

EXECUTION COPY

FIRST AMENDMENT TO AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF LAKE AND THE VILLAGE OF MUNDELEIN

This First Amendment to the Amended and Restated Intergovernmental Agreement is made and entered into as of this _____ day of _____, 2008 by and between the County of Lake, a unit of local government of the State of Illinois, acting through its Chairman and County Board (hereinafter the “County”) and the Village of Mundelein, an Illinois home rule municipal corporation, acting through its Village President and Board of Trustees (hereinafter the “Village”). (The County and the Village are sometimes referred to herein as the “Parties”)

RECITALS:

WHEREAS, the County and the Village have entered into an Amended and Restated Intergovernmental Agreement, dated as of May 29, 2003, regarding the County’s use of certain property at the intersection of Routes 60/83 and Diamond Lake Road for the Nineteenth Judicial Circuit Court’s Southbranch Traffic Court site (“Southbranch Court site”); said Southbranch Court Site defined to comprise PIN 15-06-100-056, 11-31-300-099 and 15-06-100-059 (as depicted on Exhibit A to the Amended and Restated Agreement); and

WHEREAS, as a result of a dedication for roadway purposes, the former PIN 15-06-100-056 has been assigned a new PIN of 15-06-100-066; and

WHEREAS, the County has acquired an additional parcel of property (PIN 15-06-101-001) which is within the municipal boundaries of the Village of Mundelein and adjacent to the Southbranch Court site on which the County is planning to construct a paved parking area for use in conjunction with the Southbranch Court site; and

WHEREAS, the County wishes to include said additional parcel of property (PIN 15-06-101-001) within the definition of the Southbranch Court Site and the parties wish to make such additional parcel of property subject to the terms and conditions of the Amended and Restated Intergovernmental Agreement and to allow development of the additional parcel of property

(PIN 15-06-101-001) as a paved parking area in accordance with the County's site development standards and proceed with construction of such paved parking area under County permitting and subject to supervision of and inspection by County personnel charged with that responsibility; and

WHEREAS, the Village desires that the County make application to the Village for (1) a single lot subdivision, consolidating PIN 15-06-100-066, 11-31-300-099, 15-06-100-059 and 15-06-101-001 and (2) a rezoning of the above four parcels of property from existing R-1 Zoning and C-2 Zoning to Public Use Zoning; and

WHEREAS, the County has made application for such subdivision and rezoning and agrees to cooperate with the Village to effectuate such subdivision and rezoning, provided that such subdivision and rezoning will not impair the County's ability to develop and use the Southbranch Court Site as contemplated by the terms of the Amended and Restated Intergovernmental Agreement; and

WHEREAS, the Village has approved the preliminary plat of subdivision with respect to the Southbranch Court Site.

NOW THEREFORE, the Parties agree as follows:

Section One. The seventh "Whereas" provision contained on the first page of the Amended and Restated Intergovernmental Agreement is hereby amended in its entirety, so that said provision hereafter be and read as follows:

"WHEREAS, the County owns property at the intersection of Routes 60/83 and Diamond Lake Road, in and near the Village of Mundelein, which it intends to use for the Nineteenth Judicial Circuit Court's Southbranch Traffic Court site ("Southbranch Court site"), comprised of PIN 15-06-100-066, 15-06-101-001, 11-31-300-099, and 15-06-100-059 (as depicted in Exhibit A to this Amended and Restated Agreement); and"

Section Two. Pursuant to Section One of this First Amendment to the Amended and Restated Intergovernmental Agreement, a new Exhibit A is attached hereto and by this reference

incorporated herein and made a part hereof, and replaces and supplants in its entirety the Exhibit A attached to the Amended and Restated Intergovernmental Agreement.

Section Three. Section 3(k) of the Amended and Restated Intergovernmental Agreement is hereby amended in its entirety, so that said provision hereafter be and read as follows:

“The County has made application to the Village for, and shall hereafter cooperate with the Village to (a) obtain final plat of subdivision for a single lot subdivision encompassing PIN 15-06-100-066, 11-31-300-099, 15-06-100-059 and 15-06-101-001, consistent with the preliminary plat of subdivision attached hereto as Exhibit B, and (b) rezone the above four parcels of property comprising the Southbranch Court Site from R-1 and C-2 Zoning to Public Use Zoning.”

Section Four. Section 4(c) of the Amended and Restated Intergovernmental Agreement is hereby amended in its entirety, so that said provision hereafter be and read as follows:

“So long as the Southbranch Court site is used only for the Contemplated Uses, any development, redevelopment, or construction of or upon the Southbranch Court site (PIN 15-06-100-066, 11-31-300-099, 15-06-100-059, and 15-06-101-001), including any subsequent expansion, enlargement or renovation thereto and including the development of PIN 15-06-101-001 as a paved parking area, will be governed by the County building, development, site development and zoning standards, specifically including the 1999 BOCA Code and the then-applicable standards of the County’s GC Zoning District, and such development, redevelopment, or construction will proceed under County permitting and subject to supervision of and inspection and issuance of any certificate of occupancy by the Lake County Department of Planning Building and Development.”

Section Five. Except as amended and modified herein, all terms, conditions and provisions in the Amended and Revised Intergovernmental Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Agreement by their respective duly authorized officials effective as of the date first above written.

COUNTY OF LAKE

VILLAGE OF MUNDELEIN

By: _____
Chairman, Lake County Board

By: _____
Mayor

ATTEST:

ATTEST:

By: _____
Lake County Clerk

By: _____
Village Clerk

Dated: _____

Dated: _____