

**ORDINANCE NO. F-1290**

**AN ORDINANCE AUTHORIZING THE SIGNING OF A FIRST AMENDMENT TO AN  
ANNEXATION AGREEMENT -  
1000 W. GENEVA ROAD  
GANNETT CAPITAL, INC.**

WHEREAS, the City of Wheaton, Illinois, ("City") and Gannett Capital, Inc. ("Owner") have previously entered into an Annexation Agreement dated October 16, 2006, ("Annexation Agreement") pertaining to the real estate described in the Annexation Agreement ("Subject Realty"); and

WHEREAS, the Owner has petitioned the City to amend the Annexation Agreement to modify the site plan referenced in the Annexation Agreement to increase the number of drive thru lanes from one to two; and

WHEREAS, the City is agreeable to amending the Annexation Agreement pursuant to the request of the Owner in accordance with the terms and provisions herein after set forth in this First Amendment to Annexation Agreement.

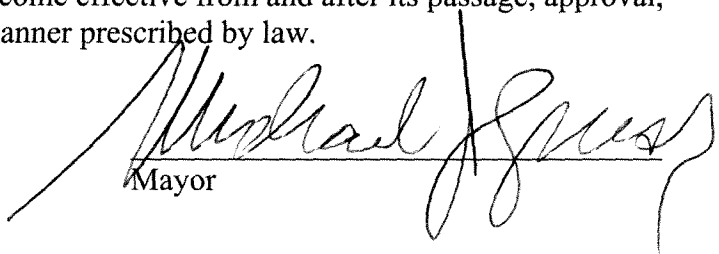
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: The Mayor of the City is authorized and directed to sign, on behalf of the City, the First Amendment to an Annexation Agreement, and the City Clerk is authorized and directed to attest to the signature of the Mayor and affix the corporate seal of the City thereon. A copy of the First Amendment to an Annexation Agreement is on file in the Office of the City Clerk and is incorporated into this ordinance by this reference as though fully set forth herein.

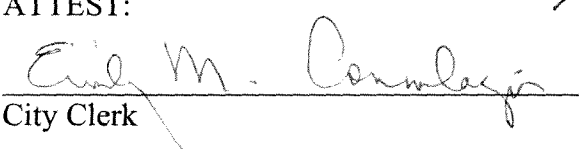
Section 2: The First Amendment to an Annexation Agreement shall be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois, at the expense of the Owners.

Section 3: All Ordinances or parts of Ordinances in conflict with these provisions are repealed.

Section 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Roll Call Vote

Ayes: Councilman Mouhelis  
Councilman Prendiville  
Councilman Suess  
Councilwoman Corry  
Councilman Johnson  
Concilman Levine  
Mayor Gresk

Nays: None

Absent: None

Motion Carried Unanimously

Passed: ~~July~~ <sup>August</sup> 6, 2007  
Published: ~~July~~ <sup>August</sup> 7, 2007

**EXHIBIT A**

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 AND 12 IN BLOCK 1 IN GRANGE PARK ADDITION TO WHEATON, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1926 AS DOCUMENT 223492, IN DUPAGE COUNTY, ILLINOIS, EXCEPT THAT PART OF LOT 6 IN BLOCK 1 IN GRANGE PARK ADDITION TO WHEATON, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1926 AS DOCUMENT NO. 223492 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 6; THENCE ON AN ASSUMED BEARING OF NORTH 90 DEGREES WEST ALONG THE NORTH LINE OF SAID LOT 6 A DISTANCE OF 15.00 FEET; THENCE SOUTH 44 DEGREES, 33 MINUTES 58 SECONDS EAST TO A POINT ON THE EAST LINE OF SAID LOT 6 THAT IS 15.00 FEET SOUTH OF THE POINT OF BEGINNING, THENCE NORTH 00 DEGREES 52 MINUTES 05 SECONDS EAST, 15.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

