

City copy

ORDINANCE NO. 624

AN ORDINANCE CONSENTING TO THE ASSIGNMENT OF RIGHTS UNDER A CONTRACT ENTERED INTO BETWEEN THE CITY OF LEROY AND M.G.M. LEROY, INC., REGARDING BENEFITS UNDER LEROY FIRST TAX INCREMENT FINANCING DISTRICT

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS 5th DAY OF September, 1995.

PRESENTED: September 5, 1995

PASSED: September 5, 1995

APPROVED: September 5, 1995

RECORDED: September 5, 1995

PUBLISHED: September 5, 1995

In Pamphlet Form

Voting "Aye" 6

Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)

X Juanita Hagley
City Clerk of the City of LeRoy,
McLean County, Illinois

Dated: September 5, 1995.

ORDINANCE NO. 624

AN ORDINANCE CONSENTING TO THE ASSIGNMENT OF RIGHTS UNDER A CONTRACT ENTERED INTO BETWEEN THE CITY OF LEROY AND M.G.M. LEROY, INC., REGARDING BENEFITS UNDER LEROY FIRST TAX INCREMENT FINANCING DISTRICT

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, have received a request to consent to the assignment of all rights and benefits under a Tax Increment Redevelopment Agreement dated April 24, 1989, between the City of LeRoy and M.G.M. LeRoy, Inc., and

WHEREAS, the Mayor and City Council of the City of LeRoy have reviewed the Assignment And Assumption of Licenses, Permits, and Tax Incentive Financing Agreement dated August 30, 1995, by and between Hardee's Food Systems, Inc., a North Carolina corporation, and M.G.M. LeRoy, Inc., and

WHEREAS, the Mayor and City Council of the City of LeRoy have determined that it is in the best interest of the City and its residents, for the continued operation of the local Hardee's restaurant and for the benefit of the LeRoy First Tax Increment Financing District, that such consent be given,

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of LeRoy, Illinois, in lawful meeting assembled as follows:

Section 1. Upon the written request of William Wetzel, attorney for M.G.M. LeRoy, Inc., that the City of LeRoy consent to the assignment of all rights and benefits due M.G.M. LeRoy, Inc., under that agreement between the City of LeRoy and M.G.M. LeRoy, Inc., dated April 24, 1989, the City Council does hereby consent to the aforesaid assignment, a copy of which assignment and a copy of which request for consent are attached hereto, marked Exhibit A for identification, and are incorporated herein by reference.

Section 2. A certified copy of this ordinance shall serve as the written consent by the City of LeRoy to the aforesaid assignment. The City Clerk is hereby directed to forward a certified copy of this ordinance to Hardee's Food Systems, Inc., at Rocky Mount, North Carolina, in care of Karen M. Long, Senior Corporate Attorney for Hardee's Food Systems, Inc., and to forward a certified copy to Mr. William Wetzel, attorney for M.G.M. LeRoy, Inc., Bloomington, Illinois.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by

George Cook, seconded by Ronnie Litherland

by roll call vote on the 5th day of September, 1995, as follows:

Aldermen elected 6 Aldermen present 6

VOTING AYE:

David McClelland, Lois Parkin, Ronnie Litherland, Dawn Thompson, George Cook
(full names) Fred Dodson

VOTING NAY:

None

(full names)

ABSENT, ABSTAIN, OTHER:

None

(full names)

and deposited and filed in the office of the City Clerk in said municipality on the 5th day of September, 1995.

X Juanita Dagley
Juanita Dagley, City Clerk of the City of LeRoy,
McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 5th day of

September, 1995.

