

ORDINANCE NO. F-1290

AN ORDINANCE AUTHORIZING THE SIGNING OF A FIRST AMENDMENT TO AN ANNEXATION AGREEMENT - 1000 W. GENEVA ROAD GANNETT CAPITAL, INC.

WHEREAS, the City of Wheaton, Illinois, ("City") and Gannett Capital, Inc. ("Owner") have previously entered into an Annexation Agreement dated October 16, 2006, ("Annexation Agreement") pertaining to the real estate described in the Annexation Agreement ("Subject Realty"); and

WHEREAS, the Owner has petitioned the City to amend the Annexation Agreement to modify the site plan referenced in the Annexation Agreement to increase the number of drive thru lanes from one to two; and

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 First Amendment to Annexation Agreement.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: The Mayor of the City is authorized and directed to sign, on behalf of the City, the First Amendment to an Annexation Agreement, and the City Clerk is authorized and directed to attest to the signature of the Mayor and affix the corporate seal of the City thereon. A copy of the First Amendment to an Annexation Agreement is on file in the Office of the City Clerk and is incorporated into this ordinance by this reference as though fully set forth herein.

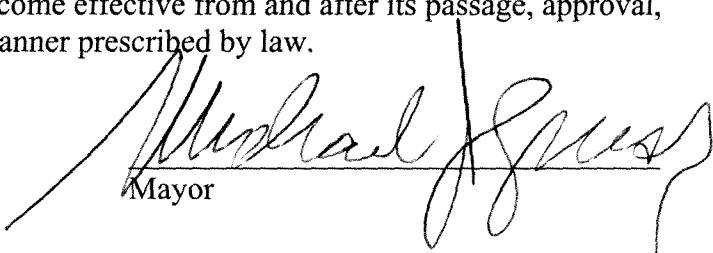
Section 2: The First Amendment to an Annexation Agreement shall be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois, at the expense of the Owners.

Section 3: All Ordinances or parts of Ordinances in conflict with these provisions are repealed.

Section 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:

Emily M. Connelly
City Clerk


Michael J. Gies
Mayor

Roll Call Vote

Ayes: Councilman Mouhelis
Councilman Prendiville
Councilman Suess
Councilwoman Corry
Councilman Johnson
Concilman Levine
Mayor Gresk

Nays: None

Absent: None

Motion Carried Unanimously

Passed: August
July 6, 2007
Published: July 7, 2007

August

EXHIBIT A

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 AND 12 IN BLOCK 1 IN GRANGE PARK ADDITION TO WHEATON, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1926 AS DOCUMENT 223492, IN DUPAGE COUNTY, ILLINOIS, EXCEPT THAT PART OF LOT 6 IN BLOCK 1 IN GRANGE PARK ADDITION TO WHEATON, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1926 AS DOCUMENT NO. 223492 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 6; THENCE ON AN ASSUMED BEARING OF NORTH 90 DEGREES WEST ALONG THE NORTH LINE OF SAID LOT 6 A DISTANCE OF 15.00 FEET; THENCE SOUTH 44 DEGREES, 33 MINUTES 58 SECONDS EAST TO A POINT ON THE EAST LINE OF SAID LOT 6 THAT IS 15.00 FEET SOUTH OF THE POINT OF BEGINNING, THENCE NORTH 00 DEGREES 52 MINUTES 05 SECONDS EAST, 15.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

ALSO THAT PART LYING EASTERLY OF SAID LOT 5 VACATED BY THE PLAT OF VACATION IN THE TOWNSHIP OF MILTON DOCUMENT NO. UN-RECORDED/MISSING OR MORE ACCURATELY DESCRIBED AS FOLLOWS: THAT PART OF THE NORTH-SOUTH 20 FOOT ALLEY LYING WEST OF AND ADJACENT TO LOTS 6 THROUGH 10, BOTH INCLUSIVE, AND EAST OF AND ADJACENT TO THE WEST LINE OF LOT 5 IN BLOCK 1; LYING NORTH OF A LINE DRAWN FROM A POINT ON THE WEST LINE OF SAID LOT 10 (SAID POINT 10.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 10) TO THE SOUTHEAST CORNER OF LOT 5 IN BLOCK 1; AND LYING SOUTHERLY OF THE SOUTH LINE OF GENEVA ROAD; ALL IN GRANGE PARK ADDITION TO WHEATON, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1926 AS DOCUMENT 223492, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-08-103-029, 05-08-103-035

