

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO AN AGREEMENT WITH INTERCHANGE PROPERTIES, LLC

(O'Brien Auto Park)

WHEREAS, on January 29, 2001, in Ordinance No. 2001-01-006, the City approved an Agreement with Interchange Properties, LLC, an Illinois Limited Liability Company, which addressed the development of the O'Brien Auto Mall at Interstate 74 and U.S. Route 45; and

WHEREAS, on July 7, 2003, in Ordinance No. 2003-06-062, the City approved an Amendment to said Agreement and on July 19, 2004, in Ordinance No. 2004-07-083, the City approved an Addendum to the Amendment to said Agreement; and

WHEREAS, the developer and City now desire to further amend said Agreement to better address the signage provisions for the Auto Mall; and

WHEREAS, the attached Second Amendment to the Agreement between the City of Urbana and Interchange Properties, LLC addresses the details of signage for the O'Brien Auto Mall, as revised.

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

Section 1. That a Second Amendment to an Agreement by and between the City of Urbana and Interchange Properties, LLC, in the form of the copy of said Second Amendment to 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 15th day of May, 2006.


AYES: Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:


Phyllis O. Clark, City Clerk

APPROVED by the Mayor this 2nd day of June, 2006.


Charles A. Smyth, Mayor Pro-tem
for Laurel Lunt Prussing, Mayor

SECOND AMENDMENT TO AGREEMENT

THIS SECOND AMENDMENT TO AGREEMENT (this “**Second Amendment**”) is made as of the 1st day of May, 2006, but actually executed by each of the parties on the dates respectively set forth beneath the signatures of each of their duly authorized officers below, by and between the **City of Urbana, Champaign County, Illinois**, an Illinois municipal corporation (the “**City**”), and the **Interchange Properties, LLC**, an Illinois limited liability company (the “**Developer**”), with respect to that certain Agreement dated as of January 29, 2001, including as heretofore supplemented and amended by a certain Amendment to Agreement dated as of September 15, 2003 and a certain Addendum to Amendment to Agreement dated as of July 20, 2004 (collectively, the “**Agreement**”), each by and between the City and the Developer. All capitalized words, terms and phrases as used in this Second Amendment shall have the same meanings as respectively ascribed to them in the Agreement.

RECITAL:

The City and the Developer each now find and determine that it is necessary, desirable and appropriate to further supplement and amend the Agreement by this Second Amendment in order to make revised provisions for signage upon the Project Site under all of the other covenants and conditions of the Agreement.

NOW, THEREFORE, in consideration of the agreements, covenants, representations and undertakings by the City and the Developer as parties to the Agreement, including those as contained in this Second Amendment to the Agreement, the City and the Developer hereby further agree to supplement and amend the Agreement as follows:

Section 1. Section 4.5 Signs of the Agreement is hereby deleted in its entirety and the following is substituted in lieu thereof:

4.5 Signs. Notwithstanding anything in the Urbana Zoning Ordinance to the contrary, the Developer and its successors and assigns with respect to the Project Site shall be allowed the following signage:

- i. Up to two (2) free-standing highway oriented signs to identify the Auto Mall to the public traveling on Interstate 74 and U.S Route 45, with a height up to seventy-five (75) feet and an area up to two hundred and fifty (250) square feet. (See Exhibit A for an illustration).
- ii. Allowances for up to one monument or covered pylon sign per franchise to be located internal to Auto Mall. Each monument or covered pylon sign shall not exceed 75 square feet in display area and 16 feet in height. (See Exhibit B for illustrations of proposed signage).
- iii. Wall signage and directional signage consistent with the provisions of the Urbana Zoning Ordinance, as amended.
- iv. Banners and/or flags to be allowed on poles placed along interior roadways in a thematic manner to mark the Auto Mall and brand logos.

- v. The free-standing and monument or covered pylon signs shall be allowed to encroach into property setbacks to promote visibility and efficient layout of the Auto Mall and in recognition that the public roadways were purchased and dedicated by the Developer.


Section 2. Except as expressly supplemented and amended as provided in Section 1 of this Second Amendment above, all other provisions of the Agreement shall be and remain in full force and effect. The provisions of the Agreement, as now further supplemented and amended by this Second Amendment, are hereby ratified, confirmed and approved by both the City and the Developer.

IN WITNESS WHEREOF, each of the parties hereto have executed or caused this Second Amendment to be executed by proper officers duly authorized to execute the same as of the date set forth beneath the signatures of their respective officers set forth below.

