTERLY, 296.83 FEET (MORE OR LESS) TO A POINT OF CURVATURE IN THE NORTH LINE OF PARCEL 2 PER HIGHLAND AVENUE ASSESSMENT PLAT PER DOCUMENT R2012-012175 (SAID POINT ALSO BEING ON THE SOUTH LINE OF LOT 4 IN FINAL PLAT OF SUBDIVISION OF YORKTOWN COMMONS PHASE 1 PER DOCUMENT R2016-093310); THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT 4 PER DOCUMENT R2016-093310, 189.38 FEET, BEING THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 500.00 FEET, WHOSE CHORD BEARS SOUTHWESTERLY, 188.25 FEET (MORE OR LESS) TO A POINT OF TANGENCY ON THE SOUTH LINE OF LOT 3 IN SAID FINAL PLAT OF SUBDIVISION OF YORKTOWN COMMONS PHASE 1 AFORESAID; THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE OF LOT 3 (ALSO BEING THE NORTH LINE OF PARCEL 2 PER DOCUMENT R2012-012175 AFORESAID), 558.702 FEET TO A POINT OF INTERSECTION WITH A LINE BEING 13.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF HIGHLAND AVENUE AS DEDICATED PER DOCUMENT NO. R68-10770 (SAID POINT BEING THE SOUTHEAST CORNER OF PROPERTY DESCRIBED AS EXCEPTION TO LOT 1 OF PEHRSON'S RESUBDIVISION (RECORDED AS DOCUMENT

R1975-052797) PER DEED RECORDED AS R2017-010084 (AND OTHERS); THENCE NORTHWESTERLY ALONG THE EASTERLY LINE OF SAID EXCEPTION PARCEL, BEING A LINE PARALLEL WITH THE WEST LINE OF SAID LOT 1;, 47.30 FEET; THENCE NORTHWESTERLY, 28.28 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1, BEING 67.26 FEET NORTH OF (MEASURED ALONG THE WEST LINE THEREOF) THE SOUTHWEST CORNER THEREOF; THENCE CONTINUING NORTHWESTERLY ALONG SAID WEST LINE, 319.173 FEET TO THE NORTHWEST CORNER THEREOF; THENCE NORTHEASTERLY ALONG THE NORTH LINES OF LOTS 1 AND 2 IN SAID PEHRSON'S RESUBDIVISION 360.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 2 (SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 3 IN FINAL PLAT OF SUBDIVISION YORKTOWN COMMONS PHASE 1, PER DOCUMENT R2016-093310 AFOREMENTIONED); THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID LOT 3 PER DOCUMENT R2016-093310, 281.24 FEET TO THE NORTHEAST CORNER THEREOF, ALSO BEING THE NORTHWEST CORNER OF LOT 4 IN SAID FINAL PLAT OF SUBDIVISION; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID LOT 4, 742.45 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF 67.00 FOOT WIDE SOUTH GRACE STREET RIGHT OF WAY AS DEDICATED PER DOCUMENT R1972-057164; THENCE NORTHEASTERLY ALONG THE EASTERLY PROLONGATION OF THE SAID NORTH LINE OF LOT 4 TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID SOUTH GRACE STREET RIGHT OF WAY; THENCE SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE TO A POINT OF INTERSECTION WITH THE NORTH LINE OF A 30 FOOT EASEMENT FOR UNDERGROUND UTILITIES PER DOCUMENT R1968-045002, ALSO BEING THE EASTERLY PROLONGATION OF THE SOUTH LINE OF LOT 4 IN FINAL PLAT OF SUBDIVISION OF YORKTOWN COMMONS PHASE 1 AFORESAID; THENCE SOUTHWESTERLY TO A POINT OF CURVATURE, BEING THE NORTHWESTERLY CORNER OF LOT 2 IN SAID FINAL PLAT OF SUBDIVISION OF YORKTOWN COMMONS PHASE 1; THENCE CONTINUING THE FOLLOWING SEVEN (7) COURSES, ALL BEING ALONG PROPERTY LINES OF SAID LOT 2, 1) 30.17 FEET, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 20.00 FEET WHOSE CHORD BEARS SOUTH 25 DEGREES 50 MINUTES 49 MINUTES WEST, 2) SOUTH 17 DEGREES 21 MINUTES 56 SECONDS EAST, 83.14 FEET; 3) SOUTH 02 DEGREES 39 MINUTES 50 SECONDS EAST, 26.41 FEET TO A POINT OF CURVATURE, 4) 28.09 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 18.00 FEET, WHOSE CHORD BEARS SOUTH 47 DEGREES 22 MINUTES 03 SECONDS EAST, 5) NORTH 87 DEGREES 55 MINUTES 45 SECONDS EAST, 209.84 FEET, 6) SOUTH 65 DEGREES 23 MINUTES 09 SECONDS EAST, 127.04 FEET, 7) NORTH 27 DEGREES 57 MINUTES 54 SECONDS EAST, 171.44 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE TO A POINT OF INTERSECTION WITH THE NORTH LINE OF LOT 1 IN SAID FINAL PLAT OF SUBDIVISION OF YORKTOWN COMMONS PHASE 1; CONTINUING THENCE SOUTHEASTERLY ALONG THE NORTH LINE OF SAID LOT 1, 290.74 FEET (MORE OR LESS PER DOCUMENT R1995-162762), BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 518.00 FEET TO A POINT OF INTERSECTION WITH THE MOST WESTERLY NORTH PROPERTY CORNER OF LOT 5 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION PER DOCUMENT R1995-162762; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE NORTHERLY PROPERTY LINES OF SAID LOT 5, 1) NORTHEASTERLY, 94.59 FEET, 2) NORTHWESTERLY 13.00 FEET, 3) NORTHEASTERLY 543.37 FEET TO THE NORTHEAST CORNER THEREOF (SAID POINT ALSO BEING ON A WEST PROPERTY LINE OF PARCEL 1 OF NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT PER DOCUMENT R2007-159301 AND THE SOUTHEAST CORNER OF LOT 2 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION

AFOREMENTIONED; THENCE NORTHWESTERLY 160.75 FEET ALONG THE PROPERTY LINE COMMON TO SAID YORKTOWN PERIPHERAL/TARGET SUBDIVISION AND THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT TO AN ANGLE POINT; THENCE NORTHWESTERLY ALONG SAID COMMON LINE, 251.35 FEET TO AN ANGLE POINT; THENCE SOUTHWESTERLY, 36.67 FEET TO A POINT ON A WESTERLY PROPERTY LINE OF SAID PARCEL 1 IN SAID ASSESSMENT PLAT; THENCE NORTHWESTERLY ALONG SAID WESTERLY PROPERTY LINE, 116.51 FEET TO AN ANGLE POINT; THENCE NORTHEASTERLY ALONG A WESTERLY PROPERTY LINE OF SAID PARCEL 1, 157.16 FEET TO THE MOST NORTHWESTERLY CORNER THEREOF; THENCE SOUTHEASTERLY ALONG THE MOST NORTHERLY LINE OF SAID PARCEL 2, 282.40 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY 70.50 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1,661.83 FEET , WHOSE CHORD BEARS SOUTHWESTERLY TO A POINT OF REVERSE CURVE; THENCE SOUTHWESTERLY 103.23 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 767.39 FEET, WHOSE CHORD BEARS SOUTHWESTERLY TO A POINT OF INTERSECTION WITH A NORTH PROPERTY LINE OF SAID PARCEL 1 (ALL CURVE INFORMATION PER SAID ASSESSMENT PLAT), SAID POINT OF INTERSECTION ALSO BEING THE MOST SOUTHERLY LINE OF LOT 2 IN 701-747 22ND STREET SUBDIVISION PER DOCUMENT R2010-043541; THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF SAID LOT 2, 229.59 FEET TO THE SOUTHEAST CORNER THEREOF, ALSO BEING THE SOUTHWEST CORNER OF LOT 1 IN SAID 701-747 22ND STREET SUBDIVISION; THENCE THE FOLLOWING TEN (10) COURSES, ALL ALONG THE MOST 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 TO 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.

