



**AGENDA**  
**REGULAR VILLAGE BOARD MEETING**  
JANUARY 11, 2022  
7:00 PM

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF MINUTES OF DECEMBER 14, 2021**

**4. MAYOR & BOARD OF TRUSTEES' REPORT**

**5. ACCOUNTS PAYABLE WARRANT: DECEMBER 31, 2021 \$10,858,319.38**  
**JANUARY 11, 2022 \$ 1,091,378.43**

**6. CONSENT AGENDA**

- a. Consideration to concur with prior authorization of a request from Elk Grove Park District to install a temporary sign at Fox Run Golf Links, 333 Plum Grove Road.

(Elk Grove Park District submitted a temporary sign request to promote the grand opening of their new Fox Run Golf Links clubhouse.

(The temporary sign will be displayed beginning December 17, 2021 for a period not to exceed ninety (90) days.

(The Director of Community Development recommends approval.)

- b. Consideration of a request from Living Hope Church, to waive permit fees for a temporary banner at 777 Meacham Road in the amount of \$25.

(It has been past practice of the Village Board to grant fee waivers for governmental and non-profit organizations.

(The Director of Community Development recommends approval.)

- c. Consideration of a request from the Elk Grove Park District to waive permit fees for crackfilling, sealcoating, and striping the parking lot at Fox Run Golf Links, 333 Plum Grove Road, in the amount of \$404.

(It has been past practice of the Village Board to grant fee waivers for governmental and non-profit organizations.

(The Director of Community Development recommends approval.)

- d. Consideration to award a professional services contract to Storino Ramello & Durkin of Rosemont, IL to provide strategic consulting and advocacy services to the Village in consulting with Cook County and other local agencies for the 2022 calendar year in the amount of \$48,000.

(As part of the contract with Storino Ramello & Durkin, they have engaged Michael Alvarez as a sub-consultant to be retained by the Village to assist with legislative monitoring and advocating on behalf of the Village in relation to legislation being considered by Cook County and other local agencies.

(In addition, they have helped identify and secure grant funding for critical Village infrastructure projects.

(The Village Attorney recommends approval.)

- e. Consideration to increase a construction contract with John Neri Construction Co. Inc. of Addison, IL for the emergency repair of the Oakton Street Water Main in the amount of \$29,310 for a total contract amount of \$215,490.

(The Village awarded a construction contract to John Neri Construction Co. Inc. on October 26, 2021, for the emergency repair of the Oakton Street Water Main for the amount of \$186,180.

(During the construction of the project, multiple unknown utilities were discovered requiring the length and depth of all 11 boring pits to increase in size.

(The increased size of each boring pit required additional restoration of parkways, sidewalks, and driveway aprons.

(The project costs increased by \$29,310 to address additional restoration costs.

(The Director of Public Works has recommended approval.)

- f. Consideration to increase an existing professional service contract with Trine Construction of St. Charles, IL for the Water Main Extension - IL Route 72 (E. Higgins Road) project in the amount of \$44,122.60 for a total contract not to exceed \$793,784.30 from the Busse-Elmhurst Redevelopment Fund.

(The Village awarded a construction contract to Trine Construction of St. Charles, IL on August 17, 2021 for the Water Main Extension – IL Route 72 (E. Higgins Road) project from Oakton Street to Brummel Avenue.

(After the award of the project, it was discovered that the proposed 6” water main services were undersized and needed to be increased to 8” water main services to accommodate fire hydrants and future development in this area.

(In addition, unknown utilities were uncovered which required the service lines to be installed three (3) feet deeper than originally anticipated.

(The increased depth resulted in additional restoration of parking lots and landscape beds.

(These additional costs increased the project by 5.9% over the original contract amount of \$749,661.70 to the amount of \$793,784.30.

(Adequate funds are available in the Busse-Elmhurst Redevelopment Fund.

(The Director of Public Works recommends approval.)

- g. Consideration to increase the professional engineering service contract with Baxter & Woodman Natural Resources, LLC of Crystal Lake, IL in the amount of \$135,000 for a total contract not to exceed \$735,000 from the Water & Sewer Fund.

(On April 27, 2021, a professional design-build service contract was awarded to Baxter & Woodman Natural Resources, LLC of Crystal Lake, IL for the inspection, design, construction engineering and construction of the Village's Rear Yard Drainage Program, for the extent of the 2022 Fiscal Year.

(Village staff approved the addition of two sites to the FY22 program.

(During the construction of these sites it was discovered that the drainage problem extended further than originally anticipated.

(Staff authorized additional work in the best interest of the Village to extend the project limits to ensure the entire drainage issue along these blocks was completely resolved.

(This additional work, along with balancing pay items, came to \$95,000.

(In addition to the extra work, staff is requesting \$40,000 to secure materials to begin next year's program.

(Sufficient funds are available from the Water & Sewer Fund.

