

ORDINANCE NO. F-1818

AN ORDINANCE AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO AN ANNEXATION AGREEMENT (WHEATON LOAN ACQUISITION LLC AND BRB DEVELOPMENT)

WHEREAS, the City of Wheaton, Illinois, ("City") and Loan Acquisition LLC ("Owner") and BRB Development LLC ("Developer") have previously entered into an Annexation Agreement dated December 17, 2012, ("Annexation Agreement"); the subject matter of the Annexation Agreement is the property legally described in Exhibit "A" of the Annexation Agreement ("Subject Property"); and

WHEREAS, following the acquisition of the Subject Property by the Developer, Lock Up Wheaton LLC, an Illinois limited liability company ("Lock Up"), is the successor in interest of the Developer for the Subject Property; and

WHEREAS, The Annexation Agreement was amended by a first amendment ("First Amendment") entered into on or about May 5, 2014 regarding the placement of wall signage on the building; and;

WHEREAS, the Lock Up has petitioned the City to further amend the Annexation Agreement to modify paragraph 4 of the Annexation Agreement to permit the two color scheme on the building in lieu of the approved three color scheme; and

WHEREAS, the City has determined that the requested amendment is a minor amendment, and may be implemented without public hearing, pursuant to the provisions of Section 18-8(2) of the Wheaton City Code.

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:

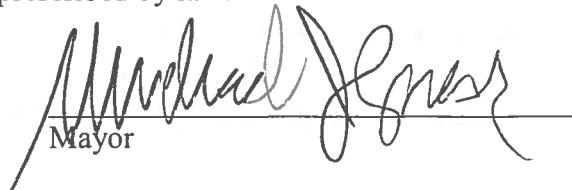
Section 1: The Annexation Agreement is amended by deleting paragraph 4b. in its entirety and substituting in its place the following:

"b. Architectural Drawings — entitled "The Lock Up Storage Center", dated November 7, 2012, prepared by Partners in Design Architects, and identified as Project No. 509.12.073), consisting of Proposed Preliminary Floor Plans (A1), Rooftop Screening Sightline Diagrams (A3) and Site Directional Signage Plan (A4), and the Proposed Exterior Elevations (A2) dated September 29, 2014."

Section 2: This Amendment to the Annexation Agreement shall be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois, at the expense of Lock-Up.

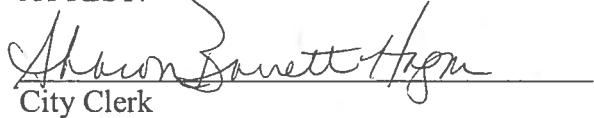
Section 3: All Ordinances or parts of Ordinances in conflict with these provisions are repealed.

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



Michael Gresk
Mayor

ATTEST:



Aaron Bennett Hym
City Clerk

Roll Call Vote

Ayes: Councilman Prendiville
Councilman Rutledge
Councilman Saline
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo

Nays: None

Absent: Councilman Suess

Motion Carried Unanimously

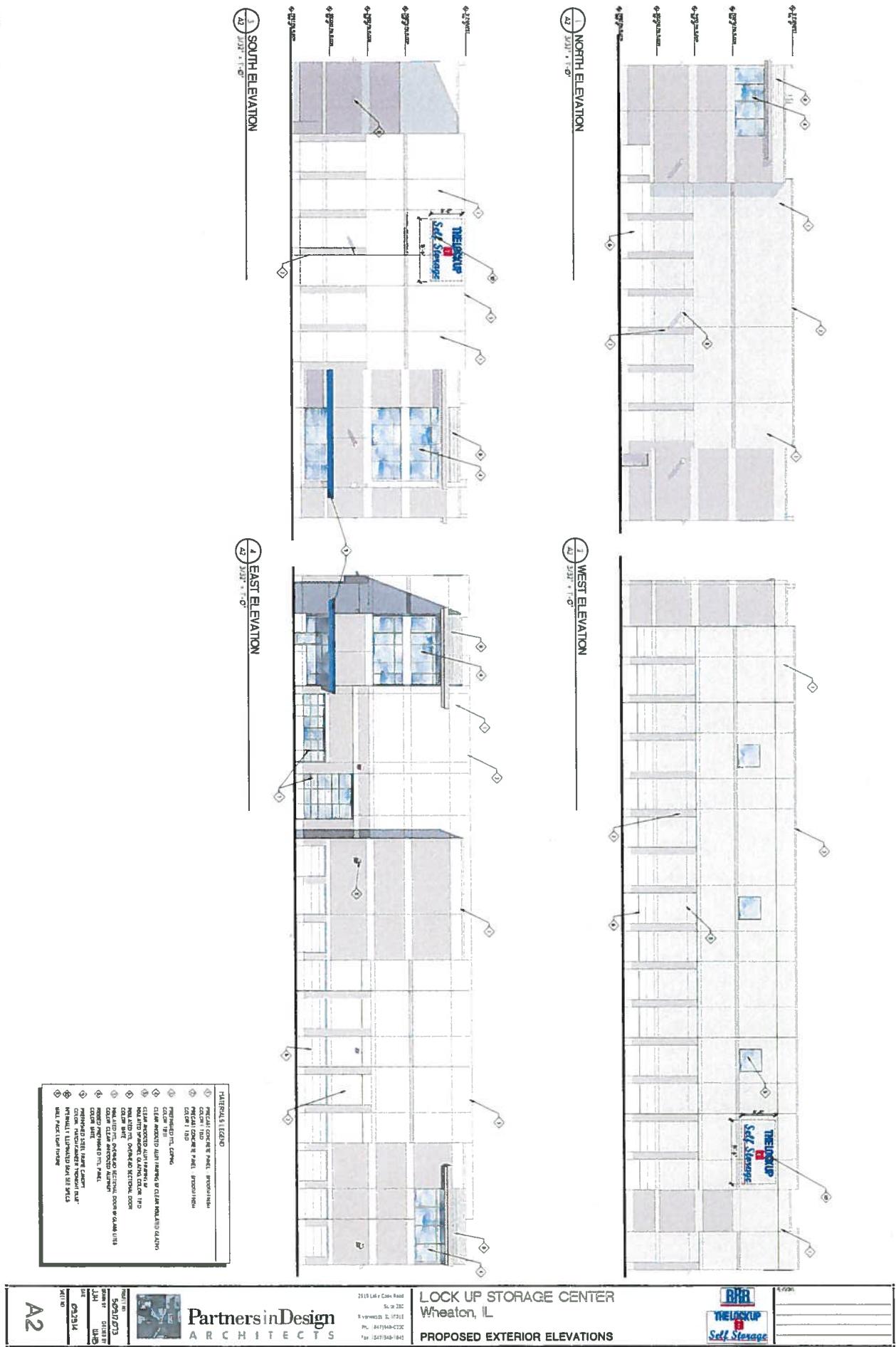
Passed: October 6, 2014
Published: October 7, 2014

