



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 4.b

Title:	Recommendation to approve an Amendment to the Redevelopment Agreement with First Street Development II, LLC regarding First Street PUD Building #2.
Presenter:	Russell Colby

Meeting: Government Services Committee                      Date: October 23, 2017

Proposed Cost: N/A                      Budgeted Amount: N/A                      Not Budgeted:

**Executive Summary** *(if not budgeted please explain):*

The First Street Phase 3 site is subject to a Redevelopment Agreement between the City and First Street Development II, LLC, which was entered in March 2015. The agreement was subsequently amended in 2016 and early 2017 to incorporate plans for Building #3, which is now under construction.

An amendment to this agreement will be necessary to incorporate the Revised Preliminary Plan for Building #2. Changes to two exhibits are required: an update to the “Scope of the Project” (which lists building square footages and uses) and an addition to the “Governmental Requirements” (to incorporate the PUD Preliminary Plan approval ordinance into the agreement, along with the previous PUD ordinances).

No other changes to the agreement are proposed.

The Property Conveyance Schedule for Building #2 is unchanged. The developer is to open a construction escrow for the building no later than 4/30/18 and begin construction no later than 5/31/18.

A draft of the proposed Redevelopment Agreement revisions is attached.

**Attachments** *(please list):*

Draft Redevelopment Agreement amendment

**Recommendation/Suggested Action** *(briefly explain):*

Recommendation to approve an Amendment to the Redevelopment Agreement with First Street Development II, LLC regarding First Street PUD Building #2.

**THIRD AMENDMENT TO CITY OF ST. CHARLES CENTRAL DOWNTOWN  
TAX INCREMENT FINANCING REDEVELOPMENT AGREEMENT  
(FIRST STREET PROJECT)**

THIS THIRD AMENDMENT TO CITY OF ST. CHARLES TAX INCREMENT FINANCING REDEVELOPMENT AGREEMENT, (the “Third Amendment”) is made and entered into and effective \_\_\_\_\_, 2017 by and between the City of St. Charles, an Illinois municipal corporation (“City”), and First Street Development II, LLC, an Illinois limited liability company (the “Developer”).

**RECITALS**

- A. The City and the Developer are parties to that certain City of St. Charles Central Downtown Tax Increment Financing Redevelopment Agreement, dated as of March 5, 2015, First Amendment to City of St. Charles Central Downtown Tax Increment Financing Development Agreement, dated as of September 6, 2016, and Second Amendment to City of St. Charles Central Downtown Tax Increment Financing Development Agreement, dated February 21, 2017 (collectively referred to as the “Agreement”).
- B. The City and the Developer desire to amend the Agreement, as set for and stated below.

IN CONSIDERATION of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

- 1. Incorporation of Recitals. The foregoing recitals are hereby incorporated as if fully rewritten.
- 2. Definitions; Amendment Controls. Capitalized terms used, but not defined herein, shall have the same meaning ascribed to such terms in the Agreement. To the extent any of the terms and conditions set forth in this Third Amendment shall conflict with any of the terms and conditions of the Agreement, the terms and conditions set forth in this Third Amendment shall at all times supersede, govern and control. In all other respects, this Third Amendment shall supplement the terms and conditions of the Agreement.
- 3. Scope of Project. Exhibit D-2, entitled “Scope of Project,” of the Agreement is hereby deleted in its entirety and in lieu thereof insert new Exhibit D-2, attached hereto as and made a part hereof.
- 4. Governmental Requirements. Exhibit D-3, entitled “Governmental Requirements,” of the Agreement is hereby amended to incorporate the PUD Preliminary Plan ordinance attached as Exhibit D-3, attached hereto as and made a part hereof.
- 5. Ratification of Agreement. Except as supplemented, amended or modified herein by this

Third Amendment, the Agreement is hereby ratified to be in full force and effect.

6. Counterparts. This Third Amendment may be executed in any number of counterparts, each of them appending all necessary signatures to constitute one and the same instrument.

IN WITNESS WHEREOF, this Third Amendment has been duly executed by the parties hereto as of the date first written above.

CITY OF ST. CHARLES,  
an Illinois municipal corporation

FIRST STREET DEVELOPMENT II, LLC,  
an Illinois limited liability company

By: \_\_\_\_\_  
Its Mayor

By: \_\_\_\_\_

Attest: \_\_\_\_\_  
Its Clerk

Its: \_\_\_\_\_

**EXHIBITS****Revision**

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A.	REDEVELOPMENT PROJECT AREA	No revision
A-1.	MAP OF REDEVELOPMENT PROJECT AREA	No revision
B.	LEGAL DESCRIPTION - CITY PROPERTY	No revision
B-1.	MAP OF CITY PROPERTY	No revision
C.	LEGAL DESCRIPTION – CONVEYED PROPERTY	No revision
C-1.	MAP OF CONVEYED PROPERTY	No revision
D-1.	SITE PLAN	No revision
<b>D-2.</b>	<b>SCOPE OF PROJECT</b>	<b>Deleted &amp; Replaced</b>
<b>D-3.</b>	<b>GOVERNMENTAL REQUIREMENTS</b>	<b>Add to Exhibit D-3</b>
E.	CONSTRUCTION PHASING SCHEDULE	No revision
F-1.	DEVELOPER PUBLIC IMPROVEMENTS	No revision
F-2.	CITY DEVELOPMENT PUBLIC IMPROVEMENTS	No revision
F-3.	CITY PUBLIC IMPROVEMENTS	No revision
G.	PROPERTY CONVEYANCE SCHEDULE	No revision
H.	REIMBURSEMENT APPLICATION	No revision
I.	CERTIFICATE OF SUBSTANTIAL COMPLETION	No revision