ALSO THAT PART LYING EASTERLY OF SAID LOT 5 VACATED BY THE PLAT OF VACATION IN THE TOWNSHIP OF MILTON DOCUMENT NO. UN-RECORDED/MISSING OR MORE ACCURATELY DESCRIBED AS FOLLOWS: THAT PART OF THE NORTH-SOUTH 20 FOOT ALLEY LYING WEST OF AND ADJACENT TO LOTS 6 THROUGH 10, BOTH INCLUSIVE, AND EAST OF AND ADJACENT TO THE WEST LINE OF LOT 5 IN BLOCK 1; LYING NORTH OF A LINE DRAWN FROM A POINT ON THE WEST LINE OF SAID LOT 10 (SAID POINT 10.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 10) TO THE SOUTHEAST CORNER OF LOT 5 IN BLOCK 1; AND LYING SOUTHERLY OF THE SOUTH LINE OF GENEVA ROAD; ALL IN GRANGE PARK ADDITION TO WHEATON, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1926 AS DOCUMENT 223492, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-08-103-029, 05-08-103-035

The subject property is commonly known as 1000 W. Geneva Road, Wheaton, IL 60187.

**FIRST AMENDMENT TO AN ANNEXATION AGREEMENT -  
BETWEEN THE CITY OF WHEATON,  
ILLINOIS ("CITY") AND GANNETT CAPITAL, INC. ("OWNER")**

**1000 W. GENEVA ROAD**

**THIS FIRST AMENDMENT TO AN ANNEXATION AGREEMENT** ("First Amendment") is made and entered into this 6<sup>th</sup> day of August, 2007, by and between the City of Wheaton, an Illinois Municipal Corporation, ("City") and Gannett Capital ("Owner").

WHEREAS, the City and Owner have previously entered into an Annexation Agreement dated October 16, 2006, ("Annexation Agreement") pertaining to the real estate described in the Annexation Agreement ("Subject Realty"); and

WHEREAS, the Owner has petitioned the City to amend the Annexation Agreement to modify the site plan referenced in the Annexation Agreement to increase the number of drive thru lanes from one to two; and

WHEREAS, the City is agreeable to amending the Annexation Agreement pursuant to the request of the Owner in accordance with the terms and provisions herein after set forth in this First Amendment to Annexation Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual promises and agreements hereinafter contained, the sufficiency of which is hereby acknowledged by the affected parties hereto, the affected parties hereby agrees as follows:

1. **AMENDMENT:** The fourth "Whereas Clause" of the Annexation Agreement is amended by substituting the following site plans:

" The Landscape Plan entitled "Proposed Landscape Plan, Multi-Tenant Retail," Sheet LP-1, prepared by Areté 3 Ltd. Design Group, Tinley Park, IL, 60477, dated July 18, 2007, and the Final Engineering Plans for Wheaton Retail Center" Sheets 1 to 7, prepared by Condon Consulting Engineers, New Lenox, IL, 60451, dated January 1, 2007 and bearing a last date of revision of July 17, 2007."

2. **CONTINUITY OF AGREEMENT:** Except as expressly amended by the terms of this First Amendment, the Annexation Agreement, and all the terms and provisions contained therein, shall remain in full force and effect.



