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#### SECOND AMENDMENT TO FREDRICKSON FARM ANNEXATION AGREEMENT

This Agreement to amend the Fredrickson Farm Annexation Agreement (hereinafter referred to as the "Agreement to Amend") is made this 22nd day of March, 1988 by and among the VILLAGE OF SCHAUMBURG, an Illinois municipal corporation located in Cook and DuPage Counties, Illinois, (hereinafter the "Village"), FREDRICKSON REAL ESTATE IMPROVEMENT COMPANY, an Illinois corporation, (hereinafter "Fredrickson"), LINCOLN PROPERTY COMPANY E.C.W., INC., a Texas corporation, and LINCOLN MEADOWS ASSOCIATES, an Illinois general partnership; Lincoln Property Company E.C.W., Inc. and Lincoln Meadows Associates are hereinafter jointly referred to as "LPC". The Village, Fredrickson and LPC are sometimes referred to herein individually as a "Party" and jointly as the "Parties".

#### RECITALS

- A. On August 25 1987 the Parties entered into the Fredrickson Farm Annexation Agreement (hereinafter the "Annexation Agreement") which was recorded with the Cook County Recorder of Deeds as Document No. 87-563923. The Annexation Agreement governs annexation and development of certain territory which is legilly described in Exhibit A hereto and incorporated herein by this reference.
- B. Paragraph 7 and 24 of the Annexation Agreement anticipated conveyance of certain portion; of the Fredrickson farm property from Fredrickson to LPC within 150 days of approval of the Annexation Agreement. Said Paragraphs were amended by a subsequent agreement of the Parties on January 12, 1988 to anticipate conveyance within 210 days, said agreement being memorialized in the First Amendment To Fredrickson Farm Annexation Agreement (recorded as Document No. 88069074).
- C. Due to circumstances beyond the control of any Party, said conveyance cannot take place as anticipated.
- D. The Village, by vote of at least two-thirds of the Corporate Authorities holding office, has authorized and directed the President of the Village to execute, and the Village Clerk to attest, this Agreement to Amend on behalf of the Village.

NOW THEREFORE, for and in consideration of the special circumstances of LPC, and pursuant to the provisions of Section 11-15.1-1 et seq. of the Illinois Municipal Code, the Parties hereby agree as follows:

Repried by; GREGORY L. DOSE RUDNICK & WOLFE 203 N. LA SALLE ST. #1800 CHICAGO, IL 60601-1293

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- l. Recitals. The foregoing recitals are material to this Agreement to Amend and are incorporated herein as though fully set forth in this Paragraph 1. The Parties hereby acknowledge the truth and accurracy of said recitals.
- 2. Amendment of Paragraph 7. Paragraph 7 of the Annexation Agreement is hereby amended to read as follows:
  - 7. Right-of-Way Dedication. Within two-hundred-fifty (250) days after final passage and approval of the Ordinances, Fredrickson and LPC shall submit to the Village Engineer a duly executed plat of subdivision which is substantially similar to the Parcel Plat and which dedicates and conveys to the Village parts of the areas to which Fredrickson and LPC hold title which are identified on the Parcel Plat as rights-of-way for Meacham Road, Schaumburg Road, Old Schaumburg Road, Busse Trail, Graham Connector and Martingale Road. The Village shall approve, execute and record said plat within two-hondred-fifty (250) days of receipt.
- 3. Amendment of Paragraph 24. Paragraph 24 of the Annexation Agreement is hereby amended to read as follows:
  - 24. Termination. In the event that LPC does not complete its purchase of Parcels A, B, C, D, F, G and H from Fredrickson within two-hundred-fifty (250) days after enactment of the Ordinances, Fredrickson may, at its option and upon written notice to LPC and the Village, terminate this Agreement. Such termination shall render the Ordinances nucl and void.
- 4. Counterparts and Duplicate Originals. This Agreement to Amend may be executed in any number of counterparts and duplicate originals, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed inis Agreement as of the date first above written.

