

**FOURTH AMENDMENT TO A CERTAIN ANNEXATION AGREEMENT DATED  
SEPTEMBER 18, 1989, AMONG THE CITY OF WHEATON,  
ILLINOIS ("CITY"), JOE KEIM LAND CORPORATION, AN  
ILLINOIS CORPORATION ("DEVELOPER") AND THE INSTITUTE  
OF THE BLESSED VIRGIN MARY ("LORETTO SISTERS"), AN  
ILLINOIS CORPORATION ("OWNER")**

**THIS FOURTH AMENDMENT TO THE ANNEXATION AGREEMENT** ("Fourth Amendment") is made and entered into this 28<sup>th</sup> day of August, 2000, by and between the City of Wheaton, an Illinois Municipal Corporation, ("City") and the Institute of the Blessed Virgin Mary ("Loretto Sisters") an Illinois Corporation, ("Owner") dated August 28, 2000.

WHEREAS, the City and Owner have previously entered into an Annexation Agreement dated September 18, 1999, ("Annexation Agreement") and recorded December 8, 1989, as Document No. R89-155086 with the DuPage County Recorder of Deeds, pertaining to the real estate described in the annexation Agreement ("Subject Realty"); and

WHEREAS, the City and Owner have previously entered into an Amendment to the Annexation Agreement ("First Amendment") for the use and operation of a Four Winds School within the Loretto Convent facilities on a portion of the Subject Realty known as the Loretto parcel, dated July 20, 1998 and recorded on October 5, 1998, as Document No. R98-205986 with the DuPage County Recorder of Deeds; and

WHEREAS, The City and Developer have previously entered into an amendment to the Annexation Agreement ("Second Amendment") to amend the grandfather provisions provided for in the Annexation Agreement dated June 7, 1999, and recorded on June 30, 1999 as Document No. R1999145945 with the DuPage County Recorder of Deeds; and

WHEREAS, the City and Owner have previously entered into an amendment to the Annexation Agreement ("Third Amendment") to allow for the construction of a three-story, 10,755 square foot building addition to the Loretto Convent building on a portion of the Subject Realty known as the Loretto Parcel dated November 2, 1999 and Recorded on November 5, 1999 as Document No. R1999-233957 with the DuPage County Recorder of Deeds; and

WHEREAS, the Owner has petitioned the City to further amend the Annexation Agreement to allow the demolition of the existing caretaker's residence and construct a new caretaker's residence.

WHEREAS, the City is agreeable to amending the Annexation Agreement pursuant to the request of the Owner in accordance with the terms and provisions herein after set forth in this Fourth Amendment to the Annexation Agreement; and

WHEREAS, pursuant to paragraph 35 E of the Annexation Agreement it is not necessary for the Developer to consent to this Third Amendment because the provisions thereof exclusively apply to the Loretto Parcel; and

WHEREAS, pursuant to the provisions of the Wheaton City Code, a public hearing was conducted by the Wheaton City Council on August 28, 2000, to consider the amendment to the Annexation Agreement.


NOW, THEREFORE, in consideration of the premises and the mutual promises and agreements hereinafter contained, the sufficiency of which is hereby acknowledged by the affected parties hereto, the affected parties hereby agrees as follows:

1. **AMENDMENT:** Paragraph 4A of the Annexation Agreement is amended by including a reference to the plans entitled "Proposed House for 1560 Somerset Lane, Loretto Convent" and "Site Plan" dated August 28, 2000.
2. **CONTINUITY OF AGREEMENT:** Except as expressly amended by the terms of this Third Amendment, the Annexation Agreement, and all the terms and provisions contained therein, shall remain in full force and effect.

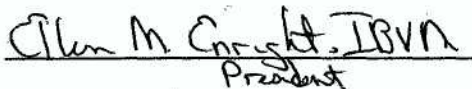
IN WITNESS WHEREOF, the affected parties have hereunto set their hands and seals the date first above written.

CITY OF WHEATON  
an Illinois Municipal Corporation


By:   
Mayor

Attest:   
City Clerk

THE INSTITUTE OF THE BLESSED  
VIRGIN MARY, ("LORETTO SISTERS").  
an Illinois Corporation

By:   
President

Attest:

  
Secretary

Roll Call Vote:

Ayes: Councilman Eckhoff; Councilman Gresk;  
Mayor Carr; Councilman Johnson;  
Councilwoman Johnson; Councilman Mark;  
Councilwoman Davenport

Nays: None.

Absent: None.

Motion Carried Unanimously

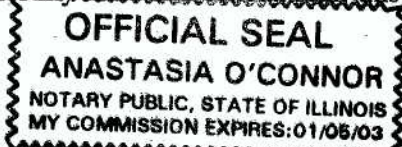
State of Illinois, County of DuPage. I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Ellen Enright personally known to me to be the President of the INSTITUTE OF THE BLESSED VIRGIN MARY. ("LORETTO SISTERS"), an Illinois corporation, and personally known to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such she, he/she signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to the authority given by



Ordinance No. F-0510/p.3

the Board of Directors of said corporation, as their free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this 20 day of September, 2000.



Anastasia O'Connor  
Notary Public

State of Illinois, County of DuPage. I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that C. JAMES CARR, personally known to me to be the Mayor the City of Wheaton, an Illinois Municipal Corporation, and EMILY CONSOLAZIO, personally known to me to be the City Clerk of said City of Wheaton, and personally known 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 Mayor and City Clerk, they signed and delivered the said instrument and caused the seal of said City of Wheaton to be affixed thereto, pursuant to the authority given by the City Council of the City of Wheaton, as their free and voluntary act and deed of said City of Wheaton, for the uses and purposes therein set forth.

Given under my hand and official seal, this 6th day of September, 2000.



Rosemary E. Ryan  
Notary Public

Passed: September 5, 2000

Published: September 6, 2000