

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott R. Niehaus, Village Manager
DATE: November 20, 2014 (B of T) Date: December 4, 2014
TITLE: Downtown Retail Business Grant; 14 W. St. Charles Road (Balkan Bakery and Coffee)
SUBMITTED BY: Department of Community Development

BACKGROUND/POLICY IMPLICATIONS:
Your Economic and Community Development Committee submits for your consideration its recommendation on the above referenced petition. The ECDC recommends that the Village Board adopt the attached resolution approving a Downtown Retail Business Grant for the property commonly known as 14 W. St. Charles Rd. (DISTRICT #1)

The ECDC recommended approval of this grant request by a vote of 6-0.
Please place this item under separate action.

Fiscal Impact/Funding Source:

Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

DATE: December 4, 2014

SUBJECT: **Downtown Retail Business Grant; 14 W. St. Charles Road (Balkan Bakery and Coffee)**

Please find the following items for Village Board consideration as part of the December 4, 2014 Board meeting:

1. Economic and Community Development Committee (ECDC) memo; and
2. A Resolution Approving a Downtown Retail Business Grant for the Property Commonly Known As 14 W. St. Charles Road.

The Community Development Department has received an application for the Downtown Retail Business Grant for Balkan Bakery and Coffee located at 14 W. St. Charles Road. The applicant is seeking to add two new bathrooms, a kitchen prep area, new flooring, installation of a new hood and oven, and updated electric. All work consists of interior improvements.

The property is located in the Downtown TIF. The total cost of the project is \$41,273.00 and is grant eligible up to \$20,000.00 (up to 50% of the eligible project costs; not to exceed \$20,000.00, unless specifically approved by the Village Board). Said recommendation is subject to the following conditions, by the Village Board of Trustees, that would be in effect if the property was sold or retains its current ownership:

1. The project must comply with the Illinois Prevailing Wage Act.
2. Permits must be applied for and received for all of the work.
3. Before the grant can be paid out, Balkan Bakery and Coffee will submit a final receipt (showing the project is paid in full) and waivers of lien from the contractors.

The ECDC recommended approval of this grant request by a vote of 6-0. Please place this grant request on the December 4, 2014 Board of Trustees agenda under Items for Separate Action as the building is owned by a member of the ECDC.

RESOLUTION
R _____

**A RESOLUTION APPROVING A DOWNTOWN RETAIL BUSINESS GRANT
FOR THE PROPERTY COMMONLY KNOWN AS
14 W. ST. CHARLES ROAD**

WHEREAS, the Village disburses funds for the Downtown Retail Business 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, Dragic Mitic (the "Applicant"), wishes to participate in this Program for interior renovations to the building (the "Project") located at 14 W. St. Charles Road, Lombard, Illinois (the "Subject Property") and,

WHEREAS, Ed O'Neill and Garrick Nielsen (hereinafter referred to as "Owner"), supports an application to participate in this program for a bakery and café in the building located at 14 W. St. Charles Road, Lombard, Illinois; and,

WHEREAS, the Applicant is a tenant of 14 W. St. Charles Road, Lombard, Illinois; and,

WHEREAS, the Project shall consist of those renovations to the interior 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 a grant of up to twenty thousand and 00/100 dollars (\$20,000.00), 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 Applicant and Owner, as well as any subsequent business or property owner, will perform the following obligations in connection with the Project:

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14 W. St. Charles Road

- a. Expenditures relative to the Project must comply with the Illinois Prevailing Wage Act;
- b. Permits must be applied for and received for all of the work;
- c. Before the grant can be paid out, the Applicants will submit a final receipt (showing it is paid in full) and waivers of lien from the contractors; and
- d. That Balkan Bakery and Coffee must receive zoning approval in the form of a conditional use for outdoor seating and the improvements associated with the grant request shall be consistent with any conditions of that approval.

SECTION 3: The Applicant and Owner, 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. The Applicant and Owner agree not to substantially change the use of the business or interior space for which this grant was received for a period of not less than five (5) years from the date the Agreement was executed. Failure to maintain the business in accordance with local codes or negatively changing the use of the business or interior space will require pro-rated repayment of grant funds to the Village of Lombard.

SECTION 4: The Owner agrees that this Agreement may be duly recorded against the property located at 14 W. St. Charles Road to serve notice upon future purchasers, assigns, estate representatives, mortgages, and all other interested persons of the conditions outlined in this Agreement.

