

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant **DATE:** August 2, 2005
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "A RESOLUTION AUTHORIZING EXECUTION OF A THIRD AMENDMENT TO ANNEXATION AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND OPUS/AEW OFFICE DEVELOPMENT COMPANY, LLC", as presented.

SUMMARY OF ITEM:

Adoption of the attached resolution shall authorize a third amendment to an annexation agreement between the Village of Downers Grove and OPUS/AEW Office Development Company, LLC.

RECORD OF ACTION TAKEN:

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF A THIRD AMENDMENT TO
ANNEXATION AGREEMENT BETWEEN THE
VILLAGE OF DOWNERS GROVE AND
OPUS/AEW OFFICE DEVELOPMENT COMPANY, LLC**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois,
as follows:

1. That the form and substance of a certain Third Amendment to Annexation Agreement (the "Agreement"), between the Village of Downers Grove (the "Village") and Opus/AEW Office Development Company, LLC (the "Owner"), for a third amendment to annexation agreement, as set forth in the form of the Amendment to Annexation Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Third Amendment to Annexation Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Third Amendment to Annexation Agreement.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____
Village Clerk

**THIRD AMENDMENT TO
ANNEXATION AGREEMENT**

This Third Amendment to Annexation Agreement (this "Amendment") is made and entered into as of the _____ day of _____, 2005, by and between THE VILLAGE OF DOWNERS GROVE, an Illinois municipal corporation ("Village") and OPUS/AEW OFFICE DEVELOPMENT COMPANY, LLC, a Delaware limited liability company ("Owner") for the following property, to wit:

See Attached Exhibit A

Understandings

- A. The Village and Homart Development Co., a Delaware corporation ("Homart") entered into a certain Annexation Agreement dated as of December 15, 1986 and recorded with the DuPage County, Illinois Recorder on December 18, 1986 as Document No, R86-160434 against certain real property in DuPage County, Illinois legally described on Exhibit A attached hereto and made a part hereof ("Property"), which Annexation Agreement was subsequently amended by an Amendment and Supplement Annexation Agreement dated as of June 9, 1989 and recorded with the DuPage County, Illinois Recorder as Document No. R89-087257, and a Second Amendment to Annexation Agreement, dated as of September 5, 2000 and recorded with the DuPage County, Illinois Recorder as Document No. 2000-181514. That Annexation Agreement, as amended is referred to herein as the "Annexation Agreement."
- B. The Village and Owner subsequently conveyed all of its right, title and interest in and to the Property to Owner.
- C. The Village and Owner desire to amend paragraph 2(b)(ii) of the Second Amendment to Annexation Agreement in order to extend the date of the Traffic Study submission to December 15, 2006.

Continuing Force and Effect. Except as expressly amended by this Amendment, the Annexation Agreement

shall remain in full force and effect in accordance with its terms, provisions and conditions.

IN WITNESS WHEREOF, the Village and Owner have caused this Amendment to have been executed and delivered as of the date first above written.

THE VILLAGE OF DOWNERS GROVE,
an Illinois Municipal Corporation

OPUS/AWE OFFICE DEVELOPMENT
COMPANY, LLC, a limited liability company

By _____

By: _____

Name _____

Name _____

Its _____

Its _____

Attest _____
Village Clerk

Subscribed and sworn to before me
this ____ day of _____, 20__.

Notary Public

This document prepared by:
Village of Downers Grove Legal Department
801 Burlington Avenue
Downers Grove, IL 60515

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STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

I, _____, a notary public in and for said County, in the State aforesaid DO
HEREBY CERTIFY that _____ personally known to me to be the Mayor of
the VILLAGE OF DOWNERS GROVE, an Illinois municipal corporation 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, being duly authorized as such Mayor, he signed and delivered the said instrument as his 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 ____ day of _____, 200__

Notary Public

Printed: _____

Commission Expiration _____

SEAL