



ORDINANCE 2186-22

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIFTH 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 fifth 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resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, superseded by this Ordinance.

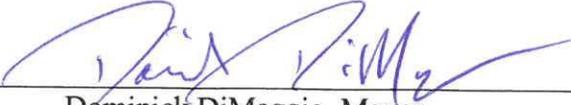
SECTION THREE: That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

The foregoing Ordinance was adopted by the Board of Trustees of the Village of Hawthorn Woods, Illinois on June 20, 2022:

AYES: Kaiser, McCartney, Regnier, Bauer

NAYS: 0

ABSENT AND NOT VOTING: Riess, David

APPROVED:   
Dominick DiMaggio, Mayor

ATTEST: Donna Lobaito  
Donna Lobaito, Village Clerk

ADOPTED: June 20, 2022

APPROVED: June 20, 2022

**FIFTH AMENDMENT TO IMPROVEMENT AGREEMENT**

THIS FIFTH AMENDMENT TO IMPROVEMENT AGREEMENT (the "Fifth Amendment") is made and entered into this 3<sup>rd</sup> day of June, 2022, 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 ("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 entered into a third amendment ("Third Amendment") to the Original Agreement and Amended Agreement (collectively "Agreement"), by Ordinance No. 2101-21 dated June 27, 2021; and

WHEREAS, the Parties entered into a fourth amendment ("Fourth Amendment") to the Original Agreement and Amended Agreement (collectively "Agreement"), by Ordinance No. 2133-21 dated November 22, 2021; and

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

WHEREAS, a proposed Fifth Amendment in substance and in form the same as this Fifth 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 Fifth 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, the Third Amendment, the Fourth and are hereby incorporated into this Fifth Amendment as though they were fully set forth in this Article I.

ARTICLE II  
INTEGRATION OF IMPROVEMENT AGREEMENT

The provisions of this Fifth 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 Fifth Amendment. Should any provision of the Agreement conflict with any provision of this Fifth Amendment, the provisions of this Fifth Amendment shall control.

Terms capitalized in this Fifth 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 Fifth 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.

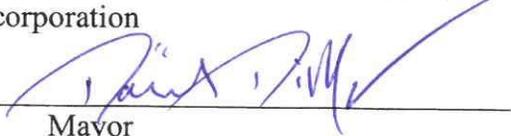
ARTICLE III  
AMENDMENT OF SECTION 12 OF AGREEMENT

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 September 27, 2022.

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

**VILLAGE OF HAWTHORN WOODS**, an Illinois  
municipal corporation

By:   
Its: Mayor

ATTEST:



---

Donna Lobaito

Village Clerk

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF LAKE        )

I, the undersigned, Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Jeffrey Meyer, personally known to or to be the same person whose name is subscribed to the foregoing instrument as Vice President of HDP STONEBRIDGE LLC, appeared before me this day in person and acknowledged that he signed and delivered the said instrument, as his own free and voluntary act and as the free and voluntary act of said Corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 22<sup>nd</sup> day of June 2022.

Mary Maglio  
Notary Public



HDP STONEBRIDGE LLC

By: [Signature]  
Its: Vice President.

ATTEST:

Magdolena Goal  
Secretary

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF LAKE        )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Dominick DiMaggio, Mayor of the VILLAGE OF HAWTHORN WOODS, and Donna Lobaito, Village Clerk of said Village, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Mayor and Village Clerk, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said Village, for the uses and purposes therein set forth; and the said Village Clerk then and there acknowledged that she, as custodian of the corporate seal of said Village, did affix the corporate seal of said Village to said instrument, as her own free and voluntary act and as the free and voluntary act of said Village, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 19<sup>th</sup> day of October, 2022

*Amy K. Belmonte*  
Notary Public