SECTION 5: That the Downtown Retail Business Grant Program Agreement, relative to the Project, attached hereto as Exhibit "B" and made part hereof is hereby approved (the "Agreement")

SECTION 6: 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 7: 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".

SECTION 8: That the Village Clerk be and hereby is authorized to attest said agreement as attached hereto.

Adopted this ____ day of _____, 2014.

Ayes: _____

Nayes: _____

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Absent: _____

Approved this _____ day of _____, 2014.

Keith T. Giagnorio
Village President

ATTEST:

Sharon Kuderna
Village Clerk

EXHIBIT A
Legal Description

THAT PART OF LOTS 4 AND 5 IN BLOCK 11 IN THE TOWN OF LOMBARD IN THE NORTHEAST ¼ OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF ST. CHARLES ROAD (FORMALLY LAKE STREET) AND THE WEST LINE OF THE EAST 93.12 FEET OF LOT 6 (SAID LINE BEING THE EAST LINE OF PARK AVENUE); THENCE NORTHERLY ALONG THE EAST LINE OF PARK AVENUE 206.83 FEET TO A POINT ON THE NORTHERLY LINE OF A 33.0 FOOT PUBLIC ALLEY HERETOFORE VACATED PER DOCUMENT NUMBER 26476; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID VACATED ALLEY 199.58 FEET TO A POINT ON THE EASTERLY LINE AND ITS NORTHERLY EXTENSION THEREOF, OF THE WEST 100.0 FEET OF LOT 5 THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF THE WEST 100 FEET OF LOT 5 AND ITS NORTHERLY EXTENSION A DISTANCE OF 93.56 FEET TO THE POINT OF BEGINNINGS; THENCE CONTINUING SOUTHERLY ALONG THE LAST DESCRIBED LINE A DISTANCE OF 24.54 FEET; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTH 70.0 FEET (AS MEASURED ALONG THE EAST AND WEST LINES THEREOF) A DISTANCE OF 24.94 FEET; THENCE SOUTHERLY ALONG A LINE 5 FEET EAST OF THE WEST LINE OF LOT 4, 70.0 FEET TO A POINT OF THE NORTHERLY LINE OF ST. CHARLES ROAD; THENCE WESTERLY ALONG SAID NORTHERLY LINE OF ST. CHARLES ROAD, 50.06 FEET; THENCE NORTHERLY A DISTANCE OF 97.55 FEET TO A POINT 25.04 FEET WESTERLY OF THE POINT OF BEGINNING; THENCE EASTERLY 25.045 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-07-206-020

EXHIBIT B

DOWNTOWN RETAIL BUSINESS GRANT PROGRAM AGREEMENT

This Agreement is entered into this fourth day of December, 2014, by and between the Village of Lombard, Illinois, (hereinafter referred to as the "Village"), Ed O'Neill and Garrick Nielsen (hereinafter referred to as "Property Owner"), and Dragica Mitic (hereinafter referred to as "Applicant") doing business at 14 W. St. Charles Road, Lombard, Illinois (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 14 W. St. Charles Road, Lombard, Illinois. The Village and the Applicant are sometimes referred to herein collectively as the "Parties."

WITNESSETH

WHEREAS, the Village, pursuant to Sections 36.70 through 36.74 of the Lombard Village Code, has established a Downtown Retail Business 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 36.71 of the Lombard Village Code) for interior renovations;

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

WHEREAS, bakeries and cafes are desirable uses 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;

WHEREAS, the Applicant wish to participate in this Program for proposed interior renovations to be located at 14 W. St. Charles Road, Lombard, Illinois; Program Application No.: **14-03**; with said interior renovations being more specifically described in Exhibit "2" attached hereto and made part hereof (hereinafter referred to as the "Project");

WHEREAS, the Property Owner has agreed to the property lien provisions as required by the Program;

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 Applicant with a grant under the Program in an amount not to exceed twenty thousand and 00/100 dollars (\$20,000.00) (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

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the Applicants has constructed the Project, and complied with the provisions of this Agreement and Sections 36.70 through 36.74 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 thousand and 00/100 dollars (\$40,000.00) in relation to the Project. In the event that the Applicants' 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 Applicants in relation to the Project.

