



June 1, 2004

Simon Realty Group
115 W. Washington Street
Indianapolis, IN 46204

Burlington Coat Factory
1830 Route 130 North
Burlington, NJ 08016

Other Interested Parties

RE: Case No. CPC 04-F

Please be advised that on Tuesday, May 4, 2004, the City Council approved the following request for:

APPROVAL OF A RESOLUTION AMENDING RESOLUTION
NO. 91-75 APPROVING THE SECOND AMENDMENT TO THE
WILLOW KNOLLS COURT SHOPPING CENTER ANNEXATION
AGREEMENT. (CPC 04-F) [DISTRICT 5]

This request was approved as outlined in the attached copies of the approved documents. If you have any questions, please contact me at 494-8667.

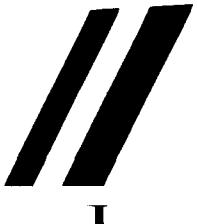
Sincerely,

A handwritten signature in cursive script that reads 'Leah Allison'.

Leah Allison
Urban Planner

LA/ps

Attachments



*Twin Towers Building
456 Fulton Street, Suite 402
Peoria, Illinois 61602
309/494-8600
FAX 309/494-8680*

RESOLUTION NO. 04-192

CITY OF PEORIA

Peoria, Illinois May 4 ~~2004~~ 2004

A RESOLUTION AMENDING RESOLUTION NO. 91-75 APPROVING THE SECOND AMENDMENT TO THE ANNEXATION AGREEMENT FOR WILLOW KNOLLS COURT SHOPPING CENTER

Resolved

WHEREAS, Willow Knolls Limited Partnership, an Indiana Limited Partnership, is desirous of obtaining an amendment to the Annexation Agreement approved by the City Council of the City of Peoria by Resolution No. 91-75; and

WHEREAS, the City of Peoria is desirous of entering into the Second Amendment, said Amendment attached hereto as "Attachment A".

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS:

Section 1. That the Mayor is hereby authorized to execute the Second Amendment to the Willow Knolls Court Shopping Center Annexation Agreement attached hereto as "Attachment A" with the petitioners and the City Clerk is hereby authorized to attest said amendment.

Section 2. This resolution shall be effective upon passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS THIS 4th DAY OF May, 2004.

APPROVED:

David P. Ravelly
Mayor

ATTEST:

Mary E. Haynes
City Clerk

EXAMINED AND APPROVED

Randa O'Keefe
Corporation Counsel

FILED

MAY 06 2004

JOANN THOMAS
PEORIA COUNTY CLERK

FILED

MAY 06 2004

JOANN THOMAS
PEORIA COUNTY CLERK**SECOND AMENDMENT TO ANNEXATION AGREEMENT**

This Second Amendment to Annexation Agreement (the Second "Amendment"), is made and entered into this 4th day of May, 2004, by and among the City of Peoria, an Illinois municipal corporation, located in Peoria County, Illinois (the "City") and Willow Knolls Limited Partnership, an Indiana limited partnership (hereinafter referred to, along with its successors and assigns, as the "Owner") (The City, and Owner are hereinafter collectively referred to as "Parties" and individually referred to as a "Party").

RECITALS

A. Owner is the owner of record of approximately 39.072 acres of real property located generally in the northeast quadrant of the intersection of Willow Knolls Road and U.S. Route 150 in Peoria County, Illinois, which property is legally described on Exhibit A, attached hereto and incorporated herein by reference (the "Property").

B. The Property was annexed into the corporate limits of the City by Ordinance of Annexation No. 13190 passed by the City Council of the City on February 26, 1991 and recorded with the Clerk for the County of Peoria on February 27, 1991 as Instrument Number 91-04547 in accordance with Petition for Annexation dated January 15, 1991 and the Annexation Agreement dated February 26, 1991 ("Annexation Agreement") which Annexation Agreement was recorded with the Clerk of the County of Peoria on February 27, 1991 as Instrument Number 91-04548.

C. Portions of the Property are currently improved for shopping center commercial uses pursuant to zoning and building code approvals granted by the County of Peoria and to approvals granted by the City pursuant to its Subdivision Control Ordinance. Owner seeks to amend said Annexation Agreement for purposes of increasing the square footage of signage allowable under the

Annexation Agreement for the building on Lot ____ of the Willow Knolls Court Subdivision (the "Burlington Coat Factory Building").

D. The City has agreed to amend the Annexation Agreement in order to facilitate Owner's leasing of the Burlington Coat Factory Building.

