






## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development 

**MEETING DATE:** May 17, 2018

**SUBJECT:** **Downtown Improvement & Renovation Grant; 105 W. St. Charles Road, Charred Restaurant**

Please find the following items for Village Board consideration as part of the May 17, 2018 Board meeting:

1. Economic and Community Development Committee (ECDC) memo; and
2. A Resolution Approving a Downtown Improvement and Renovation Grant for the Property Commonly Known As 105 W. St. Charles Road.

The Community Development Department received an application for the Downtown Improvement and Renovation Grant Program (also known as the Facade Grant Program) for 105 W. St. Charles Road. The applicant/business is seeking to install exterior improvements, including accessibility improvements. The property is located in the Downtown TIF. The project total is \$43,530.00 and is grant eligible up to \$23,265.00. As this request is over \$10,000, it requires final approval from the Village Board of Trustees. The recommendation is subject to the following conditions:

1. Permits must be applied for and received for all of the work. All work shall have passed inspections.
2. Before the grant can be paid out, Charred will submit a final receipt (showing the project is paid in full) and waivers of lien from the contractors.
3. Work must be complete one year from the date of approval by the Village Board of Trustees.

The ECDC recommended approval of this grant request by a unanimous vote. Please place this grant request on the May 17, 2018 Board of Trustees agenda.



**RESOLUTION**  
**R \_\_\_\_\_**

**A RESOLUTION APPROVING A DOWNTOWN IMPROVEMENT AND  
RENOVATION GRANT FOR THE PROPERTY COMMONLY KNOWN AS  
105 W. ST. CHARLES ROAD, UNIT 101**

WHEREAS, the Village disburses funds for the Downtown Improvement and Renovation Grant Program (the “Program”) under the authority of the Village Board of Trustees, and will provide monetary grants to qualified property owners in the Lombard Tax Increment Financing (TIF) Downtown District to enhance and improve buildings and parking areas; and,

WHEREAS, Factum LLC Series 105 W St. Charles (the “Applicant”), wish to participate in this Program for façade renovations to the building (the “Project”) located at 105 W. St. Charles Road, Lombard, Illinois Unit 101 (the “Subject Property”) and,

WHEREAS, the Applicant is also the owners of 105 W. St. Charles Road, Lombard, Illinois Unit 101; and,

WHEREAS, the Project shall consist of those renovations to the façade of the building on the Subject Property as set forth on Exhibit “A” attached hereto and made part hereof; and,

WHEREAS, the Project will complement and support the Village’s plans to maintain a quality Central Business District;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS, as follows:

**SECTION 1:** That the Village shall provide the Applicant grant of up to twenty three thousand two hundred and sixty five and 00/100 dollars (\$23,265.00), pursuant to the Program (the “Grant”). Such grant monies shall be available to the Applicants upon the authorization of the Village’s Director of Community Development, after receipt of satisfactory evidence that the project components have been completed, and that the Applicants have paid all invoices for labor and materials in connection therewith.

**SECTION 2:** The Applicants, as well as any subsequent business or property owner, will perform the following obligations in connection with the Project:

- a. Permits must be applied for and received for all of the work. All work shall have passed inspections.
- b. Before the grant can be paid out, Charred will submit a final receipt (showing the project is paid in full) and waivers of lien from the contractors.

Resolution No. \_\_\_\_\_  
105 W. St. Charles Road

- c. Work must be complete one year from the date of approval by the Village Board of Trustees.

**SECTION 3:** The Applicants, and any subsequent business or property owner, shall be required to maintain the Property in accordance with all Village codes and ordinances, and obtain any and all necessary licenses and permits required relative thereto.

**SECTION 4:** That the Downtown Improvement and Renovation Grant Program Agreement, relative to the Project, attached hereto as Exhibit “B” and made part hereof is hereby approved (the “Agreement”)

**SECTION 5:** The Village may terminate the Agreement if the Applicants, or any subsequent business or property owner, fails to comply with any of the terms of the Agreement. In the event of termination, the Applicants shall be required to repay any amount of the Grant disbursed.

**SECTION 6:** That the Village President and Village Clerk are hereby authorized and directed to sign, on behalf of the Village of Lombard, the Agreement attached hereto as Exhibit “B”.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2018.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Keith T. Giagnorio  
Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna  
Village Clerk

Resolution No. \_\_\_\_\_  
105 W. St. Charles Road

**EXHIBIT A**  
**Legal Description**

PIN NUMBER: 06-07-226-001

COMMON ADDRESS: 105 W. St. Charles Rd., Unit 101, Lombard, IL

Unit 100 in the Park West Commercial Condominium, as delineated on a survey of the following described real estate: Part of Lot 1 in Zitt's Resubdivision of part of Lot 1 in Block 19 in original town of Lombard, being a subdivision of part of the Northeast  $\frac{1}{4}$  of Section 7, Township 39 North, Range 11, according to the Plat of said Zitt's resubdivision recorded November 19, 1991 as document R91-153504, in Du Page County, Illinois; which survey is attached as Exhibit "A" to the declaration of condominium recorded as document number R2002-174696, together with its undivided percentage interest in the common elements.



**EXHIBIT B**

**DOWNTOWN IMPROVEMENT AND RENOVATION GRANT PROGRAM  
AGREEMENT**

This Agreement is entered into this seventeenth day of May, 2018, by and between the Village of Lombard, Illinois, (hereinafter referred to as the “Village”), and Factum LLC Series 105 W St. Charles (hereinafter referred to as “Applicant”) doing business at 105 W. St. Charles Road, Lombard, Illinois Unit 101 (said location being legally described on Exhibit “1” attached hereto and made part hereof – hereinafter referred to as the “Subject Property”), with personal property being secured at 105 W. St. Charles Road, Lombard, Illinois Unit 101. The Village and the Applicants are sometimes referred to herein collectively as the “Parties.”