(The Director of Public Works recommends approval.)

- h. Consideration of the following:

- To concur with prior authorization and award a purchase contract through the Houston-Galveston Area Council Cooperative Purchasing Program to MacQueen Equipment LLC of Aurora, IL for the purchase of a Pierce Enforcer Engine in an amount not to exceed \$778,000 from the Capital Replacement Fund; and
- To increase the FY22 Capital Replacement Fund in the amount of \$778,000.

(The Fire Department and Fleet Services have reviewed vehicle needs and priorities to best accommodate the emergency responses that will be run out of the new Fire Station 8 on Fargo Avenue.

(Most of the Fire Department's current suppression fleet is comprised of Pierce vehicles. Both Fire Department personnel and Fleet Services personnel benefit from the familiarity with Pierce vehicles and standard equipment.

(MacQueen Equipment LLC offers Fire Departments the ability to select units that are currently in production, or currently being planned for production.

(The Fire Department is able to secure excellent contract pricing through the Houston-Galveston Area Council Cooperative Purchasing Program, of which the Village is a member.

(Issuing a contract prior to February 1, 2022 will avoid a scheduled 9% price increase.

(An increase to the Capital Replacement Fund is required for this expenditure.

(The Fire Chief recommends approval.)

- i. Consideration to increase the Fiscal Year 2022 Capital Projects Fund in the amount of \$12,700,000.

(Increases in the FY2022 Capital Projects Fund are necessary to cover costs associated with land acquisition intended for future redevelopment.)

- j. Consideration of the following:

- to award a construction contract to the lowest responsive and responsible bidder, CB&I Tank Solutions of Plainfield, IL for the construction of a new elevated water storage tank at 1601 Oakton Street in the amount of \$7,128,000 from the Busse-Elmhurst Redevelopment Fund; and
- to increase the Busse-Elmhurst Redevelopment Fund budget by \$4,500,000.

(On Tuesday, November 16, 2021, the Village opened sealed bids for the construction of a new elevated water storage tank at 1601 Oakton Street.

(A total of five (5) contractors obtained contract documents, with one (1) submitting a bid. (The lowest responsive and responsible bid was received from CB&I Tank Solutions of Plainfield, IL.

(The project requires an increase of \$4,500,000 to the Busse-Elmhurst Redevelopment Fund budget to cover the increased engineering and the construction costs associated with this project along with engineering costs for the decommissioning of the old water tank.

(The Director of Public Works recommends approval.)

- k. Consideration of a request to hold a Public Hearing before the Plan Commission to consider a Petition for a Special Use Permit to operate a religious institution at 1021-1041 Bonaventure Drive.

(Syed Shah and the Ali Yun Wali Allah Shia Islamic Center have petitioned the Village for a Special Use Permit for the property located at 1021-1041 Bonaventure Drive. The Petitioner intends to use the property for religious gatherings.

(The date for a Public Hearing has not been established.)

- l. Consideration to adopt Ordinance No. 3737 amending Section 4-7-4 of the Elk Grove Village Code to prohibit smoking in open air dining areas.

(The number of open dining areas has increased significantly and seating has become more congested, resulting in the smoking having a deleterious effect on the health of individuals in the proximity of the smoking.

(This ordinance prohibits smoking in open air dining areas.)

- m. Consideration to adopt Ordinance No. 3738 amending the Position Classification and Salary Plan of the Village of Elk Grove Village (Systems Analyst-Village Manager's Office and Systems Admin/Desktop Engineer-Village Manager's Office.)

(This ordinance amends the Position Classification and Salary Plan deleting one (1) Systems Analyst and adding one (1) Systems Admin/Desktop Engineer to the Village Manager's Office.)

- n. Consideration to adopt Resolution No. 1-22 authorizing Release/Retention of Executive Session minutes of the Village of Elk Grove Village from January 2020 through June 2020.

(As required by the Illinois Open Meetings Act, the Village has kept written minutes of all Executive Sessions.

(This Resolution allows the release of minutes from January 2020 through June 2020.

(The Village Clerk recommends approval.)

- o. Consideration to adopt Resolution No. 2-22 amending Resolution No. 61-96, 6-09, 60-09,

16-11, 5-12, 4-14, 50-14 and 53-19, and 67-20 and authorizing the Mayor and Village Clerk to execute a Sixth Amendment to the Ground Lease Agreement and Memorandum of Ground Lease Agreement between the Village of Elk Grove Village and TV6 Holdings, LLC.

(This amendment provides for TV6 to sublease a portion of the leased premises at 813 Willow Lane to T-Mobile.

(This tower was recently relocated from the former Oakton Fire Station to its current location adjacent to Udall Park in order to facilitate the development of the Elk Grove Technology Park.

(At the old site, the Village had direct leases with both TV6 and Sprint.

