

Prepared by and mail to:

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### **THIRD AMENDMENT TO AGREEMENT**

This Third Amendment to Agreement ("Third Amendment") is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between Wanish LLC, an Illinois limited liability company ("Wanish, LLC"), 1200 N. Milwaukee Ave, Glenview, IL 60025, and the County of Lake, Illinois ("County"). This Third Amendment amends a certain Agreement between Wanish, LLC and the County dated July 13, 2010 and recorded July 14, 2010 as document no. 6621654, a certain First Amendment to Agreement dated June 13, 2012 and recorded August 7, 2012 as document no. 6881301, and a certain Second Amendment to Agreement dated October 2, 2013 and recorded October 7 \_\_\_\_\_, 2013 as document no. 7043817 (all of which documents shall be collectively be referred to herein as the "Agreement"). The purpose of the Agreement was to temporarily suspend the County's approval of the Final Plat documents regarding Wanish Park Planned Development, which development encompasses the property described as follows:

The South half of the Northeast Quarter of Section 29, Township 45 North, Range 11 East of the Third Principal Meridian, lying East of the West 1647.5 feet thereof (except the West 330.0 feet of the North 759.95 feet and the South 260.0 feet of the East 321.90 feet and that part dedicated for public roads by document 6326548) in Lake County, Illinois.

PIN Numbers 07-29-204-018; 07-29-204-019; 07-29-204-020; 07-29-211-001.

Address: 33590, 33670 and 33560 N. Wanish Place and 33588 N. Hunt Club Road, Gurnee, IL

The purpose of this Third Amendment is to extend the Completion Date described in paragraphs 5 and 6 of the Agreement.

NOW THEREFORE, the parties agree as follows:

Paragraph 5 of the Agreement is hereby deleted from the Agreement and the following language is substituted in its stead:

5. All ordinances applicable to the Final Plat including, without limitation, Chapter 151 of the Lake County, Illinois Code of Ordinances and the Lake County Watershed Development Ordinance, shall remain applicable to the Final Plat as written at the time of approval of the original Final Plat (and not the Completion Date), such that the Final Plat may continue in effect without modification. Notwithstanding the foregoing, Wanish, LLC shall comply with the minimum standards of all mandatory State and Federal floodplain, floodway and wetland regulations which are in effect at the time of development and which cannot be exempted or waived by the County, and Wanish, LLC will make all appropriate amendments to the Final Plat and Final Engineering plans to incorporate any necessary changes. Without limitation, this provision shall be deemed to comply with section 151.145 (C) of the Lake County, Illinois Code of Ordinances


Paragraph 6 of the Agreement is hereby deleted and the following is substituted in its stead:

6. In the event the Completion Date does not occur on or before December 31, 2017, unless further extended by the parties hereto, (a) the Approval of the Final Plat Documents shall be terminated, (b) Wanish, LLC shall prepare and record a Plat of Vacation that meets the provisions of sections 151.204 (D) (2) and 151.204 (E) of the Lake County Lake County, Code of Ordinances (as amended from time to time) to vacate the Final Plat, and (c) the Property shall be deemed to revert to its predevelopment status.

The provisions of the Agreement remain in full force and effect, modified only as expressly provided for in this Third Amendment. If a provision of this Third Amendment conflicts with a provision in the Agreement, the conflicting provision in this Third Amendment shall control. All capitalized terms used but not otherwise defined herein shall have the same meanings as ascribed to such terms in the Agreement.

This Third Amendment is signed by the Planning, Building and Zoning Committee members pursuant to authority delegated by the Lake County Board.

Wanish, LLC

By:   
Robert Taylor

Lake County Planning, Building and Zoning Committee members

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