

EXTRACT OF MINUTES of a regular public meeting of the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, held at the Village Hall, in said Village, at 273 Madison Street, Oak Park, Illinois 60302, on the 8th day of September, 2015.

* * *

The President called the meeting to order and directed the Village Clerk to call the roll.

Upon the roll being called, the President and the following Trustees answered present: Barber, Brewer, Ott, Salzman, Tucker

The following were absent from the meeting: Lueck

The President and Board of Trustees then gave a public recital of the nature and purpose of the ordinance, which included a reading of the title aloud and an explanation that the ordinance authorizes the Village to enter into a First Amendment to Redevelopment Agreement – South Boulevard and Harlem Site (the “**First Amended Agreement**”), by and between the Village of Oak Park, Cook County, Illinois (the “**Village**”), an Illinois municipal corporation and home-rule unit, and OP South Boulevard LLC (the “**Developer**”).

Trustee Tucker moved and Trustee Ott seconded the motion that said ordinance as presented and read by the Village Clerk be adopted.

After a full and complete discussion thereof including a public recital of the nature of the matter being considered and such other information as would inform the public of the nature of the business being conducted, the Village President directed that the roll be called for a vote upon the motion to adopt the ordinance as read.

Upon the roll being called, the following Trustee voted

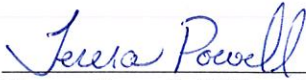
AYE: Barber, Brewer, Ott, Salzman, Tucker; Abu-Taleb

NAY: None

Whereupon the Village President declared the motion carried and the ordinance adopted, and henceforth did approve and sign the same in open meeting and did direct the Village Clerk to record the same in full in the records of the President and the Board of Trustees of the Village.

Other business not pertinent to the adoption of said ordinance was duly transacted at said meeting.

Upon motion duly made and seconded, the meeting was adjourned.



Teresa Powell, Village Clerk

AN ORDINANCE authorizing the execution of a First Amendment to Redevelopment Agreement – South Boulevard and Harlem Site by the Village of Oak Park, a home rule unit of government

* * *

WHEREAS, the Village of Oak Park, Cook County, Illinois (the “**Village**”), a home rule unit of government has heretofore approved a redevelopment plan for the Greater Mall Tax Increment Area (the “**Area**”), pursuant to the provisions of the Tax Increment Allocation Redevelopment Act, as supplemented and amended (the “**Act**”); and

WHEREAS, the Village has heretofore adopted tax increment allocation financing for the Area as provided in the Act; and

WHEREAS, the President and Board of Trustees of the Village (the “**Corporate Authorities**”) have heretofore determined that it is in the best interests of the Village that a Redevelopment Agreement – South Boulevard and Harlem Site (the “**Redevelopment Agreement**”) specifically pertaining to the Area, be executed by the Village, effective as of February 18, 2015; and

WHEREAS, the Corporate Authorities have heretofore, and it hereby is, determined that additional mutual understandings on the status of various aspects of the Project (as defined in the Redevelopment Agreement) be amended and it is in the best interests of the Village that the proposed First Amended Agreement by and between the Village and the Developer be executed; and

WHEREAS, the First Amended Agreement is on file and available to the general public in the office of the Village Clerk; and

WHEREAS, pursuant to the Act the Village shall make no agreements relating to the development of the property in the Area except upon the adoption of an ordinance by the Corporate Authorities:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, as follows:

Section 1. Preambles. The preambles hereto be, and the same hereby are, incorporated herein by this reference as if set out in this section in full.

Section 2. First Amended Agreement. The First Amended Agreement, in substantially the form presented to the President and Board of Trustees at this meeting and attached hereto as Exhibit A, and the same hereby is, approved, and the Village Manager and Village Clerk are hereby authorized and direct to execute the same, with such additions, completions, omissions, insertions or revisions as they shall, in their sole discretion and without further official action of the Corporate Authorities, determine.

Section 3. Repealer. That all Ordinances or parts of Ordinances in conflict herewith are expressly repealed.

Section 4. Savings Clause. That in the event any portion of this Ordinance is declared to be void, that such other parts or remainder of this Ordinance shall not be adversely affected and shall otherwise remain effective and valid.

Section 5. Publication of Ordinance. A full, true and complete copy of this Ordinance shall be published within ten (10) days after passage in pamphlet form by authority of the Corporate Authorities.

Section 6. Adoption Clause. That this Ordinance shall be in full force and effect from and after its approval, adoption and publication as required by law.