(Due to the recent merger of T-Mobile and Sprint, as well as the structure of existing lease provisions, it is necessary to allow T-Mobile to sublease space on the ground and the monopole from TV6.

(The amendment provides for a monthly subtenant rent of \$925, with a 4% annual escalator.

(All other terms and conditions of the Ground Lease remain intact.

(The Village Attorney recommends approval.)

- p. Consideration to adopt Resolution No. 3-22 authorizing an eligibility study for certain property to determine eligibility of the property for tax increment financing. (Arlington/Higgins)

(The Village is exploring the creation of a tax increment financing district for the purpose of implementing portions of certain property to determine if it qualifies as a redevelopment project area as defined in the Act.

(A tax increment financing district would assist in creating an attractive environment that encourages new development and increases the tax base of the study area.)

## **7. REGULAR AGENDA**

### **8. PLAN COMMISSION - Village Manager Rummel**

- a. Consideration of a petition submitted by 776 Oak Lawn Ave., LLC for a Special Use Permit to operate an automobile repair garage at 85 Kelly Street. (A Public Hearing date is yet to be established.)
- b. Consideration of a petition submitted by Riverpoint Property Trust, LLC for Rezoning from I-2 to I-1 for property located at 751 Pratt Blvd. (A Public Hearing date is yet to be established.)

### **9. ZONING BOARD OF APPEALS - Village Manager Rummel**

- a. ZBA Docket 21-6 - Consideration of a petition submitted by Kyle and Laila Bashia seeking a fence variation as it pertains to permitted locations of fences in residential zoning districts for property located at 655 New Mexico Trail. (PH 12-15-2021)

### **10. RECYCLING & WASTE COMMITTEE - Trustee Feichter**

### **11. JUDICIARY, PLANNING AND ZONING COMMITTEE - Trustee Proncho**

- 12. CAPITAL IMPROVEMENTS COMMITTEE** - Trustee Schmidt
- 13. CABLE TELEVISION COMMITTEE** - Trustee Lissner
- 14. YOUTH COMMITTEE** - Trustee Franke
- 15. INFORMATION COMMITTEE** - Trustee Miller
- 16. BUSINESS LEADERS FORUMS** - Trustee Schmidt
- 17. HEALTH & COMMUNITY SERVICES** - Trustee Prochno
- 18. PERSONNEL COMMITTEE** - Trustee Franke
- 19. AIRPORT UPDATE** - Mayor Johnson
- 20. PARADE COMMITTEE** - Mayor Johnson
- 21. MID-SUMMER CLASSICS CONCERT SERIES UPDATE** - Mayor Johnson
- 22. SPECIAL EVENTS COMMITTEE** - Mayor Johnson
- 23. LIQUOR COMMISSION** - Mayor Johnson
- 24. REPORT FROM VILLAGE MANAGER**
- 25. REPORT FROM VILLAGE CLERK**
- 26. UNFINISHED BUSINESS**
  - a. Final adoption of an Ordinance approving the Midway Court Tax Increment Financing Redevelopment Plan and Project. (First Reading at the June 30, 2021 Village Board Meeting)
  - b. Final adoption of an Ordinance designating the Village of Elk Grove Village Midway Court TIF Redevelopment Project Area, in connection with the approval of the Midway Court Plan and Project. (First Reading at the June 30, 2021 Village Board Meeting)
  - c. Final adoption of an Ordinance adopting Tax Increment Financing for the Village of Elk Grove Village, Cook County, Illinois, in connection with the Designation of the Midway Court Redevelopment Project Area and Adoption of the Midway Court Redevelopment Plan and Project. (First Reading at the June 30, 2021 Village Board Meeting)
- 27. NEW BUSINESS**
- 28. PUBLIC COMMENT**
- 29. ADJOURNMENT**

In compliance with the Americans with Disabilities Act and other applicable Federal and State laws, the meeting will be accessible to individuals with disabilities. Persons requiring auxiliary aids and/or services should contact the Village Clerk, preferably no later than five days before the meeting.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 4-7-4 OF THE ELK GROVE VILLAGE  
CODE TO PROHIBIT SMOKING IN OPEN AIR DINING AREAS**

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**WHEREAS**, the Village previously adopted Ordinance No. 3074 on March 28, 2006, which Ordinance prohibited smoking in various areas of the Village; and

**WHEREAS**, smoking in open air dining areas was not originally prohibited due to the anticipation that smoking in the areas would not have a deleterious effect on the health and welfare of those in the vicinity of the smoking; and

**WHEREAS**, since the adoption of Ordinance No. 3074, the number of open air dining areas has increased significantly and the seating in said areas has become more and more congested resulting in the smoking having a deleterious effect on the health of individuals in the proximity of the smoking; and

**WHEREAS**, the Health Department of the Village, in consideration of the adverse health issues with respect to open air dining smoking and the annoyance factor to the other diners, have recommended that the areas in the Village which preclude smoking by ordinance be amended by adding open air dining as a prohibited area; and

