

**FRED BUCHOLZ**  
DUPAGE COUNTY RECORDER  
OCT. 31, 2006 10:51 AM  
OTHER 02-36-412-030  
017 PAGES R2006-209824

**ORDINANCE 5916**

**AUTHORIZING A FIRST AMENDMENT TO  
ORDINANCE 3336, ADOPTED OCTOBER 10, 1990,  
AUTHORIZING AN ANNEXATION AGREEMENT**

**PIN: 02-36-412-030 and 02-36-412-034**

**Address: 1000 N. Rohlwing Road, Lombard, IL**

**Return To:**

**Village of Lombard  
Department of Community Development  
255 E. Wilson Avenue  
Lombard, IL 60148**

ORDINANCE NO. 5916

**AN ORDINANCE AUTHORIZING A FIRST AMENDMENT  
TO ORDINANCE 3336, ADOPTED OCTOBER 10, 1990,  
AUTHORIZING AN ANNEXATION AGREEMENT**

(PC 06-18: 1000 N. Rohlwing Road)  
(Northgate Plaza Shopping Center)

(See also Ordinance No.(s) 5915 )

WHEREAS, 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 "Owner") has petitioned the Village for an amendment to Ordinance Number 3336, adopted October 10, 2006 (hereinafter " the First Amendment") to said Ordinance providing for an annexation agreement relative to the property described in Section 3 below (hereinafter the "Subject Property"); and

WHEREAS, said petition of the Developer requests an amendment to Ordinance Number 3336 so as to provide for an amended landscape plan; and

WHEREAS, a public hearing was held by the Village's Plan Commission on June 19, 2006, pursuant to appropriate and legal notice, for the purpose of considering the petition of the Owner for the amended plan and the Plan Commission has submitted to the Corporate Authorities of the Village its findings and recommendations with respect to said petition; and

WHEREAS, the First Amendment has been drafted and a copy is attached hereto and incorporated herein as Exhibit "A"; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein.

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Ordinance 3336, adopted October 10, 2006, is hereby amended to include the First Amendment attached hereto and marked Exhibit "A", by and between the Developer and the Village of Lombard.

SECTION 2: That the Village President and Village Clerk be and hereby are authorized to sign and attest to said First Amendment.

SECTION 3: This Ordinance is limited and restricted to the property generally located at 1000 Rohlwing Road, Lombard, Illinois; legally described as follows:

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.

Parcel Nos.:                      02-36-412-030, 02-36-412-034

SECTION 4: That all other portions of Ordinance Number 3336, adopted October 10, 1990, and not amended by this Ordinance, shall remain in full force and effect.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this 17th day of August, 2006.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

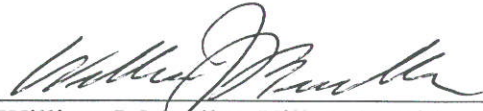
Passed on second reading this 7th day of September, 2006.

Ayes: TRUSTEES GRON, TROSS, O'BRIEN, SEBBY & FLOREY

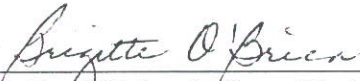
Nays: NONE

Absent: TRUSTEE SODERSTROM


Approved this 7th day of September, 2006.

  
\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

  
\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Published in pamphlet from this 11~~th~~ day of September, 2006

  
\_\_\_\_\_  
Brigitte O'Brien, Village Clerk



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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 7<sup>th</sup> 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.

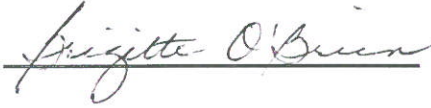


**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals to this  
Amendment on the day and year first above written.

VILLAGE OF LOMBARD

ATTEST:

By:   
Village President

  
Village Clerk

DATED: September 7, 2006

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OWNER: Lombard Northgate, L.L.C., a  
Delaware Limited Liability Company  
By: Midwest Real Estate Equity, Inc.  
a Delaware Corporation, its sole member  
By: Arthur M. Dubois

Its: Vice President

ATTEST:

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

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

OWNER:

By: [Signature]

Its: PRESIDENT

ATTEST:

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

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







STATE OF ILLINOIS            )  
  ) SS  
COUNTY OF DU PAGE        )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that William J. Mueller, personally known to me to be the President of the Village of Lombard, and Brigitte O'Brien, personally known to me to be the Village Clerk of said municipal corporation, 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 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 11<sup>th</sup> day of September 2006.

Commission expires June 10, 2009.