The subject property is commonly known as 1000 W. Geneva Road, Wheaton, IL 60187.

**FIRST AMENDMENT TO AN ANNEXATION AGREEMENT -
BETWEEN THE CITY OF WHEATON,
ILLINOIS ("CITY") AND GANNETT CAPITAL, INC. ("OWNER")**

1000 W. GENEVA ROAD

THIS FIRST AMENDMENT TO AN ANNEXATION AGREEMENT ("First Amendment") is made and entered into this 6th day of August, 2007, by and between the City of Wheaton, an Illinois Municipal Corporation, ("City") and Gannet Capital ("Owner").

WHEREAS, the City and Owner have previously entered into an Annexation Agreement dated October 16, 2006, ("Annexation Agreement") pertaining to the real estate described in the Annexation Agreement ("Subject Realty"); and

WHEREAS, the Owner has petitioned the City to amend the Annexation Agreement to modify the site plan referenced in the Annexation Agreement to increase the number of drive thru lanes from one to two; and

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 First Amendment to 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:** The fourth "Whereas Clause" of the Annexation Agreement is amended by substituting the following site plans:

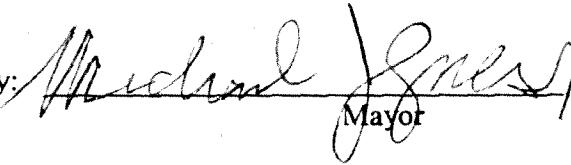
"The Landscape Plan entitled "Proposed Landscape Plan, Multi-Tenant Retail," Sheet LP-1, prepared by Areté 3 Ltd. Design Group, Tinley Park, IL, 60477, dated July 18, 2007, and the Final Engineering Plans for Wheaton Retail Center" Sheets 1 to 7, prepared by Condon Consulting Engineers, New Lenox, IL, 60451, dated January 1, 2007 and bearing a last date of revision of July 17, 2007."

2. **CONTINUITY OF AGREEMENT:** Except as expressly amended by the terms of this First 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

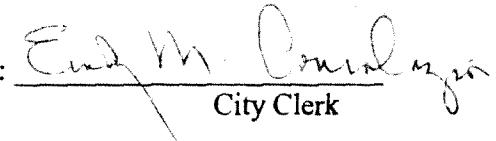
By:



Michael J. Jones

Mayor

Attest:

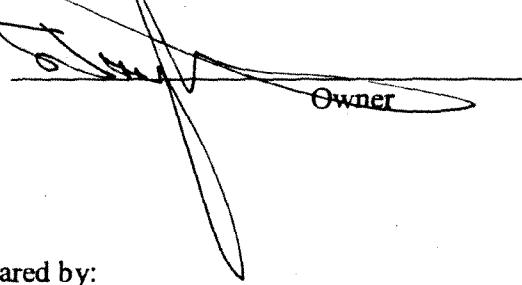


Emily M. Conroy

City Clerk

GANNETT CAPITAL, INC.