X Jerry C. Davis
Jerry C. Davis, Mayor of the City of LeRoy,
McLean County, Illinois

ATTEST: (SEAL)

X Juanita Dagley
Juanita Dagley, City Clerk, City of LeRoy,
McLean County, Illinois

LAW OFFICE
LIVINGSTON, BARGER, BRANDT & SCHROEDER

SUITE 400
115 W. JEFFERSON STREET
POST OFFICE BOX 9457
BLOOMINGTON, ILLINOIS 61702-3457
(309) 828-5261 FAX (309) 827-3432

WILLIAM R. BRANDT
JAMES T. FOLEY
WILLIAM C. WETZEL
THOMAS M. BARGER, III
FIELD B. MODIE
CHRISTOPHER I. NYWEIDE
SUSAN H. GRANDY
RICHARD E. ATILES
PETER W. DIANOT
KEVIN W. BRENNAN
THOMAS V. BORTON
JOSEPH W. FOLLY
HERBERT M. LIVINGSTON
(1890-1897)
RALPH E. SCHROEDER
(1897-1898)
THOMAS M. BARGER, JR.
(1898-1899)

September 5, 1995

VIA FAX: (309) 962-6212

Hunt Henderson
112 East Center Street
LeRoy, IL 61752

IN RE: M.G.M. LeRoy, Inc. Tax Increment Redevelopment Agreement

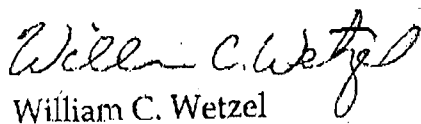
Dear Hunt:

On behalf of M.G.M. LeRoy, Inc. we hereby request that the City consent to the Assignment by M.G.M. LeRoy, Inc. of its rights under the Tax Increment Redevelopment Agreement to Hardee's Food Systems, Inc.

M.G.M. LeRoy, Inc. has sold to Hardee's Food Systems, Inc. all of the operating assets of the LeRoy, Illinois store and has also assigned all its interests in the Tax Increment Redevelopment Agreement.

We thank you for your attention to this matter and if you have any questions please give me a call.

Yours very truly,


William C. Wetzel

WCW:dsg

Exhibit A

**ASSIGNMENT AND ASSUMPTION OF LICENSES, PERMITS
AND TAX INCENTIVE FINANCING AGREEMENTS**

THIS ASSIGNMENT AND ASSUMPTION OF LICENSES, PERMITS AND TAX INCENTIVE FINANCING AGREEMENTS (this "Assignment"), made and entered into as of the 30 day of August, 1995, by and between each of the corporations described on Schedule 1 attached hereto (hereinafter individually and collectively "Assignor") and HARDEE'S FOOD SYSTEMS, INC., a North Carolina corporation (hereinafter the "Assignee");

WITNESSETH:

WHEREAS, Assignor is the owner of those sites (the "Fee Properties") listed on Exhibit A attached hereto;

WHEREAS, Assignor has entered into or by assignment has become the tenant under those certain leases for those sites (the "Leased Properties") listed on Exhibit B attached hereto;

WHEREAS, (a) Assignor desires to assign all its interest in all transferable licenses and permits used in the operation of the restaurants located on the Fee Properties and the Leased Properties (the "Licenses and Permits") and all its right title and interest in Tax Incentive Financing Agreements which benefit the restaurants which are identified on Exhibit C (the "Tax Incentive Financing Agreements") to Assignee and (b) Assignee desires to accept such assignment and assume all obligations of Assignor under the Licenses and Permits and Tax Incentive Financing Agreements; and

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Assignment by Assignor.** Assignor hereby transfers, sells, bargains, assigns, and sets over to Assignee all of Assignor's right, title, estate and interest in and to the Licenses and Permits and Tax Incentive Financing Agreements.

2. **Acceptance and Assumption by Assignee.** Assignee hereby (i) accepts the foregoing assignment of Assignor's right, title and interest and estate in and to the Licenses and Permits and Tax Incentive Financing Agreements, and (ii) assumes and agrees to perform and keep all covenants, agreements and obligations contained in the Licenses and Permits and Tax Incentive Financing Agreements to be made, kept and performed by the Assignor thereunder from and after the date of this Assignment.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the day and year first above written.

ASSIGNOR:

HARDEE'S OF NORTHPOINT, INC.