EXHIBIT A

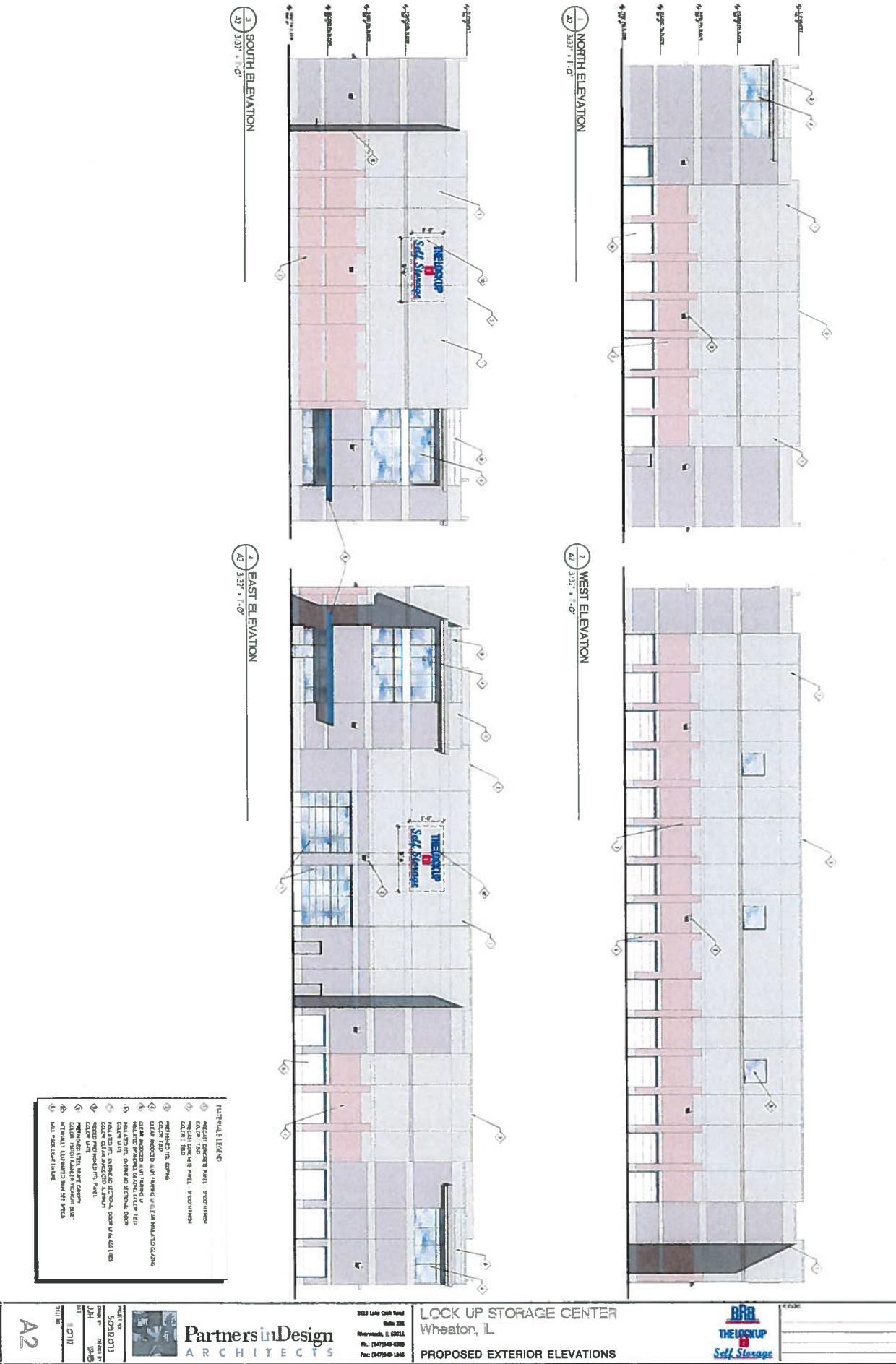
THE EAST 200.88 FEET OF THE WEST 401.75 FEET OF THE EAST 803.88 FEET OF THE NORTH 323 FEET OF THE SOUTH 540.8 FEET OF THE WEST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-04-304-017

The subject property is commonly known as the 1.49 acre parcel of land located immediately northwest of the Main Street Market Place at 101 - 115 West Geneva Road and 2202 - 2212 North Main Street and the National City Bank at 127 West Geneva Road, Wheaton, IL 60187.



Proposed two color scheme-



Approved three color scheme