**EXHIBIT D-2**

**SCOPE OF PROJECT**

<b>Private Development Program</b>				
<b>Phase</b>	<b>Timing</b>	<b>Buildings</b>	<b>Development Program Summary</b>	
<u>1</u>	<u>Construction</u> 7/1/15-12/31/16	Building #1-Retail/Office	Retail/Commercial	11,865 SF
			Office	35,595 SF
			Underground Private Parking	27 Spaces
			City-Owned Public Parking Deck	Public Parking Spaces
<u>2</u>	<u>Construction</u> 10/31/16-12/31/17	Building #3- Commercial/Condominium	Bank/office	31,937 SF
			For-Sale Residential	33,432SF 12 to 20 Units
			Underground Private Parking Spaces	27 Total Spaces
<u>3</u>	<u>Construction</u> 4/30/18-10/31/19	Building #2-Retail/Office/Condo.	Retail/Commercial	12,251 SF
			Office	12,312 SF
			Residential Condominium	35,977 sf 14 Units
			Underground Private Parking Spaces	28 Total Spaces

**EXHIBIT D-3**

**GOVERNMENTAL REQUIREMENTS**

**Ordinance Approving Revised PUD Preliminary Plan for Building #2**

**City of St. Charles, Illinois**  
**Ordinance No. 2017-Z-**

**An Ordinance Granting Approval of a Revised PUD Preliminary Plan for  
First Street Building #2**

WHEREAS, on or about September 5, 2017, First Street Development II, LLC (the "Applicant") filed an application for PUD Preliminary Plan for Lot 2 of First Street Redevelopment PUD Phase 3, said realty being legally described on Exhibit "A" attached hereto and incorporated herein (the "Subject Realty"); and,

WHEREAS, the Plan Commission recommended approval of the PUD Preliminary Plan on or about October 17, 2017; and,

WHEREAS, the Government Services Committee of the City Council recommended approval of the PUD Preliminary Plan on or about October 23, 2017; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Government Services Committee and has considered the same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as though fully set out in this Section 1.

2. That passage of this Ordinance shall constitute approval of the PUD Preliminary Plan, incorporated herein as Exhibit "B", such that the following documents and illustrations are hereby approved, reduced copies of which are attached hereto, subject to satisfactory resolution of all outstanding staff review comments and compliance with such conditions, corrections, and modifications as may be required by the Director of Community & Economic Development and the Director of Public Works to comply with the requirements of the St. Charles Municipal Code:

- Development Data for Phase 3, dated \_\_\_\_\_
- Architectural Elevations, prepared Marshall Architects, dated \_\_\_\_\_

3. That the subject property may be developed and used only in accordance with all ordinances of the City now in effect or hereafter amended or enacted.

4. That after the adoption and approval hereof, the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties,

Illinois this 6th day of November, 2017.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties,  
Illinois this 6th day of November, 2017.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties,  
Illinois this 6th day of November, 2017.

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Raymond P. Rogina, Mayor

Attest:

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Charles Amenta, City Clerk

Vote:

Ayes:

Nays:

Absent:

Abstain:

Date: \_\_\_\_\_

APPROVED AS TO FORM:

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City Attorney

DATE: \_\_\_\_\_



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

LOT 2 OF RESUBDIVISION OF THE RESUBDIVISION OF THE PHASE III FIRST STREET REDEVELOPMENT SUBDIVISION, BEING A RESUBDIVISION IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 27 AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE EIGHT EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS, AS RECORDED WITH THE KANE COUNTY RECORDER'S OFFICE AS DOCUMENT NO. 2016K053789.

**EXHIBIT "B"**

**PUD PRELIMINARY PLANS**

- Development Data for Phase 3, dated \_\_\_\_\_
- Architectural Elevations, prepared Marshall Architects, dated \_\_\_\_\_

**FIRST STREET PHASE 3 DEVELOPMENT DATA**

**DATE: \_\_\_\_\_**

<b>Building No.</b>	<b>Type</b>	<b>Floor Level</b>	<b>Area/Units</b>
<b>Building 1</b>	Parking	Basement	29 spaces
	Retail/Commercial	1 <sup>st</sup> level	11,865 sf
	Office	2 <sup>nd</sup> level	11,865 sf
	Office	3 <sup>rd</sup> level	11,865 sf
	Office	4 <sup>th</sup> level	11,865 sf
	<i>Total Office</i>		
<b><u>Total Building area</u></b>			<b><u>47,460 sf</u></b>
<b>Parking Deck</b>	Parking	1 <sup>st</sup> level	57 spaces
	Parking	2 <sup>nd</sup> level	53 spaces
	<b><u>Total Parking Count</u></b>		
<b>Building 2</b>	Parking	Basement	28 spaces
	Retail/Commercial	1 <sup>st</sup> level	12,251 sf
	Office	2 <sup>nd</sup> level	12,312 sf
	Residential	3 <sup>rd</sup> level	12,378 sf
	Residential	4 <sup>th</sup> level	12,441 sf
	Residential	5 <sup>th</sup> level	11,158 sf
	Total Residential (2 1-Bedroom, 12 2-Bedroom)		
<b><u>Total Building area</u></b>			<b><u>60,543 sf</u></b>
<b>Building 3</b>	Parking	Basement	28 spaces
	Bank/office	1 <sup>st</sup> level	13,092 sf
	Office/residential*	2 <sup>nd</sup> level	12,542 sf
	Office/residential*	3 <sup>rd</sup> level	13,245sf
	Office/residential*	4 <sup>th</sup> level	13,245sf
	Office/residential*	5 <sup>th</sup> level	13,245 sf
	Total Residential (Bedroom Count TBD)		
<b><u>Total Building area</u></b>			<b><u>65,369 sf</u></b>

*\*Split between office/residential square footage as shown on Architectural Plans dated 12/22/16*