ORDINANCE NUMBER 2015-O-022

AN ORDINANCE APPROVING A PARKING LOT REGULATION AGREEMENT AND ESTABLISHING CERTAIN FIRE Lanes AND No PARKING ZONES IN RELATION THERETO AND AMENDING SECTION 74.200 (A) OF THE TINLEY PARK MUNICIPAL CODE IN RELATION THERETO (TINLEY PARK PLAZA SHOPPING CENTER)

WHEREAS, Chapter 95 1/2, Section 11-209 of the Illinois Revised Statutes, authorizes and empowers a municipality to regulate and control motor vehicle traffic and parking, and the use of, parking areas of shopping center, schools and apartment complexes within a municipality; and

WHEREAS, the President and Board of Trustees of the Village of Tinley Park deem it necessary for the health, welfare, and safety of persons and its citizens to regulate motor vehicle traffic and parking in, and the use of, the Tinley Park Plaza Shopping Center Parking Lot in the Village of Tinley Park; and

WHEREAS, the Tinley Park Plaza Shopping Center is in agreement and desires the Village of Tinley Park and its Police Department to enforce certain regulations regarding motor vehicle traffic and parking in, and the use of, the parking lot of said Tinley Park Plaza Shopping Center within the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, as follows:

SECTION ONE

That the Village President and Village Clerk of the Village of Tinley Park are hereby authorized and directed to execute the “Agreement Establishing and Regulating Fire Lanes and No Parking Zones” in the Village of Tinley Park, Cook and Will Counties (The Tinley Park Plaza Shopping Center) attached hereto as Exhibit “A” and made part hereof.
SECTION TWO

That it shall be unlawful for any person, firm or corporation to violate any of the parking, parking lot use and/or traffic regulations set forth in Section 1 (a) of the Agreement attached hereto as Exhibit “A” and made a part hereof.

SECTION THREE

That any person, firm or corporation violating the provisions of this Ordinance, and in particular those provisions set for in Section 1 (a) of the Agreement attached to this Ordinance as Exhibit “A” and made part hereof, shall be fined not less than ONE HUNDRED AND NO/100 DOLLARS ($100), nor more than SEVEN HUNDRED FIFTY AND NO/100 DOLLARS ($750). In addition to the fine provisions set forth in this Section, any vehicle which is parked in violation of the provisions of this Ordinance shall be towed at the owner’s expense in accordance with law, and appropriate signs shall be posted so indicating.

SECTION FOUR

That Title 7, Chapter 74, Section 74.200(A) of the Tinley Park Municipal Code is amended by adding the following to the list of parking lots and Ordinance number contained therein:

<table>
<thead>
<tr>
<th>Parking Lot</th>
<th>Ordinance Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tinley Park Plaza Shopping Center</td>
<td></td>
</tr>
</tbody>
</table>

SECTION FIVE

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION SIX

That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form.
SECTION SEVEN

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

ADOPTED this 7TH day of July, 2015.

AYES: Seaman, Maher, Grady, Pannitto, Vandenberg, Younker
NAYS: None
ABSENT: None

APPROVED by me this 7th day of July, 2015

VILLAGE ACTING MAYOR

ATTEST:

VILLAGE CLERK
AGREEMENT ESTABLISHING AND REGULATING FIRE LANES AND NO PARKING ZONES IN THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTRIES, ILLINOIS

(Tinley Park Plaza Shopping Center)

THIS AGREEMENT is made and entered into by and between the VILLAGE OF TINLEY PARK, a municipal corporation of the State of Illinois (hereinafter referred to as the "VILLAGE") and Brixmor/IA Tinley Park Plaza, LLC, a Delaware limited liability company, its duly authorized owners, agents and representatives, (hereinafter referred to as "OWNERS"), relative to the Tinley Park Plaza Parking Lot situated at 15917-16205 South Harlem Avenue, VILLAGE OF TINLEY PARK, ILLINOIS.

WITNESSETH:

WHEREAS, Chapter 625, Section 5/11-209 of the Illinois Compiled Statutes authorizes and empowers a municipality to enter into Agreements to regulate and control motor vehicle traffic and parking in, and the use of, parking areas of shopping centers, hospitals, schools and apartment complexes within a municipality; and

WHEREAS, the President and Board of Trustees of the VILLAGE deem it necessary for the health, welfare and safety of persons and its citizens to regulate motor vehicle traffic and parking in, and the use of, the Tinley Park Plaza Shopping Center Parking Lot (hereinafter referred to as the "PARKING LOT") in the Village of Tinley Park, said PARKING LOT
being the property identified by the following permanent property index numbers:

P.I.N.
29-19-100-057-0000
29-19-100-058-0000

and

WHEREAS, the OWNERS are the owners of/managing agents for the PARKING LOT; and

WHEREAS, the OWNERS are in agreement and desire the VILLAGE and its Police Department to enforce certain regulations regarding motor vehicle traffic and parking in, the use of, said PARKING LOT.

