

AMENDMENT TO THE INDUCEMENT AGREEMENT –
EVERGREEN MOTORS, INC., DOING BUSINESS AS BMW OF ORLAND PARK

THIS AMENDMENT is made and entered into this ____ day of _____, 201__, by and between the VILLAGE OF ORLAND PARK, an Illinois home rule municipality (the “Village”) and EVERGREEN MOTORS, INC., an Illinois corporation, and SAV II, LLC, an Illinois limited liability company (the “Dealership”).

WITNESSETH:

WHEREAS, the Dealership and the Village entered into an Inducement Agreement (the “Agreement”) on December 21, 2009, that provided economic incentives through the use of a sales tax rebate for a period of ten (10) years commencing not later than the first day of the seventh month after the end of the Initial Payment Year (defined as the 12-month period commencing on the first day of the full month that follows the month in which the final occupancy permit is issued for the dealership facility) with the dealership facility to be open no later than September 30, 2011; and

WHEREAS, the planned construction of the Dealership’s automobile sales and service dealership facility has been delayed due to current economic conditions, including:

- a) the inability of the developer of the subject dealership location to complete the site work and deliver a “pad-ready” parcel for construction thereon of the dealership facility;
- b) the failure of the developer’s mortgage lender causing a take-over of the lender by the FDIC;
- c) the inability of the developer to procure public facility completion bonds required by Village Code;
- d) resulting delays in approving the final land development plans; and

e) as a result of the delays, the shut down of the project due to 2010-2011 winter weather conditions.

NOW, THEREFORE, in consideration of the recitals hereinabove set forth, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Village and the Dealership agree to amend the Agreement to provide for the dealership facility to be open to the public on or before May 30, 2012. All other terms and conditions in the Agreement will remain the same and are hereby ratified and confirmed.

VILLAGE OF ORLAND PARK,
an Illinois home rule municipality

By: _____
Village President

ATTEST:

Village Clerk

EVERGREEN MOTORS, INC., an Illinois corporation

By: Stan J. [Signature]
Its President

ATTEST:

Margaret A. [Signature]
Its Secretary or
Assistant Secretary *Secy*

SAV II, LLC

By: [Signature]
Its Manager