

To: Invest Aurora Board of Directors  
From: David Hulseberg, President/CEO, Invest Aurora  
Date: 10/6/2015  
Re: Shodeen/City of Aurora Compromise, Settlement, and Mutual Release Agreement

---

**Overview** The City of Aurora (City) is seeking to enter into an agreement with the Shodeen Family Property Company, LLC. (Shodeen) for the compromise of disputed claims as outlined in the Compromise, Settlement, and Mutual Release Agreement. This agreement is subject to and conditioned upon two additional agreements, namely the "Redevelopment Agreement" and "Parking Lot Lease Agreement." The following information highlights the specific details of the "Compromise, Settlement, and Mutual Release Agreement."

**Agreement Specifics** The agreement establishes a framework for full compromise and settlement of disputed claims between Shodeen and the City. This agreement seeks to avoid further dispute, litigation, and expense. Both the City and Shodeen agree to fully and forever discharge and release all claims and causes to future action.

The claims being released by the City are as follows:

- Engineering costs through January 1, 2015
- Legal fees incurred prior to the Amended Redevelopment Agreement
- Legal fees following execution of the Amended Redevelopment Agreement through January 1, 2015
- Legal fees arising from litigation involving co-defendant Rana
- Shodeen's share of the incurred environmental costs

The claims being released by Shodeen are as follows:

- Engineering fees
- Legal fees incurred during discussions regarding ComEd substation relocation
- Lobbying fees and legislative representation relating to ComEd substation relocation
- Fees relating to the parking leases entered into prior to January 1, 2015

**Conditions** Both the City and Shodeen acknowledge that neither has made any promise or representation not explicitly contained in the three agreements. Each agree to defend, indemnify, and hold harmless the other. Should any provision of the agreement be found invalid, the remainder of the agreement will be construed as if the invalid part were never included. The remainder of the agreement would as such remain valid and enforceable to the fullest extent permitted by law.

**Recommendation** Upon reviewing the proposed Compromise, Settlement, and Mutual Release Agreement, it is the recommendation of Invest Aurora staff that the board approve the agreement between Shodeen Family Property Company, LLC. and the City of Aurora.

**Attachments** Compromise, Settlement, and Mutual Release Agreement.



Aurora's Economic Development  
Partnership