**WHEREAS**, the Mayor and Board of Trustees, after having considered the recommendation of the Health Department, find and believe that prohibiting smoking in open air dining areas is in the best interest of the Village.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, Illinois as follows:

**Section 1.** That Section 4-7-4 of the Village Code, which section makes it unlawful to smoke in certain designated areas, be amended by adding thereto the following:

6. Open Air Dining Areas

**Section 2.** That the Village Clerk is hereby authorized to publish this Ordinance in pamphlet form.



**Section 3.** That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

**VOTE: AYES:** \_\_\_\_\_ **NAYS:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_

**PASSED this** \_\_\_\_\_ **day of** \_\_\_\_\_ **2022.**

**APPROVED this** \_\_\_\_\_ **day of** \_\_\_\_\_ **2022.**

**APPROVED:**

\_\_\_\_\_  
**Mayor Craig B. Johnson**  
**Village of Elk Grove Village**

**ATTEST:**

\_\_\_\_\_  
**Loretta M. Murphy, Village Clerk**

**PUBLISHED in pamphlet form this** \_\_\_\_\_ **day of** \_\_\_\_\_ **2022.**

OrdSmoking inOpenDiningAreas

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND SALARY PLAN OF THE VILLAGE OF ELK GROVE VILLAGE (SYSTEMS ANALYST-VILLAGE MANAGER’S OFFICE AND SYSTEMS ADMIN/DESKTOP ENGINEER-VILLAGE MANAGER’S OFFICE)**

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NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, Illinois as follows:

**Section 1.** That the Position Classification and Salary Plan of the Village of Elk Grove Village be and the same is hereby amended to read as follows:

**Permanent Authorized Positions**

<b><u>Village Manager’s Office/IT</u></b>	<b><u>Current</u></b>	<b><u>*Delete Full-Time</u></b>	<b><u>Add Full-Time</u></b>	<b><u>Total January 10, 2022</u></b>
<b>Systems Analyst</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>Systems Admin/ Desktop Engineer</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>

**Section 2.** That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

VOTE: AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_ ABSENT: \_\_\_\_\_

PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2022

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2022

**APPROVED:**

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**Mayor Craig B. Johnson**  
**Village of Elk Grove Village**

**ATTEST:**

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**Loretta M. Murphy, Village Clerk**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING RELEASE/RETENTION OF EXECUTIVE SESSION MINUTES OF THE VILLAGE OF ELK GROVE VILLAGE (JANUARY 2020 THROUGH JUNE 2020)**

**WHEREAS**, the Mayor and Board of Trustees of the Village of Elk Grove Village have met from time to time in Executive Session for purposes authorized by the Illinois Open Meetings Act; and

**WHEREAS**, as required by the Act, the Village has kept written minutes of all such Executive Sessions; and

**WHEREAS**, pursuant to the requirements of Public Act 85-1355, the Mayor and Board of Trustees have met in closed session to review all closed session minutes; and

**WHEREAS**, they have determined that a need for confidentiality still exists as to the Executive Session Minutes for certain meetings and that they should not be released at this time; and

**WHEREAS**, they have further determined that the Minutes of the meetings listed on the attachment hereto no longer require confidential treatment and should be made available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, State of Illinois, as follows:

**Section 1.** That the Executive Session Minutes from those meetings set forth on the attachment hereto are hereby released.

**Section 2.** That the Village Clerk is hereby authorized and directed to make said Minutes available for inspection and copying in accordance with the standing procedures of the Village Clerk's Office.

**Section 3.** That this Resolution shall be in full force and effect from and after its passage and approval according to law.