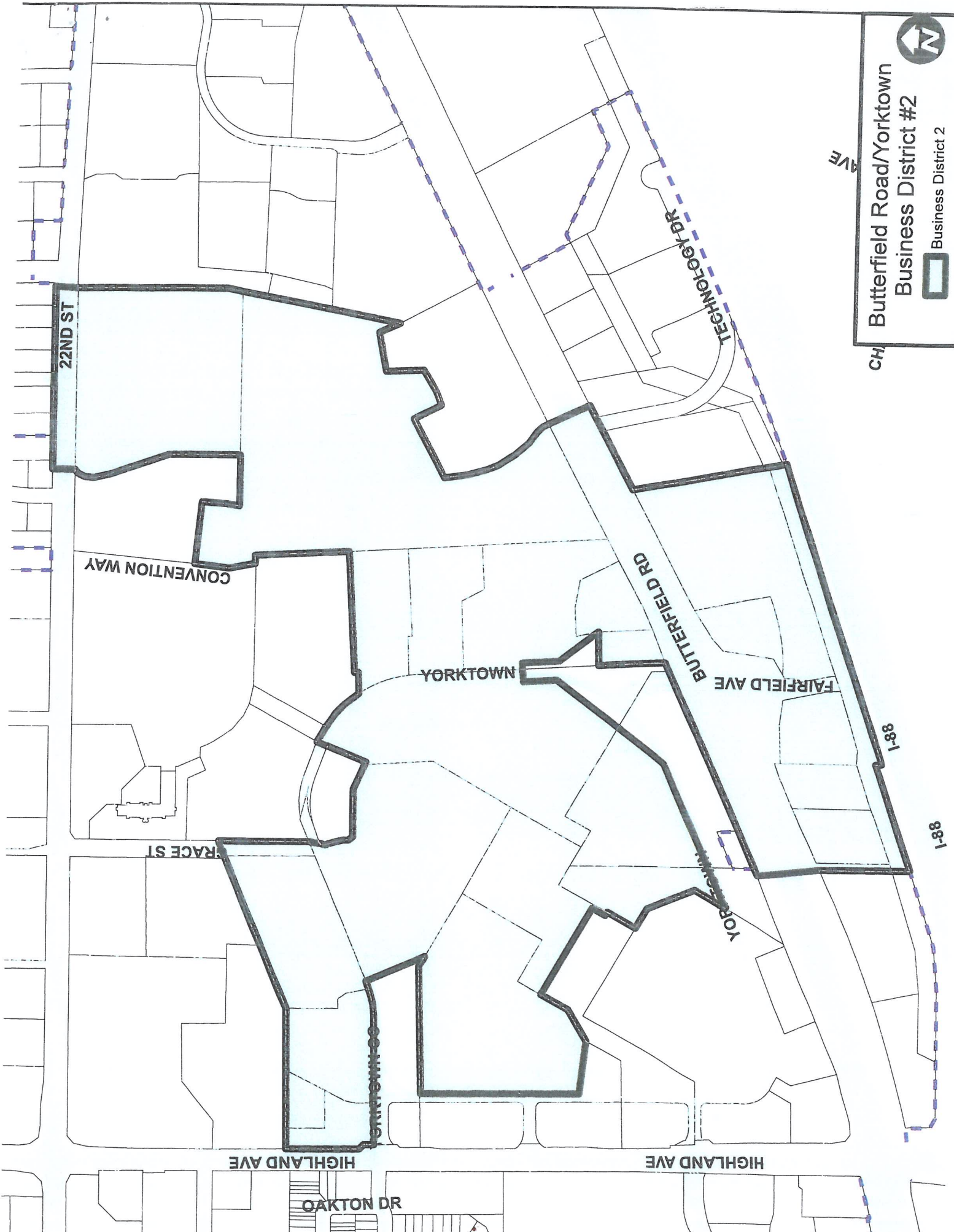
P.I.N.	Common Address	
06-29-101-019	3 Yorktown Center	Lombard, Illinois 60148
06-29-101-035	1 Yorktown Center	Lombard, Illinois 60148
06-29-101-038	230 Yorktown Center	Lombard, Illinois 60148
06-29-101-044	175 Yorktown Center	Lombard, Illinois 60148
06-29-101-046	2 Yorktown Center	Lombard, Illinois 60148
06-29-101-047	20 Yorktown Center	Lombard, Illinois 60148
06-29-101-048	203 Yorktown Center	Lombard, Illinois 60148
06-29-101-049	155 Yorktown Center	Lombard, Illinois 60148
06-29-200-017	85 Yorktown Center	Lombard, Illinois 60148
06-29-200-051	72 Yorktown Center	Lombard, Illinois 60148
06-29-200-052	78 Yorktown Center	Lombard, Illinois 60148
06-29-200-056	610-690 E. Butterfield Rd.	Lombard, Illinois 60148

06-29-200-059	747 E. 22 nd St.	Lombard, Illinois 60148
06-29-200-061	80 Yorktown Center	Lombard, Illinois 60148
06-29-200-062	84 Yorktown Center	Lombard, Illinois 60148
06-29-301-008	145 Yorktown Center	Lombard, Illinois 60148
06-29-400-002	145 Yorktown Center	Lombard, Illinois 60148
06-29-401-007	477 E. Butterfield Rd.	Lombard, Illinois 60148
06-29-401-010	435 E. Butterfield Rd.	Lombard, Illinois 60148
06-29-401-012	455 E. Butterfield Rd.	Lombard, Illinois 60148
06-29-402-016	555 E. Butterfield Rd.	Lombard, Illinois 60148
06-29-402-022	2900 S. Fairfield Ave.	Lombard, Illinois 60148
06-29-402-032	601 E. Butterfield Rd.	Lombard, Illinois 60148

Exhibit A-2

**Depiction (Map) of the
Butterfield Road/Yorktown Business District No. 2**

(attached)



22ND ST

CONVENTION WAY

RACE ST

HIGHLAND AVE

OAKTON DR

CONVENTION WAY

YORKTOWN

BUTTERFIELD RD

HIGHLAND AVE

FAIRFIELD AVE

YORKTOWN

TECHNOLOGY DR

AVE

Butterfield Road/Yorktown
Business District #2



Business District 2