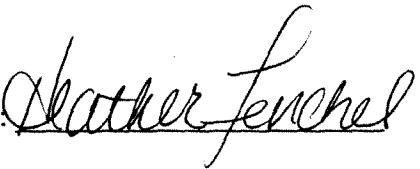
By:



Heather Fenchel

Owner

Attest:



Heather Fenchel

Prepared by:

James P. Kozik, AICP
City of Wheaton
303 W. Wesley Street
Wheaton, IL 60187
(630) 260-2080

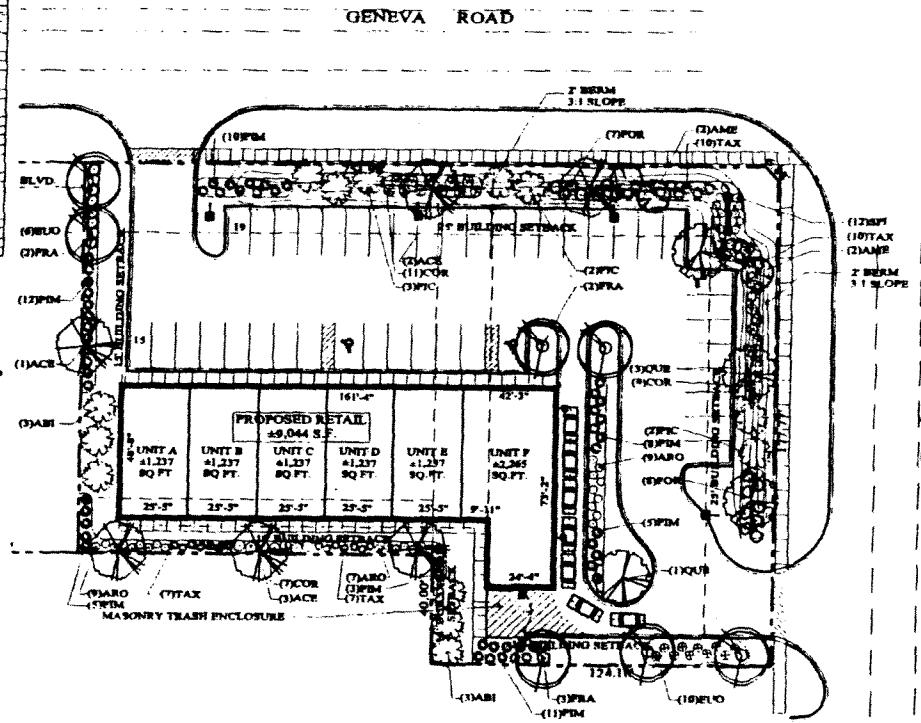
Recorder: Mail to: City of Wheaton
Attn: City Clerk
303 W. Wesley Street
P.O. Box 727
Wheaton, IL 60189-0727

ORD F-1290

ORIGINAL PLANS

PROPOSED
LANDSCAPING
PLAN

**MULTI-TENANT
RETAIL**



PROPOSED LANDSCAPE PLAN

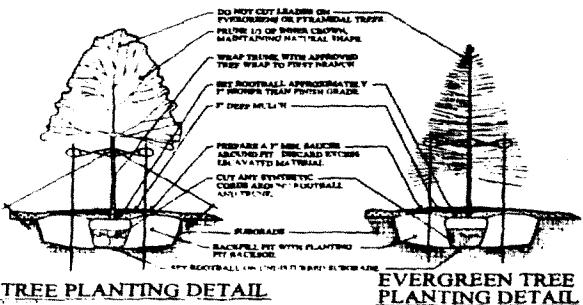
SCALE: 1" = 20'-0"

