



ORDINANCE 2101-21

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE THIRD AMENDMENT OF
THE STONEBRIDGE SUBDIVISION IMPROVEMENT AGREEMENT –
HDP STONEBRIDGE LLC

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, that the Mayor and Village Clerk be, and the same are, are hereby authorized to execute a certain third amendment to the Stonebridge Subdivision Improvement Agreement with HDP Stonebridge LLC, in substantially the same form attached hereto as Exhibit "A", and by the reference, made a part hereof, as follows:

SECTION ONE: The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

SECTION TWO: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, superseded by this Ordinance.

SECTION THREE: That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

The foregoing Ordinance was adopted by the Board of Trustees of the Village of Hawthorn Woods, Illinois on June 28, 2021:

AYES: Kaiser, David, McCarthy, Ryceck

NAYS: 0

ABSENT AND NOT VOTING: Riess

APPROVED: 
Dominick DiMaggio, Mayor

ATTEST: Donna Lobaito
Donna Lobaito, Village Clerk

ADOPTED: June 28, 2021

APPROVED: June 28, 2021

THIRD AMENDMENT TO IMPROVEMENT AGREEMENT

THIS THIRD AMENDMENT TO IMPROVEMENT AGREEMENT (the "Third Amendment") is made and entered into this 18 day of JUNE, 2021, by and between the Village of Hawthorn Woods, an Illinois municipal corporation located in Lake County, Illinois (the "Village") and HDP STONEBRIDGE LLC (the "DEVELOPER"). Hereafter, the Village, the Owner, or the Developer may be referred to individually as a "Party" and collectively as the "Parties".

WHEREAS, on or about March 19, 2015, DEVELOPER, as applicant, filed an application for Final Plat of Subdivision attached hereto as Exhibit "B" ("SUBJECT REALTY") so as to permit the construction of its STONEBRIDGE development, a sixty (60) lot single-family residential subdivision ("DEVELOPMENT"); and,

WHEREAS, the Parties entered into a Subdivision Improvement Agreement, pursuant to Village Ordinance No. 1584-15 dated August 24, 2015, (the "Original Agreement"); and

WHEREAS, the Parties entered into an amendment to the Original Agreement, by Ordinance No. 1686-16 dated July 18, 2016, (the "Amended Agreement"); and

WHEREAS, the Parties entered into a second amendment ("Second Amendment") to the Original Agreement and Amended Agreement (collectively "Agreement"), by Ordinance No. 2033-20 dated July 27, 2020; and

WHEREAS, the Parties wish to enter into a binding third amendment ("Third Amendment") to the Original Agreement, Amended Agreement and Second Amendment (collectively "Agreement") with respect to Section 12 of the Agreement, upon the terms and conditions contained in this Third Amendment; and

WHEREAS, a proposed Third Amendment in substance and in form the same as this Third Amendment was submitted to the Mayor and Board of Trustees of the Village ("Corporate Authorities"); and

WHEREAS, by a favorable vote of the majority of the Corporate Authorities of the Village then holding office, an ordinance has heretofore been adopted authorizing the execution of this Third Amendment.

NOW, THEREFORE, for and in consideration of the mutual covenants, promises and agreements hereinafter set forth, THE PARTIES HERETO AGREE AS FOLLOWS:

ARTICLE I
INCORPORATION OF RECITALS

The Parties confirm and admit the truth and validity of the representations and recitations set forth in the foregoing recitals. The Parties further acknowledge that the same are material to

this Second Amendment and are hereby incorporated into this Third Amendment as though they were fully set forth in this Article I.

ARTICLE II
INTEGRATION OF IMPROVEMENT AGREEMENT

The provisions of this Third Amendment shall be deemed by the Parties to be fully integrated into the Agreement. The Agreement shall remain in full force and effect except to the extent that it is expressly modified by the terms of this Third Amendment. Should any provision of the Agreement conflict with any provision of this Third Amendment, the provisions of this Third Amendment shall control.

Terms capitalized in this Third Amendment and not otherwise defined herein shall have the meanings ascribed to those terms in the Agreement. Terms defined and capitalized herein shall have the meanings ascribed to those terms in this Third Amendment and, to the extent such terms are also defined terms in the Agreement, the definitions of those terms as herein provided shall be deemed to control the interpretation of those terms in the Agreement.

ARTICLE III
AMENDMENT OF SECTION 12 OF AGREEMENT

The second grammatical paragraph of Section 12.I. of the Agreement is deleted and replaced in its entirety with:

Notwithstanding any provision contained herein to the contrary, all IMPROVEMENTS shall be constructed and recommended for FINAL ACCEPTANCE no later than November 22, 2021.

IN WITNESS WHEREOF, the Parties have set their hands and seals on the day and year first above written.



ATTEST

Donna Lobaito

Donna Lobaito
Village Clerk

VILLAGE OF HAWTHORN WOODS, an Illinois municipal corporation

By: *[Signature]*
Its: Mayor

STATE OF ILLINOIS)

GIVEN under my hand and Notarial Seal this _____ day of _____,

Notary Public

Notary Public