E. All other and further notices, publications, procedures, public hearings and other matters attendant to the consideration and approval of this Amendment have been given, made, held and performed by the City as required by Section 7-1-8 and Section 11-15.1-1 et seq. of the Illinois Municipal Code, III. Rev. Stat. ch. 24, paras. 7-1-8 and 11-15.1-1 et seq. (1987), and all the applicable statutes, and all applicable ordinances, regulations and procedures of the City. This Amendment is made and entered into by the Parties pursuant to the provisions of Section 11-15.1-1 et seq. of the Illinois Municipal Code.

F. The Corporate Authorities have duly considered all necessary petitions to enter into this Amendment, have considered the recommendations of the appropriate City Departments, Commissions, Boards or other authorities in connection with increasing the square footage of signage for the Burlington Coat Factory Building and have further duly considered the terms and provisions of this Amendment and have, by a resolution duly adopted by a vote of two-thirds (2/3) of the Corporate Authorities then holding office, authorized the Mayor to execute, and the City Clerk to attest, this agreement on behalf of the City.

G. Owner has expended substantial sums of money and has materially altered its position in reliance upon the execution of this Amendment and the performance of its terms and provisions by the City.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants and agreements herein made, the Parties hereby agree to amend and modify the Annexation Agreement in the following respects:

1. Subparagraph (ii) of Section 2 of Article XII of the Annexation Agreement is hereby deleted in its entirety and in its place and stead is substituted the following:

“(iii) Except for the Office Max Building and the Burlington Coat Factory Building, the maximum permitted sign area on any building shall not exceed 100 square feet. With regard to the Office Max Building, the City agrees that the maximum permitted sign area on the East and South elevations of said Building shall be 215 and 100 square feet, respectively; consisting of one set of 60” high individual neon illuminated letters with self-contained transformers for the East elevation and one set of 42” high individual letters with self-contained transformers for the South elevation. With regard to the Burlington Coat Factory Building, the City agrees that the maximum permitted sign area of the West elevation of said Building shall be 746 square feet, consisting of three sets of letters as follows: one Set consisting of 48” and 24” letters for the Burlington Coat Factory sign; a second set 24” Letters for the Baby Depot sign, and a third set of 30” letters for the Luxury Linens sign (all Per attached Exhibit “B”).

2. Except as herein modified, all of the other terms, covenants and considerations of the Annexation Agreement shall remain in full force and effect.

3. This Amendment shall bind and inure to the benefit of not only the Parties hereto, but also their successors and assigns.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment on the date first above written and, by so executing, each of the Parties warrants that it possesses full right and authority to enter into this Amendment.

CITY OF PEORIA, an Illinois municipal corporation

By: David P. Ransburg

Mayor

Name: David P. Ransburg, Mayor

ATTEST:

Mary L. Haynes
City Clerk

OWNER:

WILLOW KNOLLS LIMITED PARTNERSHIP,
An Indiana Limited Partnership

By: SI-TRS LIMITED PARTNERSHIP, an
Indiana Limited Partnership, General Partner
By: SI-TRS, INC., an Indiana Corporation,
its General Partner

By: KAJ

Its: REGIONAL TP OF DEVELOPMENT

ATTEST:

Jan J. Beckmeyer
Its: Administrative Assistant

FILED

MAY 06 2004

JOANN THOMAS
PEORIA COUNTY CLERK

Mary L. Haynes
2004 MAR 12 P 3:24
CITY CLERK
PEORIA, ILL.