ORD F-1290

**ORIGINAL PLANS**

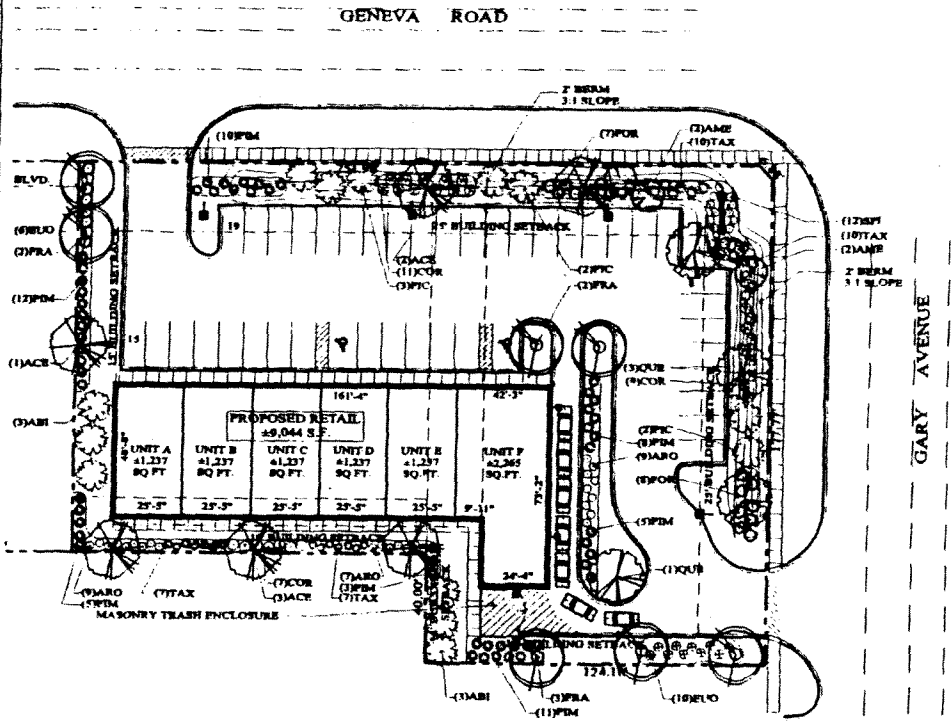
PROPOSED  
LANDSCAPE  
PLAN  
MULTI-TENANT  
RETAIL  
WHEATON, IL

PLANT LIST	SYMBOL	SCIENTIFIC NAME	COMMON NAME	HT.	WID.
TRYP	(1)A	ACER PLATANUS	BOXWOOD	12'	12'
DBA	(1)A	FRAXINUS PLATANUS	FRAXINUS	12'	12'
CP	(1)A	QUERCUS PLATANUS	QUERCUS	12'	12'
EVERGREEN TREES					
ARI	(1)A	ARIZONICA	ARIZONICA	12'	12'
PI	(1)A	PIRANICA	PIRANICA	12'	12'
ORNAMENTAL TREES					
ARI	(1)A	ARIZONICA	ARIZONICA	12'	12'
PI	(1)A	PIRANICA	PIRANICA	12'	12'
SHRUBS					
ARI	(1)A	ARIZONICA	ARIZONICA	12'	12'
PI	(1)A	PIRANICA	PIRANICA	12'	12'
EVERGREEN SHRUBS					
ARI	(1)A	ARIZONICA	ARIZONICA	12'	12'
PI	(1)A	PIRANICA	PIRANICA	12'	12'
PAVEMENT					
ARI	(1)A	ARIZONICA	ARIZONICA	12'	12'
PI	(1)A	PIRANICA	PIRANICA	12'	12'

PARKING LOT LANDSCAPING: 13%

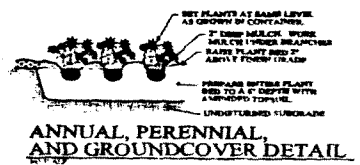
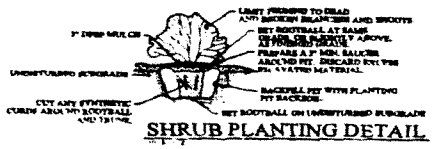
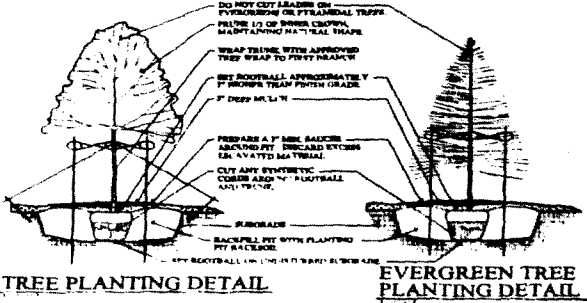
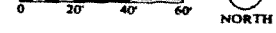
GENERAL CONSTRUCTION NOTES:

1. ALL AT THE TIME TO BE APPROVED BY THE LANDSCAPE ARCHITECT
2. CONTRACTORS MUST VERIFY ALL QUANTITIES AND OBTAIN ALL PROPER PERMITS AND LICENSES FROM THE PROPER AUTHORITIES
3. ALL LANDSCAPE IMPROVEMENTS SHALL MEET MUNICIPALITY REQUIREMENTS AND GUIDELINES WHICH SHALL BE VERIFIED BY THE CITY ENGINEER AT THE TIME OF CONSTRUCTION
4. ALL MATERIAL MUST MEET INDUSTRY STANDARDS AND THE LANDSCAPE ARCHITECT HAS THE RIGHT TO REFUSE ANY POOR MATERIAL OR WORKMANSHIP
5. LANDSCAPE ARCHITECT IS NOT RESPONSIBLE FOR UNUSUAL SITE CONDITIONS
6. ALL PLANTINGS SHALL BE SPACED EQUAL DISTANCE, BACKFILLED WITH APPROVED SOIL OR A SOIL TWICE THE ROOTBALL DEPTH, WATERED, FERTILIZED, PRUNED, AND HAVE ALL TAGS AND TIES REMOVED
7. TREES SHALL BE STAKED AND OUTRIG, AND HAVE A WATERING SCHEDULE AT BARE
8. ALL BUSH TO BE BRANDED 12" TO 36" ABOVE GRADE AND MUST MEASURE REQUIREMENTS
9. TOWN AND SPD AREAS SHALL BE NOTIFIED PRIOR, BASED ON CLUMPS AND DENS
10. SOIL SHALL BE ROLLED AND STAKED ON SLOPES
11. ALL BUSH SHALL BE BRANDED, HAVE WIND PROTECTIONS APPLIED AT THE RECOMMENDED RATE, AND BRANDED HARDWOOD MULCH APPLIED AT A MINIMUM OF 2" TO 4" DEPTH
12. IRRIGATION SYSTEM SHALL BE SET AS PER THE LOCAL AUTHORITY WATER SCHEDULE
13. ALL DEBRIS SHALL BE REMOVED FROM THE SITE
14. ALL DRIVEWAY AND PARKING LOT ISLANDS SHALL HAVE SOIL AS AN OVERLAP, UNLESS OTHERWISE NOTED



PROPOSED LANDSCAPE PLAN

SCALE: 1" = 20'-0"



FOR  
GANNETT  
CAPITAL  
707 SKOKIE BLVD. SUITE 210  
NORTHROCK, IL 60062  
TEL (847) 498-0133  
FAX (847) 498-1418

LP-1  
JOB # 04664  
ORIGINAL DATE: 06-15-05  
REVISED DATE: 06-11-06  
SCALE: AS NOTED  
COURTESY: 3000 AVE. 11TH  
A. PLANTING