**VOTE: AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_ ABSENT: \_\_\_\_\_**

**PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2022.**

**APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2022.**

**APPROVED:**

\_\_\_\_\_  
**Mayor Craig B. Johnson**  
**Village of Elk Grove Village**

**ATTEST:**

\_\_\_\_\_  
**Loretta M. Murphy, Village Clerk**

**EXECUTIVE SESSION MINUTES RELEASED BY RESOLUTION NO. \_\_\_\_\_**  
**ADOPTED: JANUARY 11, 2022**

<b>DATE</b>	<b>TIME</b>	<b>TOPIC</b>
January 14, 2020	6:08 p.m.	Personnel
January 14, 2020	6:10 p.m.	Personnel
January 14, 2020	6:11 p.m.	Personnel
January 14, 2020	6:12 p.m.	Personnel
January 14, 2020	6:13 p.m.	Personnel
January 14, 2020	6:14 p.m.	Litigation
January 14, 2020	6:16 p.m.	Land Acquisition
January 14, 2020	6:19 p.m.	Land Acquisition
January 14, 2020	6:20 p.m.	Land Acquisition
January 14, 2020	6:21 p.m.	Litigation
January 14, 2020	6:32 p.m.	Approval of Executive Session Minutes of 12-10-19
January 28, 2020	5:47 p.m.	Approval of Executive Session Minutes of 1-14-20
January 28, 2020	5:48 p.m.	Land Acquisition
January 28, 2020	5:49 p.m.	Litigation
January 28, 2020	5:54 p.m.	Litigation
February 11, 2020	6:03 p.m.	Litigation
February 11, 2020	6:04 p.m.	Personnel
February 11, 2020	6:06 p.m.	Personnel
February 11, 2020	6:11 p.m.	Land Acquisition
February 11, 2020	6:12 p.m.	Litigation
February 11, 2020	6:15 p.m.	Land Acquisition
February 11, 2020	6:17 p.m.	Land Acquisition
February 11, 2020	6:20 p.m.	Litigation
February 11, 2020	6:21 p.m.	Litigation
February 25, 2020	6:33 p.m.	Approval of Executive Session Minutes of 1-28-2020
February 25, 2020	6:34 p.m.	Land Acquisition
February 25, 2020	6:35 p.m.	Personnel
February 25, 2020	6:37 p.m.	Litigation
March 10, 2020	5:32 p.m.	Personnel
March 10, 2020	5:33 p.m.	Approval of Executive Session Minutes of 2-25-2020
March 10, 2020	5:34 p.m.	Land Disposition
March 10, 2020	5:35 p.m.	Land Acquisition
March 10, 2020	5:36 p.m.	Litigation
April 14, 2020	6:16 p.m.	Approval of Executive Session Minutes of 2-11-2020 and 03-10-2020
April 14, 2020	6:17 p.m.	Litigation
April 14, 2020	6:18 p.m.	Litigation
April 14, 2020	6:32 p.m.	Personnel
April 14, 2020	6:33 p.m.	Personnel
April 14, 2020	6:34 p.m.	Personnel
May 12, 2020	8:43 p.m.	Personnel

May 12, 2020	8:44 p.m.	Personnel
May 12, 2020	8:45 p.m.	Personnel
May 12, 2020	8:55 p.m.	Litigation
May 12, 2020	8:56 p.m.	Litigation
May 12, 2020	8:57 p.m.	Litigation
June 16, 2020	5:58 p.m.	Approval of Executive Session Minutes of 5-12-20 and 04-14-20
June 16, 2020	5:59 p.m.	Personnel
June 16, 2020	6:00 p.m.	Personnel
June 16, 2020	6:01 p.m.	Personnel
June 16, 2020	6:03 p.m.	Litigation
June 16, 2020	6:04 p.m.	Litigation
June 16, 2020	6:05 p.m.	Litigation
June 16, 2020	6:06 p.m.	Land Acquisition
June 16, 2020	6:07 p.m.	Personnel
June 16, 2020	6:10 p.m.	Personnel
June 16, 2020	6:11 p.m.	Land Acquisition

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AMENDING RESOLUTION NO. 61-96, 6-09, 60-09, 16-11, 5-12, 4-14, 50-14, 53-19 AND 67-20 AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A SIXTH AMENDMENT TO THE GROUND LEASE AGREEMENT AND MEMORANDUM OF GROUND LEASE AGREEMENT BETWEEN THE VILLAGE OF ELK GROVE VILLAGE AND TV6 HOLDINGS, LLC.**

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**WHEREAS**, the Village entered into a Ground Lease Agreement with AT&T Wireless dated December 10, 1996, and Addendum dated December 10, 1996, First Amendment to Ground Lease dated January 27, 2009, Second Amendment to Ground Lease Agreement dated November 10, 2009, and Third Amendment to Ground Lease Agreement dated November 18, 2014 for certain property located at 1060 Oakton Street, Elk Grove Village, Illinois; and

**WHEREAS**, SBA Towers X, LLC succeeded the prior leasehold interests as Tenant; and

**WHEREAS**, the Village and Tenant entered into a Fifth Amendment to Ground Lease Agreement dated September 8, 2020, which changed the location of the leased premises to certain property located at 813 Willow Lane, Elk Grove Village, Illinois; and

**WHEREAS**, the Village of Elk Grove Village previously approved Cricket Wireless as the first subtenant and Verizon Wireless as the second subtenant; and

**WHEREAS**, Tenant desires to sublease a portion of the leased premises to a third subtenant, T-Mobile and shall pay the Village additional monthly rent.

**Section 1.** That the Mayor be and is hereby authorized to sign the attached documents marked:

**AMENDMENT TO GROUND LEASE AGREEMENT**

a copy of which is attached hereto and made a part hereof as if fully set forth and the Village Clerk is authorized to attest said documents upon the signature of the Mayor.

**Section 2.** That this Resolution shall be in full force and effect from and after its passage and approval according to law.