ATTEST:

By: [Signature]
Its: Sec
(Corporate Seal)

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: Sec
(Corporate Seal)

M.G.M. OF WASHINGTON, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: Sec
(Corporate Seal)

G.M.R. OGLESBY, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: Sec
(Corporate Seal)

M.G.M. BARTONVILLE, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: Sec
(Corporate Seal)

G.M.R., INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: [Signature]
(Corporate Seal)

R.G.M.R. NORMAL, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: [Signature]
(Corporate Seal)

M.G.M. LEROY, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: [Signature]
(Corporate Seal)

HARDEE'S OF NORTHWOODS, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: [Signature]
(Corporate Seal)

G.M.R SULLIVAN, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: [Signature]
(Corporate Seal)

R.G.M.R. EAST PEORIA, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: [Signature]
(Corporate Seal)

M.G.M. EL PASO, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: [Signature]

(Corporate Seal)

G.M.R. SPRING VALLEY, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: [Signature]

(Corporate Seal)

HARDEE'S OF BLOOMINGTON, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: [Signature]

(Corporate Seal)

G.M.R. EUREKA, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: [Signature]

(Corporate Seal)

G.M.R. BEARDSTOWN, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: [Signature]

(Corporate Seal)

M.G.M. LEWISTOWN, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: [Signature]

(Corporate Seal)

GERWAM, INC.

By: [Signature]
Its: [Signature]

ATTEST:

By: [Signature]
Its: Sec
(Corporate Seal)

G.M.R. ALEDO, INC.

By: [Signature]
Its: Sec

ATTEST:

By: [Signature]
Its: Sec
(Corporate Seal)

G.M.R. II, INC.

By: [Signature]
Its: Sec

ATTEST:

By: [Signature]
Its: Sec
(Corporate Seal)

M.G.M. ARCOLA, INC.

By: [Signature]
Its: Sec

ATTEST:

By: [Signature]
Its: Sec
(Corporate Seal)

G.M.B.D. DANVILLE, INC.

By: [Signature]
Its: Sec

ATTEST:

By: [Signature]
Its: Sec
(Corporate Seal)

SANDY'S OF CLINTON, ILLINOIS, INC.

By: [Signature]
Its: Sec

ATTEST:

By: [Signature]
Its: Sec
(Corporate Seal)

M.G.M. CASEY, INC.

By: [Signature]
Its: Sec

ATTEST:

By: [Signature]
Its: [Signature]
(Corporate Seal)

R.G.M.R. BLOOMINGTON, INC.

By: [Signature]
Its: [Signature]

ATTEST:

Karen Marie Long
Assistant Secretary
(Corporate Seal)

ASSIGNEE:

HARDEE'S FOOD SYSTEMS, INC.

By: [Signature]
Its: Richard L. Wall Executive Vice President

Schedule 1

Hardee's of Northpoint, Inc.
M.G.M. Washington, Inc.
G.M.R. Oglesby, Inc.
M.G.M. Bartonville, Inc.
G.M.R., Inc.
R.G.M.R. Normal, Inc.
M.G.M. Leroy, Inc.
Hardee's of Northwoods, Inc.
G.M.R. Sullivan, Inc.
R.G.M.R. East Peoria, Inc.
M.G.M. El Paso, Inc.
G.M.R. Spring Valley, Inc.
Hardee's of Bloomington, Inc.
G.M.R. Eureka, Inc.
G.M.R. Beardstown, Inc.
M.G.M. Lewistown, Inc.
GERWAM, Inc.
G.M.R. Aledo, Inc.
G.M.R. II, Inc.
M.G.M. Arcola, Inc.
G.M.B.D. Danville, Inc.
Sandy's of Clinton, Illinois, Inc.
M.G.M. Casey, Inc.
R.G.M.R. Bloomington, Inc.