ord F-1290

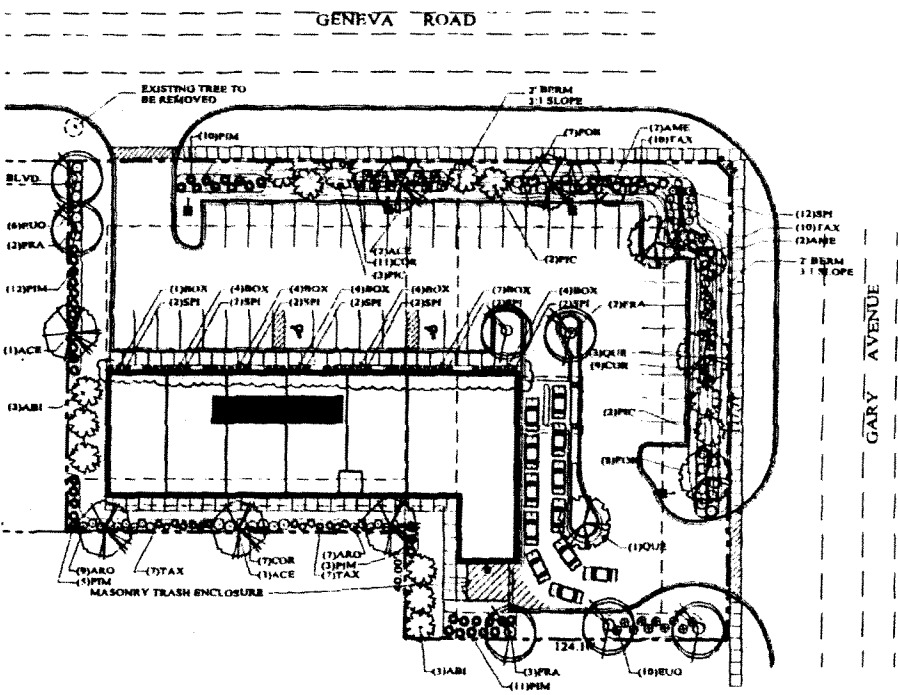
**REVISED PLANS**



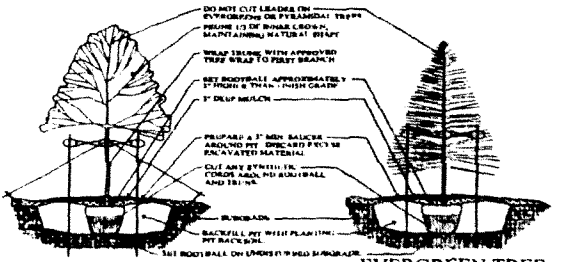
PROPOSED  
LANDSCAPE  
PLAN  
MULTI-TENANT  
RETAIL  
WHEATON, IL

PLANT LIST	SYMBOLICAL NAME	COMMON NAME	QTY.	SIZE
TREES				
101	101P01	RED WOOD TRUCK	1	10" CAL
102	102P01	RED WOOD TRUCK	1	10" CAL
103	103P01	RED WOOD TRUCK	1	10" CAL
104	104P01	RED WOOD TRUCK	1	10" CAL
105	105P01	RED WOOD TRUCK	1	10" CAL
106	106P01	RED WOOD TRUCK	1	10" CAL
107	107P01	RED WOOD TRUCK	1	10" CAL
108	108P01	RED WOOD TRUCK	1	10" CAL
109	109P01	RED WOOD TRUCK	1	10" CAL
110	110P01	RED WOOD TRUCK	1	10" CAL
111	111P01	RED WOOD TRUCK	1	10" CAL
112	112P01	RED WOOD TRUCK	1	10" CAL
113	113P01	RED WOOD TRUCK	1	10" CAL
114	114P01	RED WOOD TRUCK	1	10" CAL
115	115P01	RED WOOD TRUCK	1	10" CAL
116	116P01	RED WOOD TRUCK	1	10" CAL
117	117P01	RED WOOD TRUCK	1	10" CAL
118	118P01	RED WOOD TRUCK	1	10" CAL
119	119P01	RED WOOD TRUCK	1	10" CAL
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122	122P01	RED WOOD TRUCK	1	10" CAL
123	123P01	RED WOOD TRUCK	1	10" CAL
124	124P01	RED WOOD TRUCK	1	10" CAL
125	125P01	RED WOOD TRUCK	1	10" CAL
126	126P01	RED WOOD TRUCK	1	10" CAL
127	127P01	RED WOOD TRUCK	1	10" CAL
128	128P01	RED WOOD TRUCK	1	10" CAL
129	129P01	RED WOOD TRUCK	1	10" CAL
130	130P01	RED WOOD TRUCK	1	10" CAL
131	131P01	RED WOOD TRUCK	1	10" CAL
132	132P01	RED WOOD TRUCK	1	10" CAL
133	133P01	RED WOOD TRUCK	1	10" CAL
134	134P01	RED WOOD TRUCK	1	10" CAL
135	135P01	RED WOOD TRUCK	1	10" CAL
136	136P01	RED WOOD TRUCK	1	10" CAL
137	137P01	RED WOOD TRUCK	1	10" CAL
138	138P01	RED WOOD TRUCK	1	10" CAL
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141	141P01	RED WOOD TRUCK	1	10" CAL
142	142P01	RED WOOD TRUCK	1	10" CAL
143	143P01	RED WOOD TRUCK	1	10" CAL
144	144P01	RED WOOD TRUCK	1	10" CAL
145	145P01	RED WOOD TRUCK	1	10" CAL
146	146P01	RED WOOD TRUCK	1	10" CAL
147	147P01	RED WOOD TRUCK	1	10" CAL
148	148P01	RED WOOD TRUCK	1	10" CAL
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151	151P01	RED WOOD TRUCK	1	10" CAL
152	152P01	RED WOOD TRUCK	1	10" CAL
153	153P01	RED WOOD TRUCK	1	10" CAL
154	154P01	RED WOOD TRUCK	1	10" CAL
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157	157P01	RED WOOD TRUCK	1	10" CAL
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168	168P01	RED WOOD TRUCK	1	10" CAL
169	169P01	RED WOOD TRUCK	1	10" CAL
170	170P01	RED WOOD TRUCK	1	10" CAL
171	171P01	RED WOOD TRUCK	1	10" CAL
172	172P01	RED WOOD TRUCK	1	10" CAL
173	173P01	RED WOOD TRUCK	1	10" CAL
174	174P01	RED WOOD TRUCK	1	10" CAL
175	175P01	RED WOOD TRUCK	1	10" CAL
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194	194P01	RED WOOD TRUCK	1	10" CAL
195	195P01	RED WOOD TRUCK	1	10" CAL
196	196P01	RED WOOD TRUCK	1	10" CAL
197	197P01	RED WOOD TRUCK	1	10" CAL
198	198P01	RED WOOD TRUCK	1	10" CAL
199	199P01	RED WOOD TRUCK	1	10" CAL
200	200P01	RED WOOD TRUCK	1	10" CAL