**VOTE: AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_ ABSENT: \_\_\_\_\_**

**PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2022**

**APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2022**

**APPROVED:**

\_\_\_\_\_  
**Mayor Craig B. Johnson**  
**Village of Elk Grove Village**

**ATTEST:**

\_\_\_\_\_  
**Loretta M. Murphy, Village Clerk**

Prepared by: Wendy Carrick  
After recording return to: Rita Drinkwater  
SBA Network Services, LLC  
8051 Congress Avenue, 3<sup>rd</sup> Floor  
Boca Raton, FL 33487-1307  
Phone: 1-800-487-7483 Ext. 7906

Property Parcel ID: 08-22-303-010

## AMENDMENT TO GROUND LEASE AGREEMENT

**THIS AMENDMENT TO GROUND LEASE AGREEMENT** (this “Amendment”) is made as of the \_\_\_\_\_ day of \_\_\_\_\_ 2022, by and between **THE VILLAGE OF ELK GROVE VILLAGE**, an Illinois home rule municipal corporation located in Cook and DuPage Counties, having an office at 901 Wellington Avenue, Elk Grove Village, Illinois 60007 (“Landlord”) and **SBA TOWERS X, LLC**, a Delaware limited liability company with an address at 8051 Congress Avenue, Boca Raton, Florida 33487-1307 (“Tenant”).

**WHEREAS**, Landlord and AT&T Wireless Services, Inc., a Delaware corporation (“AT&T”) entered into a certain unrecorded Ground Lease Agreement, dated December 10, 1996 and last executed on January 3, 1997, as amended on December 10, 1996, on February 6, 2009, on December 7, 2009 and on November 18, 2014, (collectively, the “Ground Lease”) whereby Landlord leased to AT&T a portion of that certain real property, located at 1060 Oakton Avenue, Village of Elk Grove, County of Cook, State of Illinois (hereinafter, the “Property”) and also described in the Ground Lease for the construction and operation of a wireless communications facility;

**WHEREAS**, Tower Assets Newco IX LLC, a Delaware limited liability company, successor in interest to AT&T and TV6-W, LLC, a Delaware limited liability company entered into an Assignment and Assumption of Ground Lease dated January 1, 2014;

**WHEREAS**, TV6-W, LLC, merged with and into TV6 Holdings, LLC, a Delaware limited liability company effective June 8, 2015;

**WHEREAS**, TV6 Holdings, LLC and Tenant entered into an Assignment and Assumption of Option and Land Lease dated October 19, 2020; and

**WHEREAS,** Landlord and Tenant desire and intend to amend and supplement the Ground Lease as provided herein.

**NOW, THEREFORE,** for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant, agree and bind themselves to the following modifications to the Ground Lease:

1. **Sublease:** Tenant may sublease a portion of the premises to T-Mobile (“Fourth Subtenant”) upon such terms and conditions as Tenant and Fourth Subtenant shall agree.
2. **Additional Rent.** Tenant shall pay Landlord, in addition to the Rent required by the Agreement, the amount of Nine Hundred Twenty-Five Dollars and No/100 (\$925.00) per month (“Fourth Additional Rent”) for the sublease of a portion of the Premises to Fourth Subtenant. Such increase shall be effective upon commencement of rent payments by Fourth Subtenant to Tenant (“Fourth Additional Rent Commencement Date”) and the Fourth Additional Rent shall increase four percent (4%) per year on the anniversary of the Fourth Additional Rent Commencement Date, and shall cease upon the earlier of: (i) the termination of the Agreement, or (ii) the Fourth Subtenant’s cessation of operations and removal of all of its equipment from the Premises.
3. This Amendment will be governed by and construed and enforced in accordance with the laws of the State in which the Premises are located without regard to principles of conflicts of law.
4. This Amendment may be executed in counterparts, each of which shall be deemed an original document, but all of which will constitute a single document. This document shall not be binding on or constitute evidence of a contract between the parties hereto until such time as a counterpart of this document has been executed by each party and a copy thereof delivered to each other party of this Amendment.
5. Except as specifically set forth in this Amendment, the Ground Lease is otherwise unmodified and remains in full force and effect and is hereby ratified and reaffirmed. In the event of any inconsistencies between the Ground Lease and this Amendment, the terms of this Amendment shall take precedence.
6. Capitalized terms not defined in this Amendment will have the meaning ascribed to such terms in the Ground Lease.
7. This Amendment shall be effective as of the date last executed below

**[SIGNATURE PAGE(S) TO FOLLOW]**



**IN WITNESS WHEREOF**, the parties have executed this Amendment as of the day and year first above written.

**WITNESSES:**

**LANDLORD:**

**THE VILLAGE OF ELK GROVE VILLAGE,**  
an Illinois home rule municipal corporation

\_\_\_\_\_  
Print Name: \_\_\_\_\_

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

\_\_\_\_\_  
Print Name: \_\_\_\_\_

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

STATE OF \_\_\_\_\_ }

COUNTY OF \_\_\_\_\_ }

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared \_\_\_\_\_, as \_\_\_\_\_ for **THE VILLAGE OF ELK GROVE VILLAGE**, an Illinois home rule municipal corporation, to me known to be the person described in and who executed the foregoing instrument and who acknowledged before me that he executed the same in the capacity aforesaid.