**EXHIBIT A TO SECOND AMENDMENT
TO ANNEXATION AGREEMENT**

LEGAL DESCRIPTION OF PROPERTY

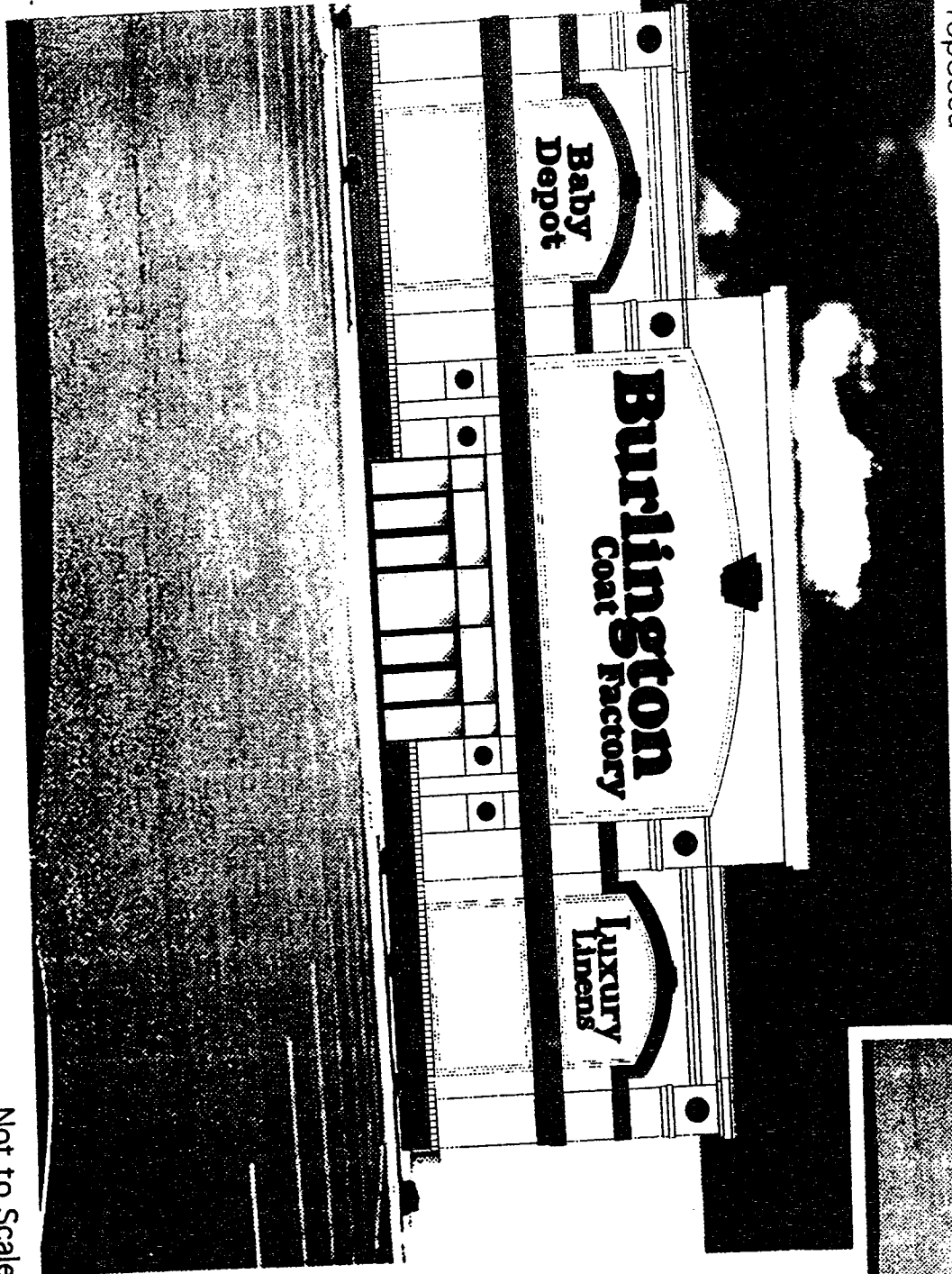
Lots 1, 1A and 4 of Willow Knolls Court, a subdivision of part of the Southwest Quarter of Section 12, Township 9 North, Range 7 East of the Fourth Principal Meridian, County of Peoria, State of Illinois, according to the plat thereof recorded on October 12, 1990 as Document No. 90-24401 in the Peoria County Recorder's Office.

FILED
MAY 06 2004
JOANN THOMAS
PEORIA COUNTY CLERK

Standard Storefront

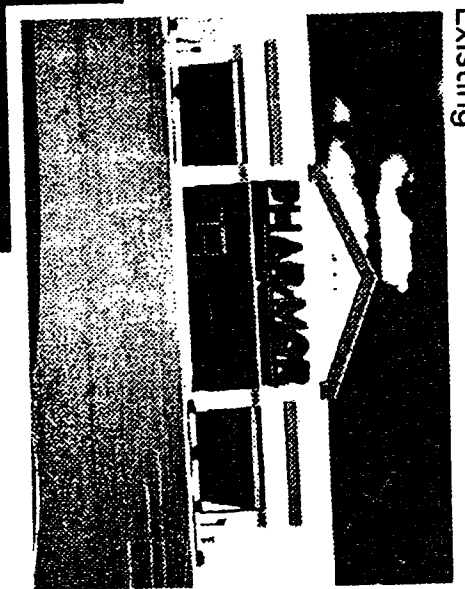
- Illum. Channel Letters
- 48" BCF / 30" Lux Lin / 24" Baby D

Proposed



Store Front Elevation

Existing



Not to Scale



Philadelphia Sign
 Company
 707 West Spring Garden Street
 Philadelphia, New Jersey 08065