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

- a. Expenditures relative to the Project must comply with the Illinois Prevailing Wage Act;
- b. Permits must be applied for and received for all of the work; and
- c. Before the grant can be paid out, the Applicants will submit a final receipt (showing it is paid in full) and waivers of lien from the contractors.

SECTION 3: Upon completion of the Project, the Applicant 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 Property Owner 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: The Applicant and Owner agree not to substantially change the use of the business or interior space for which this grant was received for a period of not less than five (5) years from the date the Agreement was executed.

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

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Attest: Sharon Kuderna, Village Clerk

APPLICANT

Dragica Mitic

Dragica Mitic

PROPERTY OWNER

Ed O'Neill

PROPERTY OWNER

Garrick Nielsen

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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 _____, 2014.

Commission expires _____, 20____.

Notary Public

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14 W. St. Charles Road

STATE OF ILLINOIS)

)SS

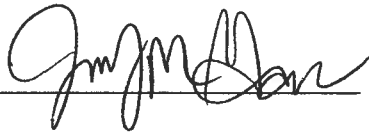
COUNTY OF DUPAGE)

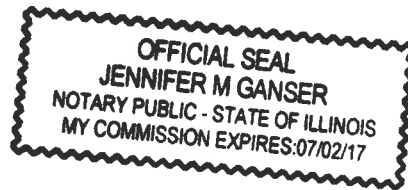
I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO
HEREBY CERTIFY that Dragic Mitic, personally known to me to be the same person
whose name is subscribed to the foregoing instrument, appeared before me this day in
person and severally acknowledged that she signed and delivered the said instrument, as
her free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 21 day of Nov, 2014.

Commission expires July 2, 2017.

Notary Public





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14 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 Ed O’Neill, personally known to me to be the same person
whose name is subscribed to the foregoing instrument, appeared before me this day in
person and severally acknowledged that he signed and delivered the said instrument, as
his free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____, 2014.

Commission expires _____, 20____.

Notary Public

Resolution No. _____

14 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 Garrick Nielsen, personally known to me to be the same person
whose name is subscribed to the foregoing instrument, appeared before me this day in
person and severally acknowledged that he signed and delivered the said instrument, as
his free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____, 2014.

Commission expires _____, 20____.

Notary Public

EXHIBIT 1

Legal Description

THAT PART OF LOTS 4 AND 5 IN BLOCK 11 IN THE TOWN OF LOMBARD IN THE NORTHEAST $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF ST. CHARLES ROAD (FORMALLY LAKE STREET) AND THE WEST LINE OF THE EAST 93.12 FEET OF LOT 6 (SAID LINE BEING THE EAST LINE OF PARK AVENUE); THENCE NORTHERLY ALONG THE EAST LINE OF PARK AVENUE 206.83 FEET TO A POINT ON THE NORTHERLY LINE OF A 33.0 FOOT PUBLIC ALLEY HERETOFORE VACATED PER DOCUMENT NUMBER 26476; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID VACATED ALLEY 199.58 FEET TO A POINT ON THE EASTERLY LINE AND ITS NORTHERLY EXTENSION THEREOF, OF THE WEST 100.0 FEET OF LOT 5 THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF THE WEST 100 FEET OF LOT 5 AND ITS NORTHERLY EXTENSION A DISTANCE OF 93.56 FEET TO THE POINT OF BEGINNINGS; THENCE CONTINUING SOUTHERLY ALONG THE LAST DESCRIBED LINE A DISTANCE OF 24.54 FEET; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTH 70.0 FEET (AS MEASURED ALONG THE EAST AND WEST LINES THEREOF) A DISTANCE OF 24.94 FEET; THENCE SOUTHERLY ALONG A LINE 5 FEET EAST OF THE WEST LINE OF LOT 4, 70.0 FEET TO A POINT OF THE NORTHERLY LINE OF ST. CHARLES ROAD; THENCE WESTERLY ALONG SAID NORTHERLY LINE OF ST. CHARLES ROAD, 50.06 FEET; THENCE NORTHERLY A DISTANCE OF 97.55 FEET TO A POINT 25.04 FEET WESTERLY OF THE POINT OF BEGINNING; THENCE EASTERLY 25.045 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

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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 Applicant proposes to install interior improvements such as adding two new bathrooms, a kitchen prep area, new flooring, installation of a new hood and oven, and updated electric.