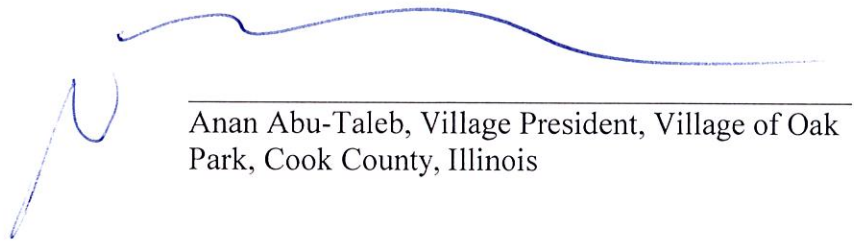
AYE: Barber, Brewer, Ott, Salzman, Tucker; Abu-Taleb

NAY: None

ABSENT: Lueck

ADOPTED: September 8, 2015

APPROVED AND ADOPTED: September 8, 2015




Anan Abu-Taleb, Village President, Village of Oak Park, Cook County, Illinois

Recorded in Village Records: September 8, 2015

Published in pamphlet form by authority of the President and Board of Trustees at the Village Hall on September 9, 2015.

Attest:



Teresa Powell, Village Clerk, Village of Oak Park
Cook County, Illinois

Attachment:

Exhibit A – First Amendment to Redevelopment Agreement – South Boulevard and Harlem Site

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

**CERTIFICATION OF ORDINANCE AND MINUTES AND
PUBLICATION IN PAMPHLET FORM**

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Oak Park, Cook County, Illinois (the “**Village**”), and as such officer I am the keeper of the books, records, files, and journal of proceedings of the Village and of the President and Board of Trustees (the “**Corporate Authorities**”) thereof.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the legally convened meeting of the Corporate Authorities held on the 8th day of September, 2015, insofar as same relates to the adoption of an ordinance (the “**Ordinance**”) numbered 15-150 and entitled:

AN ORDINANCE authorizing the execution of a First Amendment to Redevelopment Agreement – South Boulevard and Harlem Site by the Village of Oak Park, a home rule unit of government

a true, correct and complete copy of which the Ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Corporate Authorities on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Corporate Authorities at least 96 hours in advance of the holding of said meeting, that at least one copy of said agenda was continuously available for public review during the entire 96-hour period preceding said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as Exhibit A, that notice of said meeting was duly given to all news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, The Municipal Code of the State of Illinois, as amended, and the Local Government Debt Reform Act of the State of Illinois, that the Board has complied with all of the provisions of said Acts and said Code and with all of the procedural rules of the Corporate Authorities in the passage of said ordinance.

I do further certify that the Ordinance was published by authority of the Corporate Authorities in pamphlet form on the 9th day of September, 2015, and the Ordinance as so published was on said date readily available for public inspection and distribution, in sufficient number to meet the needs of the general public, at my office as Village Clerk located in the Village.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the seal of the Village, this 9th day of September, 2015.

Teresa Powell

Teresa Powell, Village Clerk

(SEAL)

EXHIBIT A

**FIRST AMENDMENT TO
REDEVELOPMENT AGREEMENT**

between

VILLAGE OF OAK PARK, COOK COUNTY, ILLINOIS

and

OP SOUTH BOULEVARD LLC

dated as of the

8th day of September, 2015

**VILLAGE OF OAK PARK, ILLINOIS
REDEVELOPMENT PLAN AND PROJECT
GREATER MALL TAX INCREMENT AREA
SOUTH BOULEVARD AND HARLEM SITE**

**FIRST AMENDMENT
REDEVELOPMENT AGREEMENT
SOUTH BOULEVARD AND HARLEM SITE**

This First Amendment to Redevelopment Agreement ("*First Amendment*") is made and entered into as of the 8th day of September, 2015 ("*Effective Date*") by and between the Village of Oak Park, Cook County, Illinois, an Illinois municipal home rule corporation ("*Village*"), and OP South Boulevard LLC, a Delaware limited liability company, with its principal office located at 1110 Jorie Boulevard, Suite 300, Oak Brook, Illinois 60523 ("*Developer*"). (The Village and the Developer are sometimes referred to individually as a "*Party*" and collectively as the "*Parties*").

RECITALS

The following Recitals are incorporated herein and made a part hereof.

A. **WHEREAS**, the Parties entered into a Redevelopment Agreement ("*RDA*"), effective as of February 18, 2015 (the RDA, as amended by this First Amendment is referred to collectively as the "*RDA*"); and

B. **WHEREAS**, the Village has previously scheduled the replacement at its cost of a north-south alley east of and adjoining the Property (as defined in the RDA) (the "**Replacement Alley**"); and

C. **WHEREAS**, the Parties have agreed that the coordination of design and construction of the Replacement Alley and the Project design and schedule authorized by this First Amendment has various benefits to the Parties, including cost and time savings and enhanced design and site development coordination; and

D. **WHEREAS**, the Parties have agreed that the Developer's civil engineering firm, Kimley-Horn and Associates, Inc., Lisle, Illinois (the "**Consultant**") may efficiently and cost effectively design the Replacement Alley in connection with the ongoing Project; and