- PARKING LOT LANDSCAPING: 13%**
1. ALL PLANTINGS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT
  2. CONTRACTORS MUST VERIFY ALL QUANTITIES AND ON-SITE ALL PLANTER FRAMES AND LOCATIONS FROM THE PROPER AUTHORITIES
  3. ALL LANDSCAPE INSTALLMENTS SHALL MEET MUNICIPALITY REGS. SEPARATELY AND ORDINANCES, WHICH SHALL BE VERIFIED BY MUNICIPAL AUTHORITIES
  4. ALL MATERIAL MUST MEET INDUSTRY STANDARDS AND THE LANDSCAPE ARCHITECT HAS THE RIGHT TO REPLACE ANY POOR MATERIAL OR WORKMANSHIP
  5. LANDSCAPE ARCHITECT IS NOT RESPONSIBLE FOR UNUSUAL SITE CONDITIONS
  6. ALL PLANTINGS SHALL BE SPACED EQUAL DISTANT, BACKFILLED WITH AMENDED SOIL IN 4" HOLE, UNLESS THE ROOTBALL IS 1/2" DIA. WATERED, FERTILIZED, PRUNED, AND TRIMMED ALL LEAVES AND BRANCHES REMOVED
  7. TREES SHALL BE STAKED AND GUATED, AND HAVE A WATERING SCHEDULE AT BASE
  8. ALL BRUSH TO BE STAKED 12" TO 24" ABOVE GRADE AND HAVE DRAINAGE INSTALLMENTS
  9. LAWN AND BED AREAS SHALL BE BOTTLED, BAKED IN C/L AND TYPED
  10. BED SHALL BE BACKFILLED AND STAKED ON SLOPE
  11. ALL BEDS SHALL BE BOUND, HAVE BOUND PERIMETERS APPLIED AT THE RECOMMENDED RATE, AND SHREDED HARDWOOD MULCH SPREAD AT A MINIMUM OF 3" TO 4" DEEP
  12. IRRIGATION SYSTEM SHALL BE SET AS PER THE LOCAL AUTHORITIES WATER BUDGET
  13. ALL DEBRIS SHALL BE REMOVED FROM THE SITE
  14. ALL PARKWAYS AND PARKING LOTS SHALL HAVE SOIL AS A GROUND COVER, UNLESS OTHERWISE NOTED



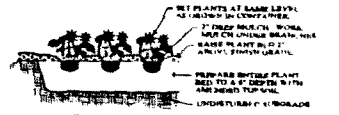
**PROPOSED LANDSCAPE PLAN**  
SCALE: 1" = 20'-0"



**TREE PLANTING DETAIL**



**SHRUB PLANTING DETAIL**



**ANNUAL, PERENNIAL, AND GROUND COVER DETAIL**

FOR  
**GANNETT  
CAPITAL**  
707 SKOKIE BLVD. SUITE 210  
NORTHBROOK, IL 60062  
TEL: (847) 506-1133  
FAX: (847) 506-1016

**LP-1**  
RFP # 0406  
ORIGINAL DATE  
REVISED DATE 07.18.07  
SCALE AS NOTED  
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