

ORDINANCE NO. 2004-07-083

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN ADDENDUM TO  
AMENDMENT TO AGREEMENT

(Champaign County and Interchange Properties, LLC.)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
URBANA, ILLINOIS, as follows:

Section 1. That an Addendum to Amendment to Agreement between the City  
of Urbana, Champaign County, and Interchange Properties, LLC, an Illinois  
Liability Company, in substantially the form of the copy of said Agreement  
attached hereto and hereby incorporated by reference, be and the same is  
hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the  
same is hereby authorized to execute and deliver and the City Clerk of the  
City of Urbana, Illinois, be and the same is authorized to attest to said  
execution of said Agreement as so authorized and approved for and on behalf  
of the City of Urbana, Illinois.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_,  
2004.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Tod Satterthwaite, Mayor

## ADDENDUM TO AMENDMENT TO AGREEMENT

**THIS ADDENDUM TO AMENDMENT TO AGREEMENT** (including any exhibits and attachments hereto, collectively, this "**Addendum**") is made and entered into as of \_\_\_\_\_, 2004 by and between the **City of Urbana, Champaign County, Illinois**, an Illinois municipal corporation (the "**City**"), and **Interchange Properties, LLC**, an Illinois limited liability company (the "**Developer**"), with respect to that certain Agreement, dated as of January 29, 2001, (the "**Agreement**") and Amendment to Agreement, dated as of September 15, 2003 (the "**Amendment**") by and between the City and the Developer. Except as specifically defined in this Addendum, all capitalized words, terms and phrases used in this Addendum shall have the same meanings as respectively ascribed to them in the Agreement.

### RECITALS

**WHEREAS**, the City and the Developer desire to confirm and clarify the completion date of the Project as specified in the Agreement and Amendment;

**NOW, THEREFORE**, for and in consideration of the mutual covenants and agreements contained herein and in the Agreement and Amendment, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Developer hereby agree to supplement and amend the Agreement and Amendment as follows:

**Section 1.** It is confirmed that the reference to "thirty (30) months" in the second line of Section 1.6.2 of the Agreement (as amended by the Amendment) is changed to "sixty (60) months". Since the date of the Commencement Notice is agreed to be on or about July 31, 2001, per Section 2(b) of the Amendment, the date for completion of construction of the Project for purposes of Section 1.6.2 of the Agreement is on or about July 31, 2006.

**Section 2.** All other terms and conditions of the Agreement and Amendment shall remain in full force and effect. In the event of conflict between this Addendum and the Agreement and/or Amendment, the provisions of this Addendum shall control.

**IN WITNESS WHEREOF**, the City and the Developer have caused this Addendum to be executed by their duly authorized officers as of the date set forth below.

**CITY OF URBANA, CHAMPAIGN  
COUNTY, ILLINOIS**

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

**INTERCHANGE PROPERTIES, LLC**, an  
Illinois liability company

By: \_\_\_\_\_  
Joseph D. O'Brien, Jr., Manager