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2000-02-04 14:35:25

Cook County Recorder 35.00

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Julie M. Mandanas
Jenner & Block
One IBM Plaza
Chicago, Illinois 60611



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FIRST AMENDMENT TO CONTRACT

This First Amendment to Contract is made and entered into as of the 2nd day of February, 2000 (this "First Amendment"), by and between VILLAGE OF BROADVIEW, a municipal corporation (the "Village"), and AMALGAMATED BANK OF CHICAGO, not personally, but as Trustee under a Trust Agreement dated February 19, 1998, and known as Trust No. 5774 ("Trust No. 5774").

A. The Village and Trust No. 5774 entered into that certain Contract dated February 1, 1999 (the "Contract"), pursuant to which the Village and Trust No. 5774 agreed that the use and operation of the real estate located at the southwest corner of 16th Avenue and Roosevelt Road, Broadview, Cook County, Illinois (the "Original Property") would be restricted to uses and operations which are (a) operated on a for-profit basis, and (b) generate sales or real estate tax revenue (collectively, the "Restricted Uses").

B. Pursuant to that certain Settlement Agreement dated February 2, 2000, which binds each of the Village and Trust No. 5774, the Village is conveying a portion of the Original Property (the "Library Parcel") to the Broadview Public Library District (the "Library District").

C. Therefore, the parties hereto desire to amend the Contract to reflect the conveyance of the Library Parcel by the Village to the Library District and release the Use Restrictions as to the Library Parcel.

BOX 333-CTI

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NOW, THEREFORE, in consideration of the mutual covenants set forth herein, and the payment of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed, the parties hereto hereby agree as follows:

1. Recitals, Capitalized Terms. The foregoing recitals are acknowledged to be accurate and are incorporated herein by reference. Capitalized terms used in this First Amendment which are not otherwise defined herein shall have the meanings given to such terms in the Contract.
2. The Subject Property. Effective the date hereof, the legal description set forth in Exhibit "A" of the Contract is deleted and replaced with the legal description set forth in Exhibit "A" attached to this First Amendment and by this reference made a part hereof, which legal description describes the portion of the Original Property remaining after the Library Parcel is conveyed to the Library District, and which real property shall be the "Parcel 1" for all purposes of the Contract.
4. Conflict or Inconsistency. In the event of any conflict or inconsistency between the provisions of the Contract and the provisions of this First Amendment, the provisions of this First Amendment shall control.
5. Binding Effect. All the terms and conditions of this First Amendment are hereby made binding upon the executors, heirs, administrators, successors and permitted assigns of both parties hereto.
6. Counterparts. This First Amendment may be executed in any number of identical counterparts, any or all of which may contain the signatures of fewer than all of the parties but all of which shall be taken together as a single instrument.
7. Ratification of Contract. Except to the extent expressly modified by the terms of this First Amendment, the Contract remains unmodified and in full force and effect.
8. Trustee Exculpation. It is expressly understood and agreed, anything herein to the contrary notwithstanding, that each of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Amalgamated Bank of Chicago, as Trustee of Trust No 5774, while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee, are nevertheless, each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose or intention of binding said Trustee personally, but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by such Trustee, not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee, and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against Amalgamated Bank of Chicago or from time to time under the Trust

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Agreement for Trust No 5774, on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking or agreement of said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

Property of Cook County Clerk's Office

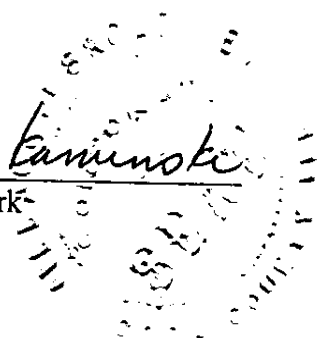
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The parties hereto have hereunto set their hands and seals the day and year first above written.

VILLAGE OF BROADVIEW, a municipal corporation

By: *Henry Vicenik*
Name: Henry Vicenik
Its: Village President

Attest: *Michael C. Kaminski*
Village Clerk



AMALGAMATED BANK OF CHICAGO, not personally, but solely as trustee of Trust No. 5774 as aforesaid

By: *see counterpart*
Its: _____

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The parties hereto have hereunto set their hands and seals the day and year first above written.


VILLAGE OF BROADVIEW, a municipal corporation

By: see counterpart
Name: _____
Its: _____

Attest:

Village Clerk

AMALGAMATED BANK OF CHICAGO, not personally, but solely as trustee of Trust No. 5774 as aforesaid

By: 
Its: SENIOR VICE PRESIDENT
IRVING B. POLAKOW

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STATE OF Illinois)
COUNTY OF Cook) ss.

I, Susan L. Jantorni, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Henry Vicenik, and Michael C. Kaminski, personally known to me to be the President and the Village Clerk, respectively, of the Village of Broadview, a municipal corporation, and personally known to me to be same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as the President and the Village Clerk of said municipal corporation, pursuant to authority given by said municipal corporation, as their free and voluntary act and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 2nd day of February, 2000.

Susan L. Jantorni
Notary Public



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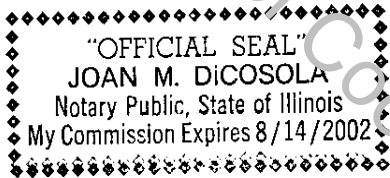
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STATE OF ILLINOIS)
COUNTY OF COOK) ss.

I, JOAN M. DICOSOLA, a Notary Public in and for said County, in the State aforesaid, do hereby certify that IRVING B. POLAKOW, personally known to me to be the Trustee of Amalgamated Bank of Chicago, Trust No. 5774, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as trustee of said trust, as his free and voluntary act and as the free and voluntary act and deed of said trust, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 2nd day of February, 2000.

[Signature]
Notary Public



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EXHIBIT A

Legal Description

Lot 15 (except the South 126 feet thereof) in Broadview, a Subdivision of the North East Quarter (1/4) of Section 22, and the East Half (1/2) of the North West Quarter (1/4) of Section 22, Township 39 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

Property Address: Southwest corner of 16th Avenue and Roosevelt Road, Broadview, Illinois

PIN: ^{PART of} 15-22-200-026-0000

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