**WITNESSETH**

**WHEREAS**, the Village, pursuant to Sections 36.30 through 36.36 of the Lombard Village Code, has established a Downtown Improvement and Renovation Grant Program (hereinafter referred to as the “Program”) and, as such, will provide grants to qualified business owners and property owners in the Eligible TIF Districts (as said term is defined in Section 36.31 of the Lombard Village Code) for exterior renovations; and

**WHEREAS**, the Program compliments and supports the Village's plans to maintain a quality Central Business District; and

**WHEREAS**, exterior renovations are desirable within the Central Business District and contribute to an economically strong Central Business District; a commercial area where the image, appearance, and environment encourage the attraction of shoppers; and

**WHEREAS**, the Applicants wish to participate in this Program for proposed exterior renovations to be located at 105 W. St. Charles Road, Lombard, Illinois Unit 101; Program Application No.: **18-02**; with said exterior renovations being more specifically described in Exhibit “2” attached hereto and made part hereof (hereinafter referred to as the “Project”);

**NOW, THEREFORE**, in consideration of the foregoing, and other good and valuable consideration, the receipt of which is hereby acknowledged by the Parties hereto, the Parties agree as follows:

**SECTION 1:** The Village shall provide the Applicants with a grant under the Program in an amount not to exceed twenty three thousand two hundred and sixty five and 00/100 dollars (\$23,265.00), (hereinafter referred to as the “Grant”). Such Grant shall be available to the Applicants upon the authorization of the Village's Director of Community Development, and after the Applicants has constructed the Project, and

Resolution No. \_\_\_\_\_  
105 W. St. Charles Road

complied with the provisions of this Agreement and Sections 36.30 through 36.36 of the Lombard Village Code, as well as paid for the Project. The maximum amount of the Grant, as set forth above, is based upon the Applicants expending no less than forty three thousand five hundred and thirty and 00/100 dollars (\$43,530.00) in relation to the Project. In the event that the Applicant expenditures for the Project are less, the Grant shall be reduced such that the maximum amount of the Grant shall not exceed fifty percent (50%) of the amount expended by the Applicant in relation to the Project.

**SECTION 2:** The Applicant shall undertake the following in connection with the Project:

- a. Permits must be applied for and received for all of the work. All work shall have passed inspections.
- b. Before the grant can be paid out, Charred will submit a final receipt (showing it is paid in full) and waivers of lien from the contractors.
- c. Work must be complete one year from the date of approval by the Village Board of Trustees.

**SECTION 3:** Upon completion of the Project, the Applicants shall maintain the Subject Property and the business located thereon in accordance with all applicable federal, state and local laws, rules and regulations.

**SECTION 4:** The Applicants hereby consent to the recording of this Agreement to serve as notice to future purchasers, assigns, estate representatives, mortgagees, and all other interested persons of the conditions outlined in this Agreement.

**SECTION 5:** In the event the Village terminates this Agreement as a result of the Applicants failing to comply with any of the terms of this Agreement, the Applicants shall be required to repay any amount of the Grant that has been disbursed by the Village. In the event said amount is not repaid, the Village shall have the right to record a lien against the Subject Property for said amount.

**SECTION 6:** This Agreement shall be binding upon the successors and assigns of the Parties hereto.

VILLAGE OF LOMBARD

\_\_\_\_\_  
By: Keith T. Giagnorio, Village President

Resolution No. \_\_\_\_\_  
105 W. St. Charles Road

\_\_\_\_\_  
Attest: Sharon Kuderna, Village Clerk

APPLICANTS

\_\_\_\_\_  
Tom Kidwell



Resolution No. \_\_\_\_\_  
105 W. St. Charles Road

STATE OF ILLINOIS        )  
  )SS  
COUNTY OF DUPAGE        )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Keith T. Giagnorio, personally known to me to be the President of the Village of Lombard, and Sharon Kuderna, personally known to me to be the Village Clerk of said municipal corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Village Clerk, they signed and delivered the said instrument and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the Board of Trustees of said municipal corporation, as their free and voluntary act, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Commission expires \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

Resolution No. \_\_\_\_\_

105 W. St. Charles Road

STATE OF ILLINOIS        )

)SS

COUNTY OF DUPAGE        )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO  
HEREBY CERTIFY that Tom Kidwell, personally known to me to be the same person  
whose names are subscribed to the foregoing instrument, appeared before me this day in  
person and severally acknowledged that they signed and delivered the said instrument, as  
their free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Commission expires \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

Resolution No. \_\_\_\_\_  
105 W. St. Charles Road

**EXHIBIT 1**  
**Legal Description**

PIN NUMBER: 06-07-226-001

COMMON ADDRESS: 105 W. St. Charles Rd., Unit 101, Lombard, IL

Unit 100 in the Park West Commercial Condominium, as delineated on a survey of the following described real estate: Part of Lot 1 in Zitt's Resubdivision of part of Lot 1 in Block 19 in original town of Lombard, being a subdivision of part of the Northeast  $\frac{1}{4}$  of Section 7, Township 39 North, Range 11, according to the Plat of said Zitt's resubdivision recorded November 19, 1991 as document R91-153504, in Du Page County, Illinois; which survey is attached as Exhibit "A" to the declaration of condominium recorded as document number R2002-174696, together with its undivided percentage interest in the common elements.



Resolution No. \_\_\_\_\_  
105 W. St. Charles Road

## **EXHIBIT 2**

The Community Development Department retains a copy of the submittal to the Economic and Community Development Committee. This submittal includes contractor's quotes and a description of the work to be completed. The Applicants propose to install exterior work, including accessibility improvements, and a new sign.