Barbara A Johnson  
Notary Public



SCHEDULE OF EXHIBITS

EXHIBIT A:           Legal Description

EXHIBIT D:           Landscape Plan

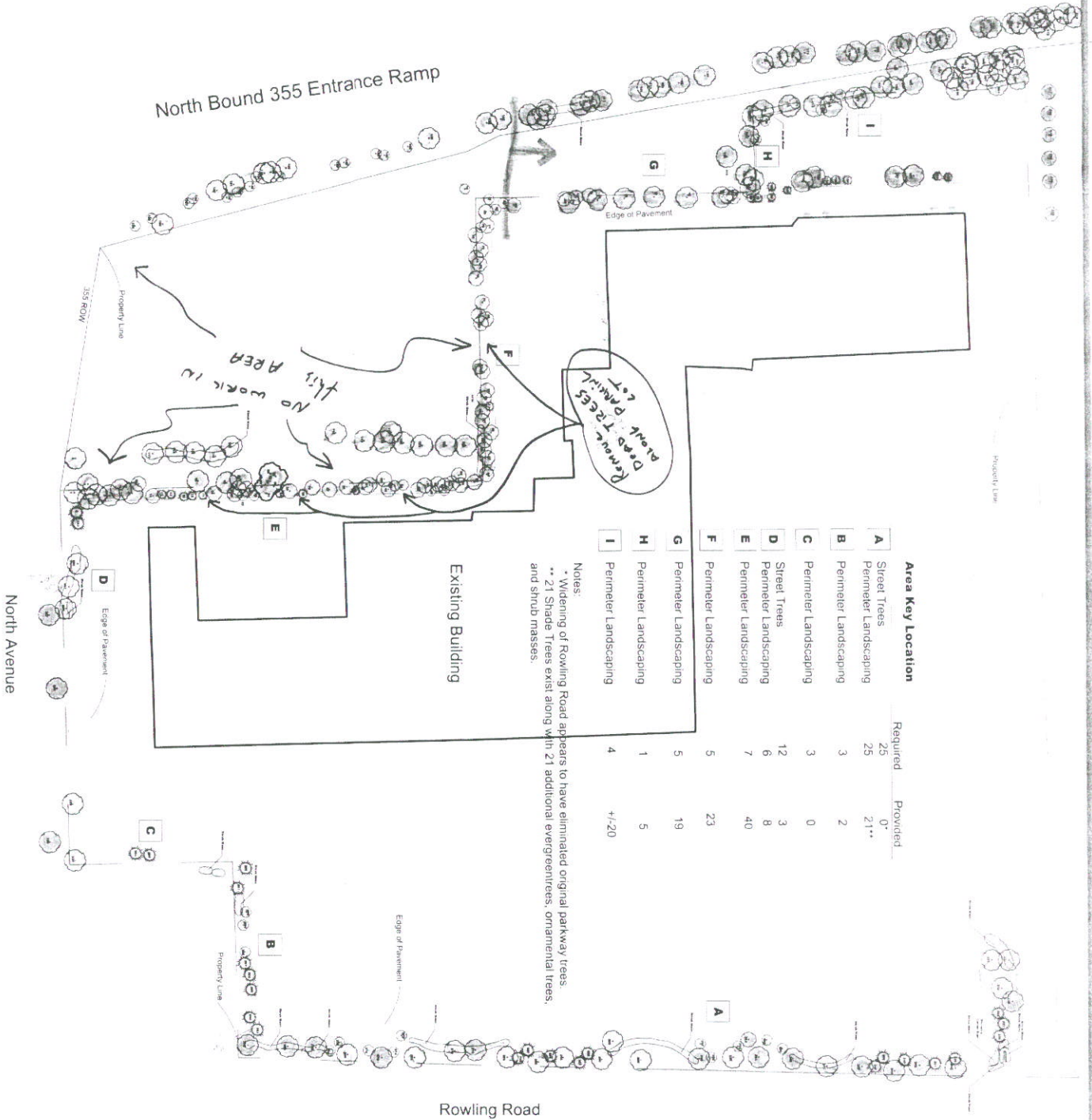
EXHIBIT A

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

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Parcel Numbers: 02-36-412-030 and 02-36-412-034

EXHIBIT D



**Area Key Location**

Area Key Location	Required	Provided
A Street Trees	25	0*
A Perimeter Landscaping	25	21**
B Perimeter Landscaping	3	2
C Perimeter Landscaping	3	0
D Street Trees	12	3
D Perimeter Landscaping	6	8
E Perimeter Landscaping	7	40
F Perimeter Landscaping	5	23
G Perimeter Landscaping	5	19
H Perimeter Landscaping	1	5
I Perimeter Landscaping	4	+/-20

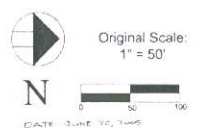
Notes:  
 \*\* Widening of Rowling Road appears to have eliminated original parkway trees.  
 \*\* 21 Shade Trees exist along with 21 additional evergreen trees, ornamental trees, and shrub masses.

Key  
 Boxes/Trees that remain  
 Trees/Boxes to be removed

Note: Property line, building envelope and pavement edge from survey by Glen D. Kirsch Land Surveyor, Inc. date March 9, 2005

**MIDWEST REAL ESTATE  
 EQUITIES, INC.**  
 2901 BUTTERFIELD ROAD  
 OAKBROOK, ILLINOIS 60523

Tree Inventory  
 Landscape Plan  
**NORTHGATE PLAZA**  
 Lombard, Illinois



**Rolf C. Campbell & Associates**  
 101 Waukegan Rd. - Suite 1000  
 Lake Bluff, Illinois 60044  
 PHONE (847) 735-1000 FAX (847) 735-1000



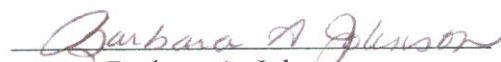


**I, Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a true and correct copy of ORDINANCE 5916  
AN ORDINANCE AUTHORIZING A FIRST  
AMENDMENT TO ORDINANCE 3336, ADOPTED  
OCTOBER 10, 1990, AUTHORIZING AN  
ANNEXATION AGREEMENT, 1000 N. ROHLWING  
ROAD, (NORTHGATE PLAZA SHOPPING  
CENTER), PARCEL NOS: 02-36-412-030, 02-36-412-  
034, LOMBARD, DUPAGE COUNTY, ILLINOIS

of the said Village as it appears from the official records of said Village duly passed on September 7, 2006.

**In Witness Whereof**, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 24<sup>th</sup> day of October, 2006.



Barbara A. Johnson  
Deputy Village Clerk  
Village of Lombard  
DuPage County, Illinois