**EXHIBIT A
FEE PROPERTIES**

- | | |
|------------------------------|-------------------|
| 1. 306 Grant Street | Clinton, IL |
| 2. 15 W. Fairchild Street | Danville, IL |
| 3. 618 S. Gilbert Street | Danville, IL |
| 4. 203 W. Jackson | Sullivan, IL |
| 5. 903 W. Marketview Drive | Champaign, IL |
| 6. 309 N. Market Street | Monticello, IL |
| 7. 1708 Grand Avenue | Beardstown, IL |
| 8. 601 East Adams | Arcola, IL |
| 9. 404 West University | Urbana, IL |
| 10. 1703 S. Neil Street | Champaign, IL |
| 11. SWC Rt 66 & Rt 116 | Pontiac, IL |
| 12. 101 S. Lewis | Oglesby, IL |
| 13. 601 West Dakota | Spring Valley, IL |
| 14. 1600 SE Third Street | Aledo, IL |
| 15. 1113 N. Main Street | Normal, IL |
| 16. 1807 W. Market Street | Bloomington, IL |
| 17. 1117 S. Chestnut | Leroy, IL |
| 18. 1102 Peoria Street | Washington, IL |
| 19. 4100 W. Willow Knolls | Peoria, IL |
| 20. 5515 SW Adams | Bartonville, IL |
| 21. 1600 S. Main & Lafayette | Bloomington, IL |
| 22. 401 W. Dearborn | Havana, IL |
| 23. 660 West Main Street | El Paso, IL |
| 24. 507 W. Center | Eureka, IL |
| 25. RR 1 Box 91/Rt 49 & I-70 | Casey, IL |

**EXHIBIT B
LEASED PROPERTIES**

1. Market Place Mall
2. Rt 16 & 128
3. 4501 N. War Memorial Dr.
4. 8787 N. Knoxville
5. 101 N. Main Street
6. 612 S. Main Street

Champaign, IL
Shelbyville, IL
Peoria, IL (Northwood)
Peoria, IL (Northpoint)
East Peoria, IL
Lewistown, IL

EXHIBIT C

1. **Tax Increment Redevelopment Agreement between the City of Sullivan and G.M.R. Sullivan, Inc. dated July 24, 1989**
2. **Tax Increment Redevelopment Agreement between the City of Havana and G.M.R. Havana, Inc. dated December 6, 1989**
3. **Tax Increment Redevelopment Agreement between the City of Leroy and G.M.R. Leroy, Inc.**
4. **Redevelopment Agreement with the City of Oglesby and GMR Oglesby, Inc. dated August 8, 1988.**
5. **Redevelopment Agreement with the City of Beardstown and G.M.R. Beardstown, Inc. dated April 5, 1988.**

CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

I further certify that on September 5, 1995, the Corporate Authorities of such municipality passed and approved Ordinance No. 624, entitled:

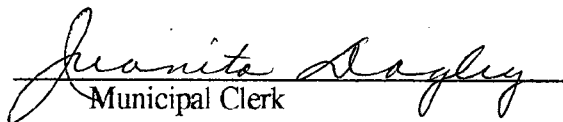
AN ORDINANCE CONSENTING TO THE ASSIGNMENT OF RIGHTS UNDER A CONTRACT ENTERED INTO BETWEEN THE CITY OF LEROY AND M.G.M. LEROY, INC., REGARDING BENEFITS UNDER LEROY FIRST TAX INCREMENT FINANCING DISTRICT,

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 6244, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on September 5, 1995, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 5th day of September, 1995

(SEAL)


Municipal Clerk

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

I, Juanita Dagley, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE CONSENTING TO THE ASSIGNMENT OF RIGHTS UNDER A CONTRACT ENTERED INTO BETWEEN THE CITY OF LEROY AND M.G.M. LEROY, INC., REGARDING BENEFITS UNDER LEROY FIRST TAX INCREMENT FINANCING DISTRICT.

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 7th day of September, 1995, and prior to the making of this certificate the said ordinance was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said ordinance in the record books.

Dated this 5th day of September, 1995.

x Juanita Dagley
City Clerk

(SEAL)