

AN ORDINANCE APPROVING AND AUTHORIZING THE
EXECUTION OF A REDEVELOPMENT AGREEMENT
(Niemann Foods, Inc.)

WHEREAS, it is desirable and in the best interests of the City of Urbana, Illinois (the "City"), to enter into an Agreement with Niemann Foods, Inc. (the "Developer"), as specifically described in the Redevelopment Agreement attached, and

WHEREAS, a written copy of such Redevelopment Agreement has been presented to and is now before this meeting.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana as follows:

Section 1. That the terms and provisions of the Redevelopment Agreement, in substantially the form thereof now before this meeting, be and the same are hereby approved.

Section 2. That the Mayor of the City be and the same is hereby authorized and empowered to execute and deliver the Redevelopment Agreement, and the City Clerk of the City be and the same is authorized and empowered to attest to such execution thereof, with such changes therein as are not inconsistent herewith and as may be approved by the officers of the City executing the same, their execution or acceptance thereof, as the case may be, to constitute conclusive evidence of such approval of any and all changes or revisions therein from the form of the Redevelopment Agreement now before this meeting.

Section 3. From and after the effective date of this Ordinance, the proper officials, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute and deliver all such documents as may be necessary to carry out the intent and accomplish the purposes of this Ordinance and the Redevelopment Agreement.

Section 4. This Ordinance shall become effective immediately upon its passage and approval as required by law.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 18th day of November,
1991.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 19th day of November,
1991.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

REDEVELOPMENT AGREEMENT

THIS REDEVELOPMENT AGREEMENT is entered into by and between the City of Urbana, Illinois, a municipal corporation (hereinafter referred to as "Urbana") and Niemann Foods, Inc., an Illinois corporation (hereinafter referred to as "Niemann"), and as and for the said Agreement, the parties agree as follows:

WHEREAS, Niemann is currently purchasing under a certain contract for the purchase of real estate, the legal description of which is appended hereto as Exhibit 1; and Niemann is the owner of certain real estate, the legal description of which is appended hereto as Exhibit 2. The real estate described in Exhibits 1 and 2 may hereinafter be referred to as the "Tract."

WHEREAS, Niemann expects to purchase the real estate set forth in Exhibit 1 and construct a new building on the Tract, but is only willing and able to do so under the condition that certain assurances regarding work in the adjacent right-of-ways are made by Urbana.

NOW THEREFORE, IT IS AGREED BY THE PARTIES as follows:

Section 1. In the event that Niemann constructs a new structure containing approximately sixty thousand square feet (60,000) of retail merchandising space (hereinafter referred to as the "New Building"), then Urbana shall improve Philo Road to four (4) lanes including the construction of all other necessary and incidental improvements in the Philo Road and Colorado Avenue right-of-ways adjacent to the site, all as generally shown on Exhibit 3; said widening and improvements shall be completed no later than the date that construction is completed for the New Building. This commitment by Urbana shall lapse if Niemann does not commence construction of the New Building prior to June 30, 1992 and complete the construction thereon by the 30th day of November, 1994.

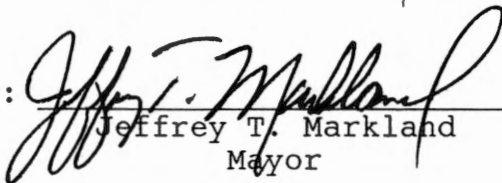
Section 2. The 'concept' site plan, appended hereto as Exhibit 3, is intended to be illustrative of this Agreement and as such is approved.

EXECUTED this ____ day of November, 1991.

CITY OF URBANA, ILLINOIS,
a municipal corporation,

NIEMANN FOODS, INC.,
an Illinois corporation,

By:


Jeffrey T. Markland
Mayor

By:

Richard Niemann, Sr.
President

TRACT I: Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section Twenty-one (21), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, Champaign County, Illinois; thence North $89^{\circ}58'24''$ East along the North line of the Northwest Quarter of said Section Twenty-one (21), 721.52 feet; thence South $00^{\circ}34'07''$ East parallel with the East line of the Northwest Quarter of said Section Twenty-one (21), 725.00 feet; thence South $89^{\circ}58'24''$ West parallel with the North line of the Northwest Quarter of said Section Twenty-one (21), 20.00 feet for a true place of beginning; thence South $89^{\circ}58'24''$ West parallel with the North line of the Northwest Quarter of said Section Twenty-one (21), 505.46 feet; thence Northwesterly along the easterly right of way line of Cottage Grove Avenue, said line being a horizontal curve concave to the West, having a radius of 715.87 feet, a distance of 35.13 feet; thence North $90^{\circ}00'00''$ West 66.75 feet; thence southerly along the horizontal curve concave to the West having a radius of 549.87 feet, a distance of 63.14 feet to a point of tangency; thence South $00^{\circ}35'00''$ East parallel with the West line of the Northeast Quarter of the Northwest Quarter of said Section Twenty-one (21), 579.94 feet to the South line of the Northeast Quarter of the Northwest Quarter of said Section Twenty-one (21); thence North $89^{\circ}45'08''$ East along the South line of the Northeast Quarter of the Northwest Quarter of said Section Twenty-one (21), 571.14 feet; thence North $00^{\circ}34'07''$ West parallel to the East line of the Northwest Quarter of said Section Twenty-one (21) 605.69 feet, more or less, to the place of beginning;

EXCEPT that portion which lies within the tract of land conveyed to the Urbana Park District on January 17, 1977; in Book 1104, at Page 300, as Document 77R1212, said exception containing 2 acres, more or less, all situated in Champaign County, Illinois;

AND ALSO EXCEPT that portion which lies within the tract of land conveyed to Darrell S. Ozier in a deed dated October 6, 1977, and recorded in Book 1134, at Page 362, as Document 77R22560;

AND ALSO EXCEPT that portion which lies within the tract of land conveyed to American National Bank, an Illinois corporation, as Trustee under a certain Trust Agreement dated December 6, 1978, known as Trust No. 01-1048, in a deed dated December 12, 1978, and recorded in Book 1179, at Page 419, as Document 78R25875;

AND FURTHER EXCEPTING Lots One, Two and Three of the First Plat of Sunnycrest Corporation Subdivision, Urbana, Illinois.

TRACT II: Commencing at the Southeast Corner of the Northeast Quarter of the Northwest Quarter of Section Twenty-one (21), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian; thence South $89^{\circ}45'08''$ West 509.97 feet; thence North $00^{\circ}43'55''$ West 40.00 feet to the North right of way line of Colorado Avenue, being the place of beginning; thence South $89^{\circ}45'08''$ West 162.00 feet along the North right of way line of Colorado Avenue; thence North $00^{\circ}43'55''$ West 159.00 feet; thence North $89^{\circ}45'08''$ East 162.00 feet; thence South $00^{\circ}43'55''$ East 159.00 feet, more or less, to the place of beginning, situated in Champaign County, Illinois.

TRACT III: The South 605.33 feet of the East 620 feet of the Northeast Quarter of the Northwest Quarter of Section Twenty-one (21), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, except for the following tract: Commencing at the Southeast corner of the Northeast Quarter of the Northwest Quarter of Section Twenty-one (21), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian; thence North $00^{\circ}35'$ West 226.00 feet; thence South $89^{\circ}47'$ West 40.00 feet for a true place of beginning; thence continuing South $89^{\circ}47'$

West 95.00 feet; thence South $35^{\circ}41'$ West 109.87 feet; thence South $00^{\circ}35'$ East 97.00 feet; thence North $89^{\circ}47'$ East 151.77 feet; thence North $49^{\circ}52'$ East 10.67 feet; thence North $00^{\circ}35'$ West 179.15 feet to the place of beginning, said tract containing 0.616 acres, more or less, situated in Champaign County, Illinois;

AND ALSO EXCEPT that portion thereof which lies within the following described tract: Commencing at the Southeast corner of the Northeast Quarter of the Northwest Quarter of Section Twenty-one (21), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian; thence South $89^{\circ}45'08''$ West 509.97 feet; thence North $00^{\circ}43'55''$ West 40.00 feet to the North right of way line of Colorado Avenue, being the place of beginning; thence South $89^{\circ}45'08''$ West 162.00 feet along the North right of way line of Colorado Avenue; thence North $00^{\circ}43'55''$ West 159.00 feet; thence North $89^{\circ}45'08''$ East 162.00 feet; thence South $00^{\circ}43'55''$ East 159.00 feet, more or less, to the place of beginning, said tract containing 0.59 acres, more or less, and situated in Champaign County, Illinois.

Exhibit 2

Lots Two and Three of the First Plat of Sunnycrest
Corporation, a subdivision in Champaign County, Illinois.