WITNESS my hand and official seal in the County and State last aforesaid the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Sign Name: \_\_\_\_\_

Print Name: \_\_\_\_\_  
Notary Public

My Commission expires on: \_\_\_\_\_



**WITNESSES:**

**TENANT: SBA TOWERS X, LLC,**  
a Delaware limited liability company

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
By: Alyssa Houlihan  
Title: Vice President, Site Leasing

\_\_\_\_\_  
Print Name: \_\_\_\_\_

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

STATE OF FLORIDA                    }  
  }  
  } .ss:  
COUNTY OF PALM BEACH         }

I, \_\_\_\_\_, a notary public of Palm Beach County, Florida CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared **ALYSSA HOULIHAN**, as Vice President, Site Leasing of **SBA TOWERS X, LLC**, a Delaware limited liability company, by means of [ ] physical presence or [ ] online notarization, to me known to be the person described in and who executed the foregoing instrument and who acknowledged before me that she executed the same in the capacity aforestated.

WITNESS my hand and official seal in the County and State last aforesaid the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Sign Name: \_\_\_\_\_

Print Name: \_\_\_\_\_  
Notary Public



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE VILLAGE OF ELK GROVE VILLAGE, ILLINOIS  
AUTHORIZING AN ELIGIBILITY STUDY FOR CERTAIN PROPERTY TO  
DETERMINE ELIGIBILITY OF THE PROPERTY FOR TAX INCREMENT  
FINANCING (ARLINGTON/ HIGGINS)**

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**WHEREAS**, pursuant to Section § 11-74.4A.2 of the Tax Increment Allocation Redevelopment Act, 65 ILCS § 5/11-74.4-1, et seq. (the "TIF Act"), the Village is studying the possible designation of certain real property located within the Village, in the area of Arlington Heights & Higgins Roads to determine if it qualifies as a "redevelopment project area" as that term is defined in the Act; and

**WHEREAS**, the Village is required to adopt a Resolution or Ordinance authorizing the preparation of an eligibility study to determine if certain real property qualifies under the terms of the TIF Act; and

**WHEREAS**, the property to be studied for the possible designation of a Redevelopment Project Area is generally depicted on **Exhibit A** attached hereto; and

**WHEREAS**, if the Village proceeds in designating the Property as a Redevelopment Project Area, the general purpose will be to upgrade and eliminate blighting and other conditions in its commercial area and to attract redevelopment of the area, thereby stabilizing the tax base of the Village and its taxing districts by defraying certain costs with the increased taxes generated within the Redevelopment Project Area; and

**WHEREAS**, the Village desires to adopt this Resolution in order to comply with such requirements of the TIF Act.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Village Board of the Village of Elk Grove Village, Counties of Cook and DuPage, State of Illinois as follows:

**Section 1.** The above recitals are incorporated herein and made a part hereof.

**Section 2.** The Mayor, or his designee, is hereby authorized and directed to engage Camiros, Ltd. to conduct an eligibility study of the area described in Exhibit A attached hereto in accordance with Section § 11-74.4-4.2 of the Act.

**Section 3.** If a preliminary finding of eligibility is made, Camiros is hereby authorized to prepare a draft Redevelopment Plan as defined by the TIF Act.

**Section 4.** Upon passage of this Resolution, a copy will be sent to each of the affected taxing districts listed on **Exhibit B** attached hereto.

**Section 5.** The Mayor or his designee may be contacted for additional information about the proposed Redevelopment Project Area and all comments and suggestions regarding the Property to be studied.

**Section 6.** If any provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this Resolution.

**Section 7.** Any person having questions or suggestions about this eligibility study should contact the Village Clerk or her designee.

**Section 8.** All Resolutions, Ordinances, motions or orders in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 9.** That this Resolution shall be in full force and effect from and after its passage and approval according to law.