1. The VILLAGE hereby agrees to establish by ordinance and enforce the following regulations regarding motor vehicle movement, parking and control within, and the use of, the PARKING LOT.

   a. The stopping, standing or parking of a motor vehicle within, or otherwise obstructing, a designated posted fire lane shall be prohibited, and no motor vehicle shall be left standing, stopped, or parked within twenty feet in any direction from a fire hydrant, wall hydrant, water standpipes, fire department connections or fire exit doors.

2. The “OWNERS” do hereby agree to erect and post all necessary signs, and provide for all necessary pavement markings, at their/its own cost and expense for the regulation of the use of the parking area of, and motor vehicle parking within, said PARKING LOT as depicted on Exhibit “A” attached hereto and made a part hereof, and do hereby agree to bear the costs and expense of maintenance thereof. A copy of a map of the PARKING LOT, indicating the location of the pavement markings and signs in regard to the parking lot
regulations set forth in Section 1(a) above, is attached hereto as an Exhibit “A”.

3. The VILLAGE hereby agrees to regulate the use of, and the parking of motor vehicles and motor vehicle traffic in, the PARKING LOT in accordance with the aforesaid regulations.

4. At least once each calendar year, the VILLAGE shall inspect said PARKING LOT to verify that all required signs and pavement markings are in place and properly maintained. If the VILLAGE reasonably determines, after said inspection, that additional signs and/or pavement marking are required, or existing signs and/or pavement markings need to be repaired or replaced, the VILLAGE shall so notify the OWNERS in writing. If the OWNERS fail to take the action required by the VILLAGE in said notice within thirty (30) days of the date of said notice, the VILLAGE may take the necessary actions and bill the OWNERS for the VILLAGE's actual, direct, out-of-pocket costs in relation to correcting such situation, and the OWNERS shall be responsible for the payment of said costs.

5. At least once each calendar year, the VILLAGE shall verify that the OWNERS are in fact still the owners of and/or managing agents for the PARKING LOT. It shall be the responsibility of the OWNERS to notify the VILLAGE of any change of owners or managing agents relative to the PARKING LOT. Said notice shall be given to the VILLAGE within thirty (30) days of any change in the owners or managing agents of the PARKING LOT.

6. It is further agreed that this Agreement shall cover a period of one (1) year from the date hereof and shall be self-renewing for periods of one year each year thereafter, not to exceed a period of twenty (20) years, unless and until cancelled by not less than thirty (30) days written notice by either party to the other of its intention to cancel the same, in which case the agreement shall terminate on the
thirtieth (30th) day after said notice has been given.

7. Whenever notice is required to be sent to the VILLAGE, it shall be addressed to the Village Clerk of the VILLAGE, 16250 South Oak Park Avenue, Tinley Park, Illinois, 60477, and whenever notice is required to be sent to OWNERS, it shall be addressed as follows:

Brixmor/IA Tinley Park Plaza, LLC, with a copy to Brixmor/IA Tinley Park Plaza, LLC
C/o Brixmor Property Group C/o Brixmor Property Group
40 Skokie Boulevard, Suite 600 420 Lexington Ave, 7th Floor
Northbrook, IL 60062 New York, NY 10170

Attn: Legal Department Attn: Legal Department
All notices shall be sent by certified mail, return receipt requested.

8. The OWNERS hereby agree to indemnify, defend and save whole and harmless the VILLAGE and its officers, employees and agents from any and all loss or liability and related expenses (including attorney's fees) of any kind which arise out of, or as a consequence, of the performance of this Agreement and the enforcement thereof, excepting all such loss or liability and related expenses which arise out of, or as a consequence of, the negligence or willful acts or omissions of the VILLAGE, and its officers, employees and agents.

9. Upon the execution of this Agreement, it shall be recorded with the Recorder of Deeds of the County in which the PARKING LOT is located.
IN WITNESS WHEREOF, the parties hereto have set their hands and seal(s) this 7th day of July, 2015.

VILLAGE OF TINLEY PARK
A Municipal Corporation

By: [Signature]
Acting President

Owners:

Brixmor/IA Tinley Park Plaza, LLC.
a Delaware limited liability company

By: Brixmor/IA JV Pool B, LLC,
a Delaware limited liability company,
its sole mentor

By: Brixmor/IA JV, LLC,
a Delaware limited liability company,
its sole mentor

By: Brixmor/IA JV Manager, LLC,
a Delaware limited liability company,
its manager

By: [Signature] 7/17/15
Name: Thomas W. Litzler
Its: Executive Vice President
President West Region
Exhibit A - North

X Fire Lane Signage Required

Fire lane Pavement Marking

Match Line
Exhibit A - Outlot

- Fire Lane pavement marking
- Fire Lane Sign

Site Plan

TINLEY PARK PLAZA - PROPOSED OUTLOT

14115 W. Formal Village Submittal

Tinley Park, Illinois

MAY 7, 2015