

**FIRST AMENDMENT TO
AN INTERGOVERNMENTAL REDEVELOPMENT AGREEMENT
BETWEEN THE VILLAGE OF LOMBARD AND THE LOMBARD PARK DISTRICT
IN REGARD TO THE DOWNTOWN TIF DISTRICT AND
THE DEVELOPMENT, OPERATION AND MAINTENANCE OF
A SPRINKLER PARK AT 211 WEST ST. CHARLES ROAD**

This FIRST AMENDMENT TO INTERGOVERNMENTAL REDEVELOPMENT AGREEMENT (the "FIRST AMENDMENT") is entered into this 21st day of June, 2012, by and between the VILLAGE OF LOMBARD (the "VILLAGE") and the LOMBARD PARK DISTRICT (the "PARK DISTRICT"). The VILLAGE and the PARK DISTRICT are hereinafter sometimes referred to individually as a "Party" and collectively as the "Parties."

WITNESSETH

WHEREAS, the VILLAGE and the PARK DISTRICT entered into AN INTERGOVERNMENTAL REDEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF LOMBARD AND THE LOMBARD PARK DISTRICT IN REGARD TO THE DOWNTOWN TIF DISTRICT AND THE DEVELOPMENT, OPERATION AND MAINTENANCE OF A SPRINKLER PARK AT 211 WEST ST. CHARLES ROAD, dated June 9, 2005 (the "ORIGINAL AGREEMENT"); and

WHEREAS, the VILLAGE and the PARK DISTRICT desire to amend certain provisions of the ORIGINAL AGREEMENT, so as to extend the term thereof for an additional five (5) years; and

WHEREAS, in accordance with the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.* (the "TIF ACT"), it is in the best interests of the VILLAGE to approve this FIRST AMENDMENT, and to continue to lease the VILLAGE PROPERTY (as defined in the ORIGINAL AGREEMENT) to the PARK DISTRICT pursuant thereto, so that redevelopment within the DOWNTOWN TIF DISTRICT (as defined in the ORIGINAL AGREEMENT) can continue, said redevelopment pursuant to the TIF ACT being the VILLAGE's purpose for leasing the VILLAGE PROPERTY (as defined in the ORIGINAL AGREEMENT); and

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution and 5 ILCS 220/1 through 220/9 provide authority for intergovernmental cooperation; and

WHEREAS, it is in the best interests of the VILLAGE and the PARK DISTRICT to enter into this FIRST AMENDMENT;

NOW, THEREFORE, in consideration of the foregoing, and the mutual covenants and agreements hereinafter contained, the Parties hereto agree as follows:

1. That the recitals (Whereas clauses) set forth in the ORIGINAL AGREEMENT are hereby amended by adding an additional recital, between the fourth and fifth recitals, which shall read in its entirety as follows:

“WHEREAS, pursuant to Ordinance Number 5981, adopted January 18, 2007, LOMBARD amended Ordinance Number 3121, and the redevelopment plan and project attached thereto, as amended by Ordinance Number 5145, adopted June 6, 2002, to further extend the life of the DOWNTOWN TIF DISTRICT for an additional twelve (12) years, so that the DOWNTOWN TIF DISTRICT would remain in full force and effect for the full period authorized by Public Act 94-0783; said full period being thirty-five (35) years, with real estate taxes for 2023, as collected during 2024, being the last year of real estate taxes subject to the DOWNTOWN TIF DISTRICT.”

2. That Section 1. of the ORIGINAL AGREEMENT is hereby amended by revising the reference therein to, “December 31, 2011,” to read, “December 31, 2016.”

3. That Section 10. of the ORIGINAL AGREEMENT is hereby amended to read in its entirety as follows:

“10. The PARK DISTRICT and the VILLAGE shall review the operation of the PROJECT during September of 2016, to make sure that the VILLAGE PROPERTY remains an appropriate location for the

PROJECT. Components of this review shall include, but shall not be limited to, usage of the PROJECT, maintenance of the PROJECT, and public safety incident reports and responses in relation to the PROJECT. Based on said review, the Parties shall decide if they want to extend the term of this AGREEMENT."

4. That all portions of the ORIGINAL AGREEMENT, not amended hereby, shall remain in full force and effect.

5. This FIRST AMENDMENT shall be executed simultaneously 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. This FIRST AMENDMENT shall be deemed dated and become effective on the date the last of the Parties execute this FIRST AMENDMENT, as set forth below.

IN WITNESS WHEREOF, the VILLAGE, pursuant to authority granted by the adoption of an Ordinance by its Board of Trustees, has caused this FIRST AMENDMENT to be executed by its Village President and attested by its Village Clerk, and the PARK DISTRICT, pursuant to the authority duly granted by the adoption of a Resolution by its Board of Park Commissioners, has cause this FIRST AMENDMENT to be signed by its President and attested by its Secretary.

VILLAGE OF LOMBARD


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Dated: June 21, 2012

LOMBARD PARK DISTRICT


Jorin C. Miles
President

ATTEST:


Paul W. Hansen
Secretary

Dated: 8/30/12

ACKNOWLEDGMENT

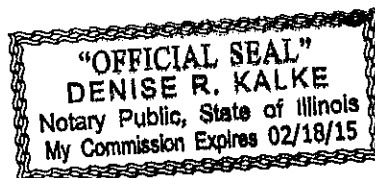
State of Illinois)
) SS
County of DuPage)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that William J. Mueller and Brigitte O'Brien, 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 Village 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 Board of Trustees of said municipal corporation, as their free and voluntary act, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 21st day of June, 2012.



Notary Public



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 Janece Mills and Paul W Friedrichs, personally known to me to be the President and Secretary of the Lombard Park District, 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 Secretary, they signed and delivered the said instrument and caused the corporate seal of said park district to be affixed thereto, pursuant to authority given by the Board of Park Commissioners of said park district, as their free and voluntary act, and as the free and voluntary act and deed of said park district, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 30th day of August, 2012.



Jason S Myers
Notary Public