VILLAGE OF SCHAUMBURG, a. Illinois municipal corporation

By:

Village President

ATTEST:

Village Clerk

Proberty of Cook County Clark's Office

FREDRICKSON REAL ESTATE IMPROVEMENT COMPANY, an Illinois Corporation

By: R. Me

ATTEST:

John T. Fredricks

LINCOLN PROPERTY COMPANY E.C.W., INC., a Texas corporation

By:

7'50

ATTEST:

Muspay DiBerry Composituer

LINCOLN AFADOWS ASSOCIATES, an Illinois general papthership

By:

A general partner of Lincoln Property Co. No. 2006 limited partnership, which is a general partner of Lincoln Meadows Associates

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UNOFFICIAL COPY , ,

#### **AFFIDAVIT**

STATE OF ILLINOIS)

COUNTY OF COOK

SS

George Longmeyer , a notary public in I, and for the said County, in the State aforesaid, do hereby certify that Al Larson , President of the VILLAGE OF SCHAUMBURG and Jo Ann R. Wolf , Clerk thereof, personally known to me to be the same person whose names are subscribed to the Toregoing instrument as such President and Clerk respectively, appeared patore me this day and personally acknowledged they signed and derivered the said instrument of their own free will and voluntary act, and as the free and voluntary act of the Village of Schaumburg for the uses and purposes therein and set forth; and the said Clerk did also then and there acknowledge that she is custodian of the corporate seal of the Village of Schaumburg and did affix the corporate seal of the Village of Schaunburg to said instrument as her own free and voluntary act, and as the free and voluntary act of the Village of Schaumburg for the uses and purposes herein set forth.

Given under my hand and notarial seal this 30th day of

Valaria Bullia

My Commission Expires

"OFFICIAL SEAL"
GEORGE P. LONGMEYER

Notary Public, State of Illinois My Commission Expire, 3/30/90

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#### AFFIDAVIT

) SS
COUNTY OF COOK )
I, ROBERT C. FROMERC, a notary public
in and for the said County, in the State aforesaid, do
hereby certify that NAVID B. MC ARCE, President
and JOHN T. FRED RICKSON , MIST, SEC , OF
FREDRICKSON REAL ESTATE IMPROVEMENT COMPANY, an Illinois corporation, personally known to me to be the same persons
whose names are subscribed to the foregoing instrument as
such President and $\Delta SIT$ . $SCE$ . appeared before me this day and personally acknowledged that they signed and
this day and personally acknowledged that they signed and delivered the said instrument of their own free and volun-
tary act, and as the free and voluntary act of Fredrickson
Real Estate Improvement Company for the uses and purposes
therein set forth.
Given under my hand and notarial seal this 15 th day of
APRIC , 1988.
WORKER AND
O () A ( ) SOIERT C. FROBERG
Notary ruille, State of Illinois
Notary Public My Comm thon Expires 11/9/91
My Commission Expires:
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#### **AFFIDAVIT**

STATE OF ILLINOIS) ) SS
COUNTY OF DU PAGE)
I, DIANA JANGE, a notary public in and for the said County, in the State aforesaid, do hereby certify that CARY KACHAMALAN.  President and CACRY TERRY COMPANY E.C.W., INC., a Texas corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Texas corporation.  President and CAMPROLLER appeared before me this day and personally acknowledged that they signed and delivered the said instrument of their own free and voluntary act, and as the free and voluntary act of Lincoln Property Company, E.C.W., Inc. for the uses and purposes therein set forth.  Given under my pand and notarial seal this Auday of 1988.  My Commission Expires:  My Commission Expires:

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#### **AFFIDAVIT**

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#### FREDRICKSON FARM LEGAL DESCRIPTION

PART OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL (EXCEPTING THEREFORE THOSE PORTIONS DEDICATED FOR MEACHAM AND OLD SCHALMBURG ROALS) MORE FULLY DESCRIBED AS FOLLOWS:

THE NATIONAL QUARTER OF THE SOUTHWEST QUARTER, THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTH HALF OF THE SOUTHWESTERLY QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWAST QUARTER OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 10 E'ST, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTH QUARTER, ALSO BEING AT THE SOUTHWEST CORNER OF PRINCIPALL'S RESUBDIVISION RECORDED AS DOCUMENT NO. 26-729-261; THENCE SOUTHWEST ON THE WESTERLY LINE OF SAID PRIDENTIAL'S RESUBDIVISION PRODUCED SOUTHERS: TO THE SOUTH LINE OF THE NORTHWEST QUARTER; THENCE WESTERLY ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF THE QUARTER OF THE SOUTH QUARTER; THENCE NORTHWEST CORNER OF THE QUARTER OF THE SOUTH QUARTER; THENCE NORTHWEST OF THE SOUTH QUARTER; THENCE SECTION LINE TO THE SOUTH QUARTER; THENCE EASTERLY ALONG THE QUARTER SECTION LINE TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

and

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PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL ACRUDIAN (EXCEPT THE EAST 250.00 FEET THEREOF, THE SOUTH 41.50 FEET THEREOF AND THAT PART THEREOF LYING WEST OF THE WEST LINE OF PRIDENTIAL'S RESUBDIVISION PRODUCED SOUTHERLY), BEING MORE FULLY DESCRIBED AS FOLLOWS:

ESCINATING AT THE SOUTHWEST CORNER OF PRIDENTIAL'S RESUBDIVISION RECORDED AS DOCUMENT NO. 26-729-621, ALSO BEING THE NORTHWEST CORNER OF THE SOUTHERAST QUARTER; THENCE NORTH 89 DEGREES 19 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 1074.71 FEET ALONG THE SOUTHERLY LINE OF SAID PRIDENTIAL'S RESUBDIVISION TO THE WESTERLY RIGHT OF WAY LINE OF F.A.I. 90; THENCE SOUTH 0 DEGREES 40 MINUTES 57 SECONDS WEST FOR A DISTANCE OF 1277.80 FEET ALONG THE SAID WESTERLY RIGHT OF WAY LINE TO THE NORTHERLY RIGHT OF WAY LINE OF OLD SCHMIMBURG ROAD AS DEDICHTED PER DOCUMENT NO. 4623133; THENCE SOUTH 89 DEGREES 12 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 1076.63 FEET ALONG THE SAID NORTHERLY RIGHT OF WAY LINE TO IT INTERSECTION WITH THE WEST LINE OF SAID PRIDENTIAL'S RESUBDIVISION PRODUCED SOUTHERLY; THENCE NORTH 0 DEGREES 45 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 1279.97 FEET ALONG THE WESTERLY LINE OF SAID PRIDENTIAL'S RESUBDIVISION PRODUCED SOUTHERLY; PRODUCED SOUTHERLY TO THE PLACE OF BEGINNING IN COOK COUNTY, ILLINOIS.

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### UNOFFICIAL

#### CERTIFICATE OF PUBLICATION

PADDOCK PUBLICATIONS, INC.

### Daily Herald

A Corporation organized and existing under and by virtue of the laws o
the State of Illinois, DOES HEREBY CERTIFY that it is the publishe
ofDaily Herald
UI
That said is a secular
newspaper and has been published daily in the Village of
Hoffman Estates Schaumburg , County of Cook and
State of Illinois, continuously for more than one year prior to, on and since
the date of the first publication of the notice hereinafter referred to and is of
general circulation throughout said Village, County and State.
general circulation infoughout said vinage, County and State.
75 1.15 11 1.15
I (wither certify that
is a newspaper as defined in "an Act to revise the law in relation to notices" as
amended by Act approved July 17, 1959 – III. Revised Statutes, Chap. 100.
Para. Land 5.
THE THE P
That a notice of which the annexed printed slip is a true copy, was published
in said Daily Herald
on the 4 day of March , A.D. 1988
IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICA-
TIONS, Inc., has caused this certificate to be signed and its corporate seal af-
fixed hereto, by MARGIE FLANDERS, its Treasurer, at Arlington Heights,
Illinois, thisI day ofMarch, A.D. 1988
21000200
228E9188PADDOCK PUBLICATIONS INC.
DAILY HERALD NEWSPAPERS
nu Maria Wara
By: Y Can Transport
reasurer

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Notice of Public Hearing

On Amendment to
Annezation Agreement,
Vallege of
Schaumburg, Illinois
Holice is hereby given that a
public hearing will be held by the
President and Board of Trusters
of the Village of Schaumburg, Illinois on March 22, 1988 at 8:00
p.m. at the Schaumburg Atunicipal Center, 101 Schaumburg
Court, Schaumburg, Illinois
60:103.
The public hearing shall be for
the purpose of considering an
amendment to the Fredrickson
Farm Annexation Agreement
which would extend the time perriods for dedication of rights-orway and voluntary term a. Jon by
an additional forty (40, 18ys). The
property which is subject to the
Predrickson Farm Anneation Agreement is located goneany
at the northeast corner of M sacham Road and Old Schaumburd
Rade and is legally described at
foliows:
That part of the southwest
quarter of Soction 19, Township
41 North, Range 11 east of the
Third Principal Meridian and
Section 24, Township 41 North,
Range 10 east of the Third Principal Meridian described as follows: The East of the south 16 of the
northwest quarter of said Section
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