E. **WHEREAS**, the Village desires to authorize Developer (i) to enter into a Professional Services Agreement with the Consultant for surveying and designing the Replacement Alley and to pay the costs thereof (\$18,800.00 plus or minus the cost of authorized changes and extras in the scope of work) from available funds in the Village's FY2015 Capital Improvements Fund for Alley Improvements (Account No. 3095-43780-101-570964), and (ii) subject to the Village's review and approval of the proposed costs thereof, to construct and install or cause the construction and installation of the Replacement Alley at the Village's expense, as set forth on Exhibit A hereof and if such approval is not given, the Village shall construct and install the Replacement Alley using a Village designated contractor; and

F. **WHEREAS**, this First Amendment will not change the Project Schedule for the Project as set forth in Section 6.1 of the RDA:

G. **WHEREAS**, Section 19.10 of the RDA provides that the RDA may only be modified or amended by a written agreement executed by the Parties, unless otherwise provided; and

H. **WHEREAS**, this First Amendment has been submitted to the Corporate Authorities of the Village for consideration and review, the Corporate Authorities have taken all actions required to be taken prior to the execution of this First Amendment in order to make the same binding upon the Village according to the terms hereof, and any and all actions of the Corporate Authorities of the Village precedent to the execution of this First Amendment have been undertaken and performed in the manner required by law; and

I. **WHEREAS**, this First Amendment has been submitted to the Developer for consideration and review, and the Developer has taken all actions required to be taken prior to the execution of this First Amendment in order to make the same binding upon the Developer according to the terms hereof, and any and all actions precedent to the execution of this Third Amendment by the Developer have been undertaken and performed in the manner required by law:

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

ARTICLE 1

INCORPORATION OF RECITALS; DEFINED TERMS; CONTINUED EFFECT

The findings, representations and agreements set forth in the above Recitals are material to this First Amendment and are hereby incorporated into and made a part of this First Amendment as though fully set out in this Article One, and constitute findings, representations and agreements of the Village and of the Developer according to the tenor and import of the statements in such Recitals. All capitalized terms not defined in this First Amendment shall have the meaning ascribed to them in the RDA, unless otherwise stated herein. Except as expressly amended by this First Amendment, all of the other terms, conditions, and provisions in the RDA shall continue in full force and effect.

ARTICLE 2

ADDITION OF NEW SECTION 7.11 AND NEW EXHIBIT 13

A new Section 7.11 of the RDA shall be added and a new Exhibit 13 shall be added in its entirety as follows:

Section 7.11 Alley Design and Replacement.

The Village authorizes (i) Developer to enter into an agreement with Kimley-Horn and Associates, Inc., Lisle, Illinois (the "**Consultant**") to provide survey and design engineering services for the replacement of an alley east of and adjacent to the Property

and Project (the "Replacement Alley"), the cost thereof for such services to be paid from available funds of the Village, and (ii) subject to the Village's review and approval of the proposed costs thereof, to construct and install or cause the construction and installation of the Replacement Alley at the Village's expense, as set forth on Exhibit 13 hereof and if such approval is not given, the Village shall construct and install the Replacement Alley using a Village designated contractor. Developer will provide the Village with copies of the contracts with the Consultant for its review and approval and with the contractor who performs the construction and installation of the Replacement Alley for its review and approval. Once approved, the Village will pay the aforesaid costs and expenses in a timely manner in accordance with the provisions of the aforesaid contracts.

ARTICLE 3

EFFECTIVENESS

The Effective Date for this First Amendment shall be the 8th day of September, 2015.

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

VILLAGE:
Village of Oak Park,
Cook County, Illinois
an Illinois municipal corporation

ATTEST:

By: Teresa Powell
Teresa Powell, Village Clerk

By: Cara Pavlicek
Cara Pavlicek, Village Manager

[VILLAGE SEAL]

DEVELOPER:
OP South Boulevard LLC, a Delaware
limited liability company

ATTEST:

By: Samuel Spillone
Its: Member

By: [Signature]
Its: Manager/Member

**REVIEWED AND APPROVED
AS TO FORM**

[Signature]
SEP 08 2015
LAW DEPARTMENT

ACKNOWLEDGMENTS

STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, **DO HEREBY CERTIFY** that Cara Pavlicek, personally known to me to be the Village Manager of the Village of Oak Park, Cook County, Illinois, and Teresa Powell, 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 Village Manager 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 President and 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 8th day of September, 2015

Karen D Blackaller

Notary Public



STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, **DO HEREBY CERTIFY** that Brian Byene, personally known to me to be the Manager/Member of OP South Boulevard LLC, and Brian Byene, personally known to me to be a Member of said Delaware limited liability company, 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 Manager/Member and Member, they signed and delivered the said instrument, pursuant to authority given by the Members of said Delaware limited liability company, as their free and voluntary act, and as the free and voluntary act and deed of said Illinois limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 4th day of ~~September~~ ^{May 2016}, 2015