**VOTE: AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_ ABSENT: \_\_\_\_\_**

**PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2022**

**APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2022**

**APPROVED:**

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**Mayor Craig B. Johnson  
Village of Elk Grove Village**

**ATTEST:**

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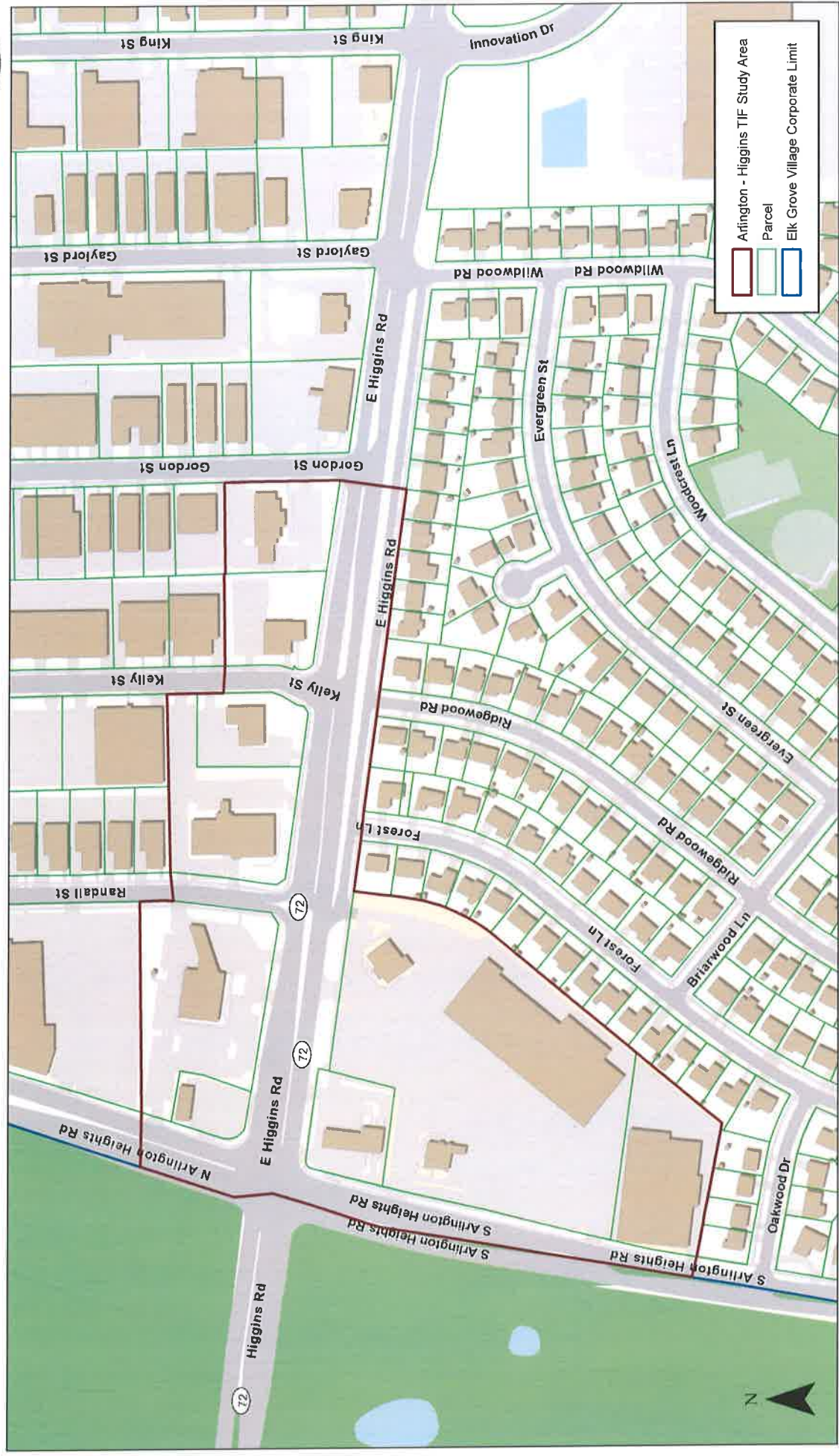
**Loretta M. Murphy, Village Clerk**

Attachments:

Exhibit A: General Depiction of Study Area

Exhibit B: List of Affected Taxing Districts

# DRAFT – Arlington/Higgins TIF Study Area



**EXHIBIT B**  
**ARLINGTON-HIGGINS TIF TAXING DISTRICTS**

Elk Grove Township  
600 Landmeier Road  
Elk Grove Village, IL 60007

Community Consolidated School District 59  
1001 Leicester Road  
Elk Grove Village, IL 60007

Arlington Heights Township High School District 214  
2121 South Goebbert Road  
Arlington Heights, IL 60005

Elk Grove Park District  
1000 Wellington Avenue  
Elk Grove Village, IL 60007

Harper Community College District 512  
1200 West Algonquin Road  
Palatine, IL 60007

Cook County  
118 North Clark Street  
Chicago, IL 60602

Village of Elk Grove Village  
901 Wellington Avenue  
Elk Grove Village, IL 60007

Metropolitan Water Reclamation District of Greater Chicago  
100 East Erie Street  
Chicago, IL 60611

Northwest Mosquito Abatement District  
147 West Hintz Road  
Wheeling, IL 60090

Cook County Forest Preserve District  
536 North Harlem Avenue  
River Forest, IL 60305