CITY OF URBANA,
CHAMPAIGN COUNTY, ILLINOIS

INTERCHANGE PROPERTIES, LLC

By: 
Mayor

By: 
Manager

(SEAL)

ATTEST:


City Clerk

Date: 6/1/06

Date: 6/7/2006

EXHIBITS

- Exhibit A - Free-Standing Auto Mall Sign Illustration
- Exhibit B - Monument Sign Illustrations

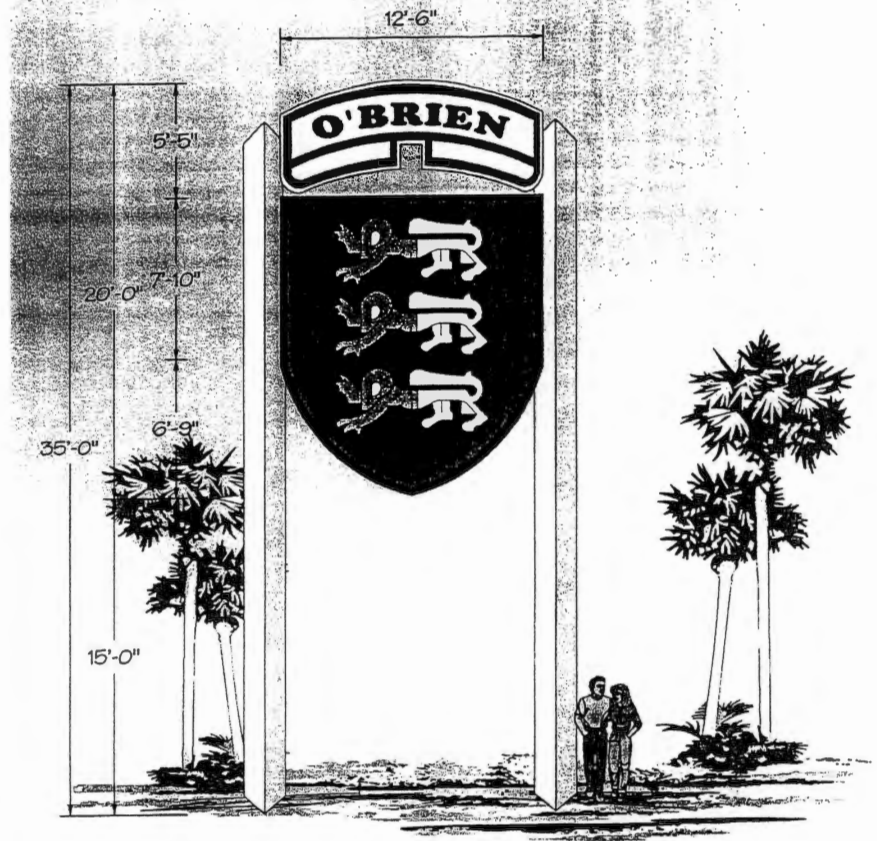


AD SYSTEMS, 10000 AMERWOOD ROAD, FORT MYERS, FL 33913 - (239) 939-7440 / (800) 234-7440

O'BRIEN UTO TEAM 1 FORT MYERS, FL
by: RMH
dwg. no: 30-B-4815
scale: 3/16" = 1'-0"

THIS DESIGN IS A PROPERTY OF AD SYSTEMS, INC. AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT PERMISSION FROM AD SYSTEMS, INC.

11 Exhibit A



SPECIFICATIONS:

IDENTIFICATION DISPLAY:

- "O'BRIEN" LETTERS ARE 12.5" HIGH DARK BLUE
- BACKGROUND PANEL IS FLUORESCENT ILLUMINATED FLEXIBLE SIGN FACE MATERIAL

LOGO DISPLAY:

- FIGURE IS NON ILLUMINATED VINYL
- BACKGROUND PANEL IS NON-Illuminated RED ALUMINUM

MESSAGE CENTER DISPLAY:

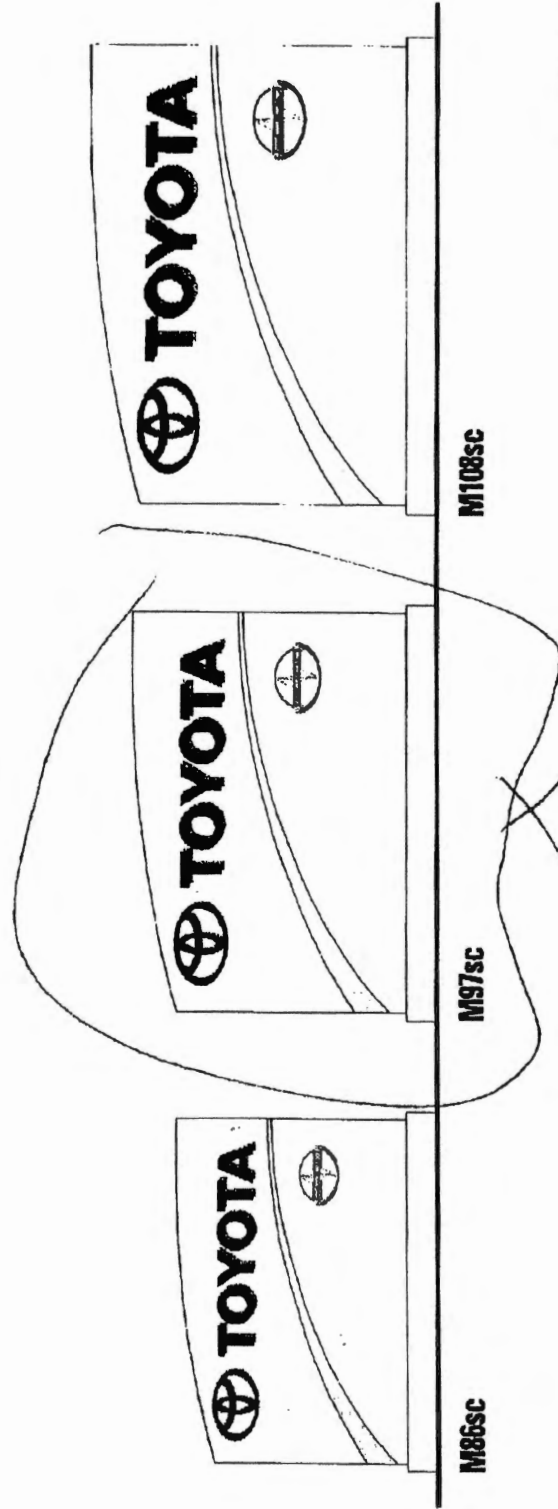
- COLOR LED TECHNOLOGY
- UP TO 8 LINES OF 9.8" HIGH CHARACTERS OR GRAPHICS AND FONTS
- 64 x 10+ POINT MATRIX
- LED CLUSTERS ARE ON 1.4" CENTERS
- 100% SOLID STATE ELECTRONICS

GENERAL DISPLAY:

- DOUBLE FACE
- DISPLAY CABINETS ARE RED WITH DARK BLUE PAINTED TRIMS
- PYLON SHROUDS ARE GRAY WITH A LIGHT STUCCO TEXTURED FINISH ON ALUMINUM
- DIMENSIONS ARE SUBJECT TO CHANGE DUE TO DETAIL DESIGN CONSIDERATIONS
- ONLY APPROVED SHOP DRAWINGS SHOULD BE USED FOR CONSTRUCTION PURPOSES

250 SQ. FT.

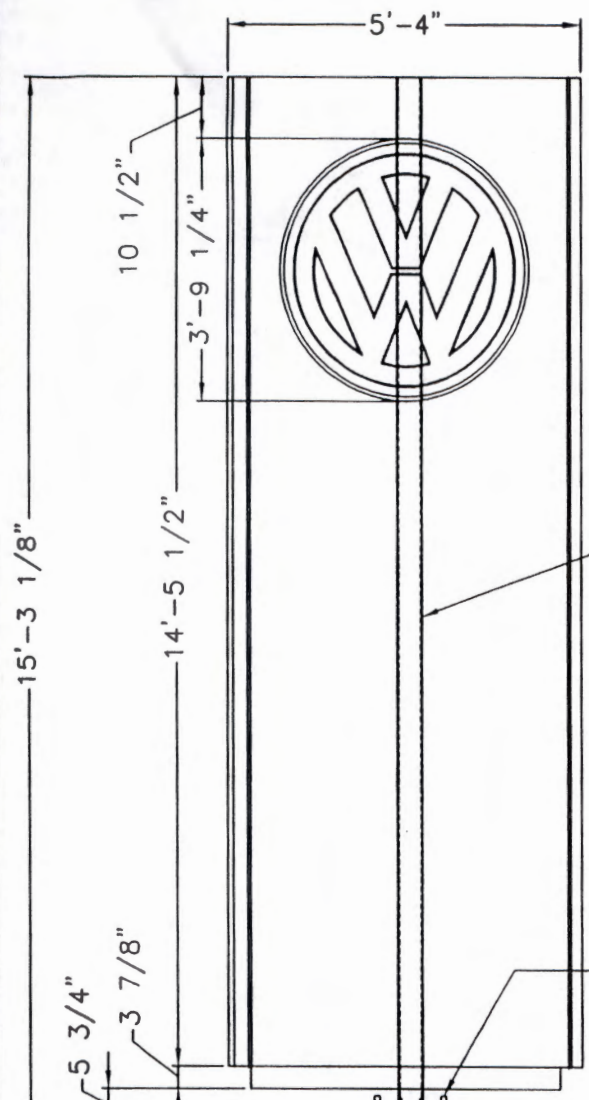
"Exhibit B"