0 20° 40° 60°



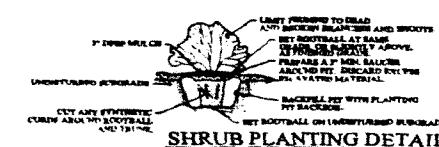
FOR
**GANNETT
CAPITAL**

707 SKOKIE BLVD. SUITE 210
NORTHRIDGE, IL 60062
TEL. (847) 409-0113
FAX: (847) 309-1516

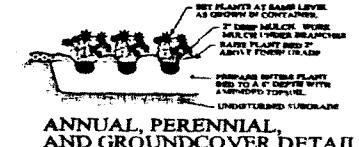


TREE PLANTING DETAIL

EVERGREEN TREE PLANTING DETAIL



SHRUB PLANTING DETAILS



ANNUAL, PERENNIAL, AND GROUNDCOVER DETAIL

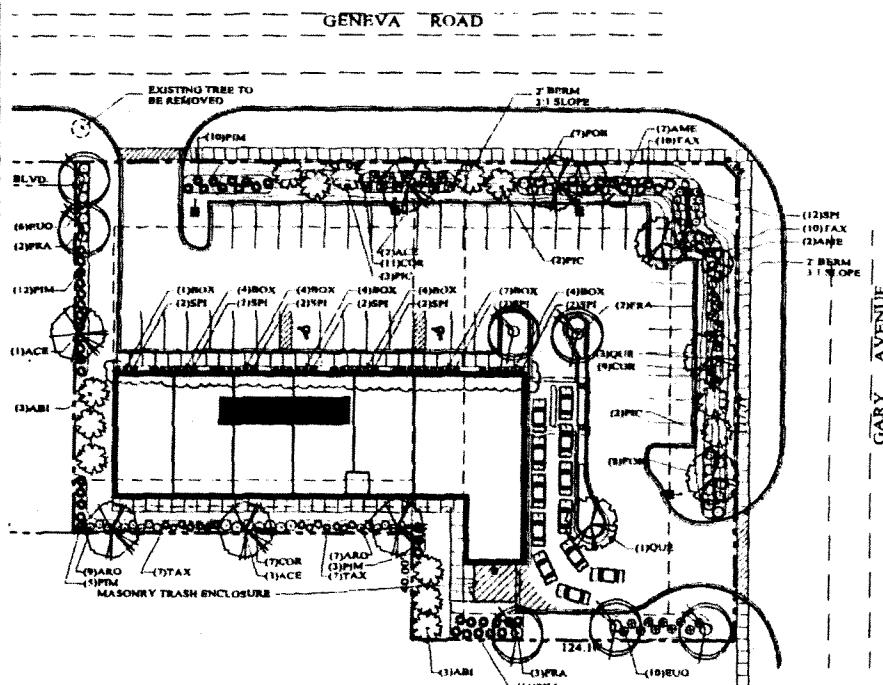
ORIGINAL DATE 06-15-05
REVISED DATE 06-11-06
SCALE AS NEEDED
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ALL RIGHTS RESERVED

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REVISED PLANS

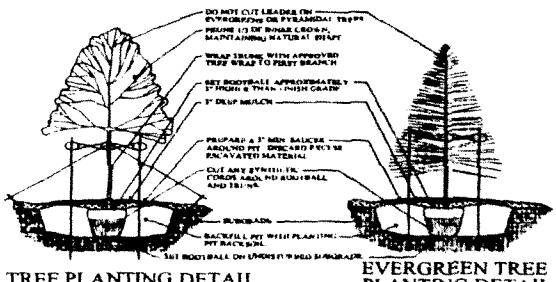
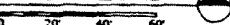
**PROPOSED
LANDSCAPE
PLAN**

**MULTI-TENANT
RETAIL**
WHEATON, IL



PROPOSED LANDSCAPE PLAN

SCALE: 1" - 20'-0"

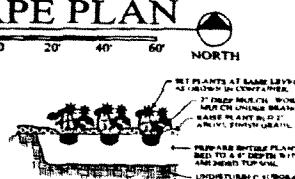


TREE PLANTING DETAIL

**EVERGREEN TREE
PLANTING DETAIL**



SHRUB PLANTING DETAIL



**ANNUAL, PERENNIAL,
AND GROUNDCOVER DETAIL**

**FOR
GANNETT
CAPITAL**
107 SKOKIE BLVD. SUITE 210
NORTHRIDGE, IL 60062
TEL: (847) 949-6175
FAX: (847) 949-1616

LP-1

JUN 14 2001
ORIGINAL DATE
RE-USED DATE 07-14-01
SCALE AS NOTED
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