Phone: 813-231-1444
 Fax: 813-231-4751
 Website: www.philadelphia-sign.com

Burlington Coat Factory

REVISIONS

No.	Date	Description
1		
2		
3		
4		
5		
6		
7		
8		
9		

DRAWING TYPE:
 COLOR RENDERING

SIGN TYPE:
 STOREFRONT

LOCATION:
 PEORIA, IL

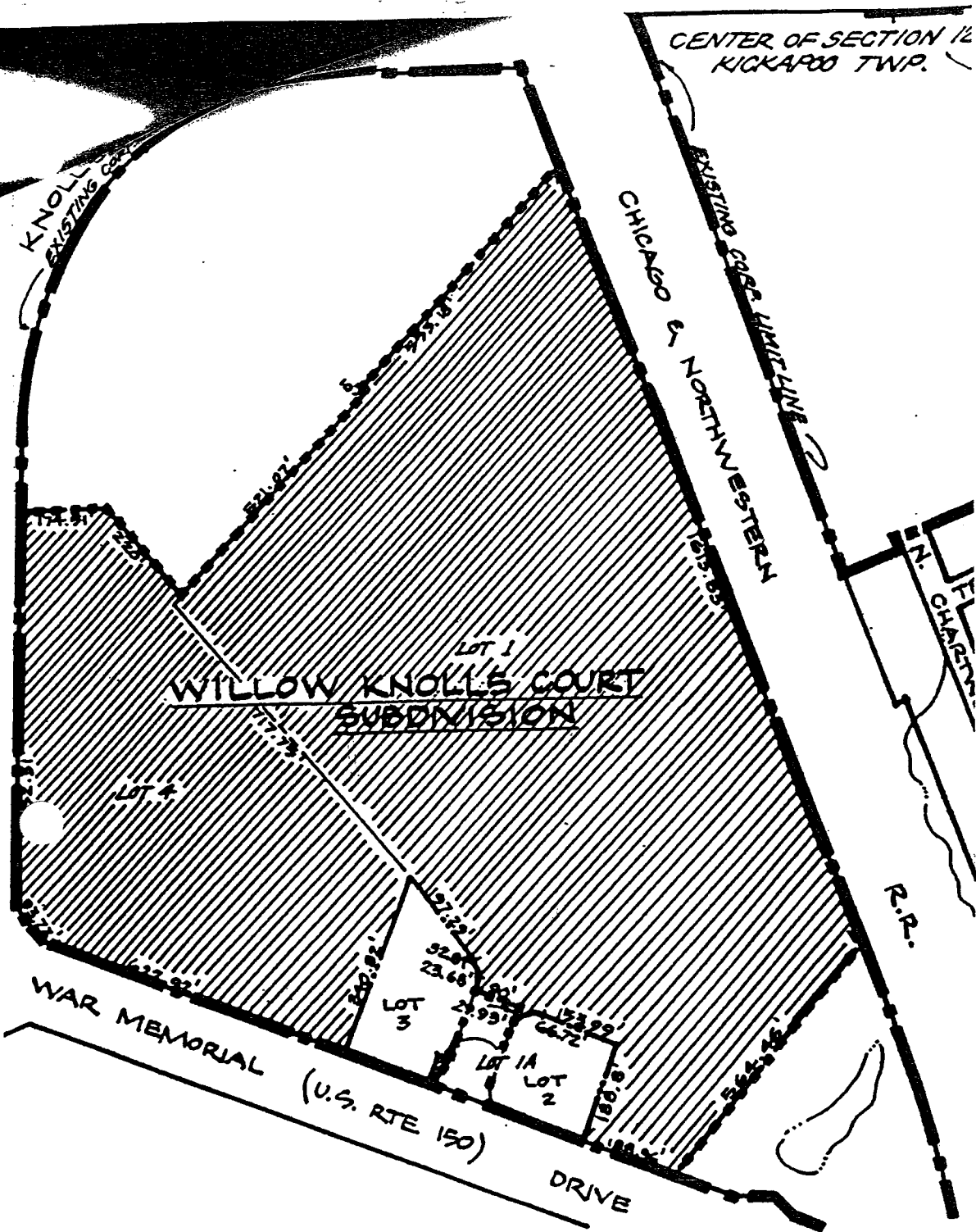
DATE:
 5.9.03

DRAWN BY:
 BAB

SHEET:
 1 of 4

DWG NUMBER:
 A-2651

THIS IS AN ORIGINAL UNREPRODUCED DRAWING CREATED BY P.S.C. IS SUBMITTED FOR YOUR PER USE IN CONJUNCTION WITH A BEING PLANNED FOR YOU BY IT IS NOT TO BE SHOWN TO OUTSIDE YOUR ORGANIZATION IT TO BE USED, COPIED, REPRODUCED OR EXHIBITED IN ANY MANNER



CENTER OF SECTION 12
KICKAPOO TWP.

CHICAGO & NORTHWESTERN
EXISTING CORP. LIMIT LINE

WILLOW KNOLLS COURT
SUBDIVISION

LOT 1

LOT 2

LOT 3

LOT 1A

LOT 2

WAR MEMORIAL (U.S. RTE 150)
DRIVE

R.P.

N. CHARLESTON

WILLOW KNOLLS
EXISTING CORP.