9 FEET WIDE
7 FEET TALL

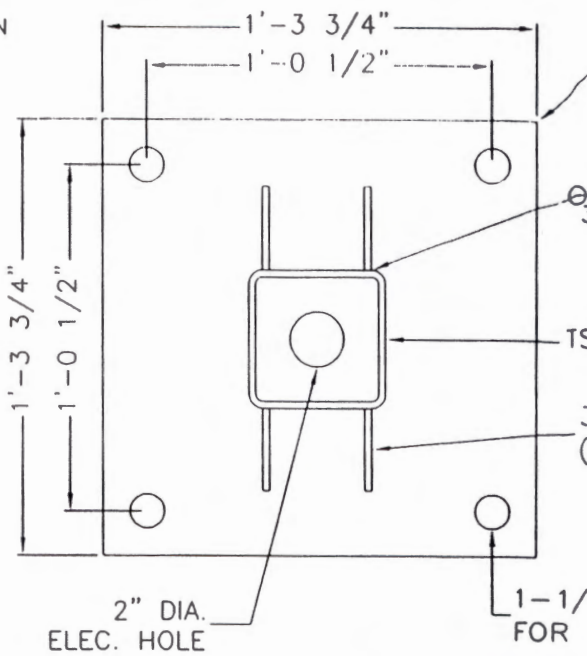
DENNIS
EDGEMAN
CUSTOM
FACILITIES
328 2172

"Exhibit B"



SIGN CABINET AND CLADDING DESIGN BY OTHERS

ELECTRICAL DESIGN BY OTHERS



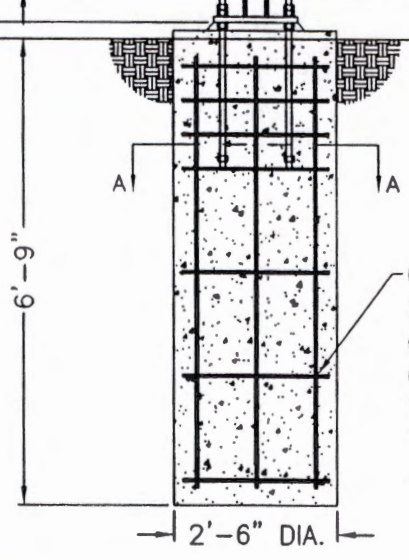
BASE PLATE DETAIL

PARTICULAR TAKEN TO PREHEAT ELEMENT F OF THE W 5/16" MIN

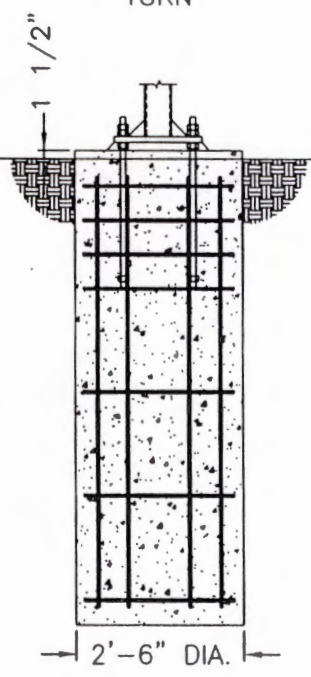
TS 5"x5"x1/4"

1" DIA.x30" LG. ANCHOR BOLT (4) REQ'D.

OVER TURN



(6) #4 BARS ON A 22" PATTERN WITH (4) #3 STIRRUPS @ 6" O.C. @ TOP 18", THEN 18" O.C. THEREAFTER. 3" MIN. COVER



OVER TURN



1.26 CU. YDS. OF CONC. REQ'D

ELEVATION

SIDE VIEW

SEC

INSTALLATION ADDRESS:

O'BRIEN VOLKSWAGEN
 1025 O'BRIEN DRIVE
 URBANA, IL 61801

CLIENT:

PATTISON
SIGN GROUP
 555 ELLESMERE ROAD TORONTO, ONTARIO, CAN M1R 4E8