EXHIBIT A

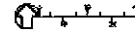
Description of Replacement Alley

(Being new Exhibit 13 to the RDA)

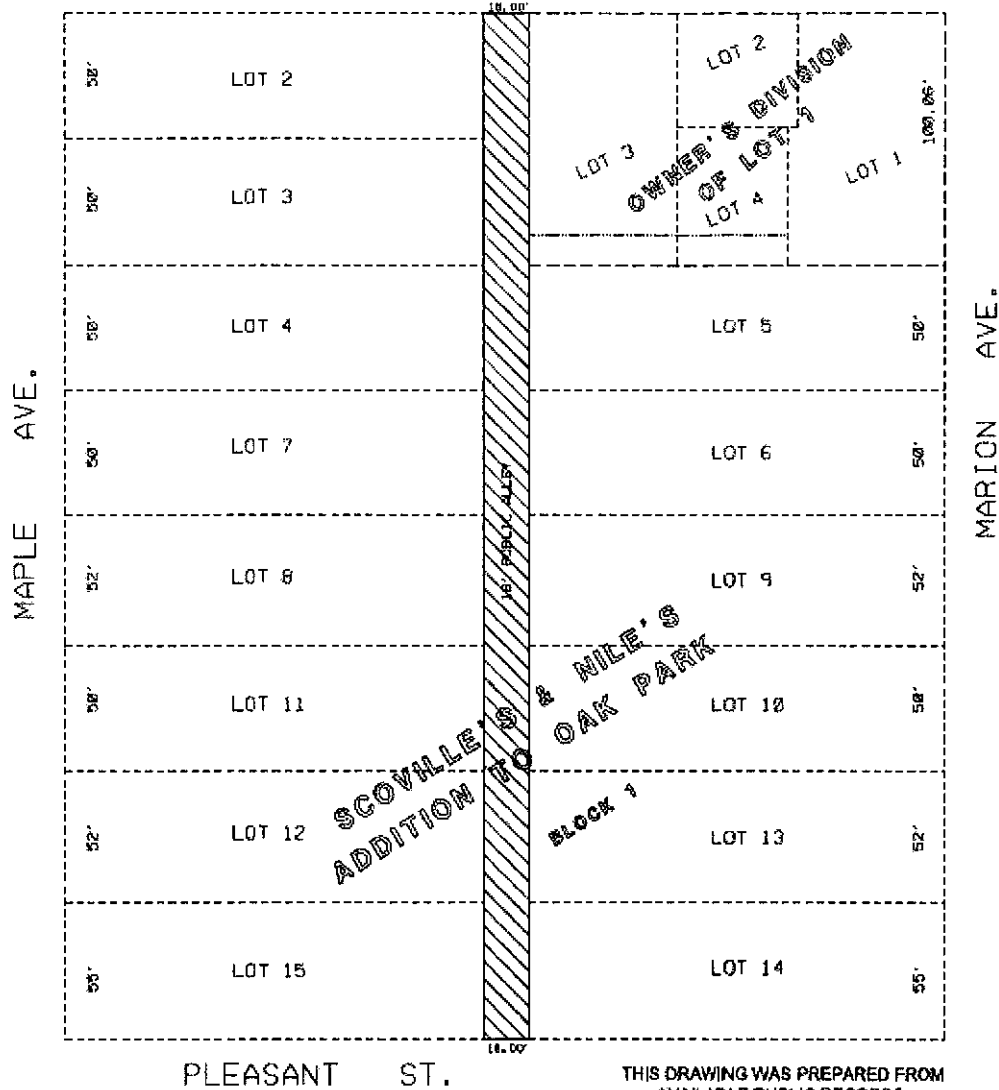
DESCRIPTION OF 18 FOOT WIDE NORTH-SOUTH PUBLIC ALLEY
(SOUTH-HARLEM DEVELOPMENT)

An 18 foot wide North-South public alley lying East of and adjoining Lots 2, 3, 4, 7, 8, 11, 12 and 15 in Block 1 of Scoville's and Nile's Addition to Oak Park, being a subdivision of the West Half of the West Half of the Southwest Quarter of Section 7, Township 39 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

EXHIBIT OF ALLEY



SOUTH BLVD.



PLEASANT ST.

THIS DRAWING WAS PREPARED FROM AVAILABLE PUBLIC RECORDS.

* ALL DIMENSIONS ARE RECORD

LEGAL DESCRIPTION

An 18 foot wide North-South public alley lying East of and adjoining Lots 2, 3, 4, 7, 8, 11, 12 and 15 in Block 1 of Scoville's and Nile's Addition to Oak Park, being a subdivision of the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 7, Township 39 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.