

ORDINANCE. NO _____

**AN ORDINANCE AUTHORIZING A DOWNTOWN IMPROVEMENT AND
RENOVATION GRANT FOR THE PROPERTY LOCATED AT
601-609 E. ST. CHARLES ROAD**

WHEREAS, the Village is an agent for disbursement of funds for the Downtown Improvement and Renovation Grant Program under the authority granted by the Village Board and will provide monetary grants to qualified property owners in the Lombard St. Charles Road TIF 2 (East) Tax Increment Financing (TIF) District to enhance and improve downtown buildings and parking areas (hereinafter referred to as the “Program”); and,

WHEREAS, Robert Carter (hereinafter referred to as “Owner”), wishes to participate in the Program so as to renovate the property located at 601-609 E. St. Charles Road, Lombard, Illinois (hereinafter referred to as the “Project”); and,

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

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

SECTION 1: That the Village shall provide Owner with a grant of \$12,170 pursuant to the Program (hereinafter referred to as the “Grant”). Such Grant shall be available to Owner upon the authorization of the Village’s Director of Community Development, after receipt of satisfactory evidence that the Project has been completed and Owner has paid all invoices for labor and materials in connection therewith.

SECTION 2: The Owner agrees that the Project will be performed in accordance with the Project plans and Project cost estimates, attached hereto as Exhibit “A” and made a part hereof.

SECTION 3: The Owner will comply with the following/taking the following actions in connection with the Project:

- a. Comply with all regulations and standards of the Program and all applicable building codes of the Village.
- b. Take all reasonable action to assure completion of the Project within six (6) months from the date of the adoption of this Ordinance. Failure to complete the Project within six (6) months from the date of the adoption of this Ordinance shall result in forfeiture of the Grant.
- c. Allow inspection of the Project by authorized employees of the Village to assure compliance with federal, state, and local regulations related to the Grant, as well as compliance with applicable building codes of the Village.
- d. Maintain the financial records that pertain to the Project, and allow access thereto by authorized employees of the Village. At a minimum, all contracts, change order, bills, invoices, receipts, cancelled checks and partial and final waivers of liens shall be maintained and made available to the authorized employees of the Village.
- e. Submit copies of all final waivers of lien, cancelled checks and invoices related to the Project to the Department of Community Development.

SECTION 4: The Owner agrees to maintain the business at 601-609 E. St. Charles Road in accordance with all Village codes and ordinances and agrees not to substantially change the use of the interior space of the building for which this Grant was received for a period of not less than three (3) years from the date of this Ordinance. Failure to maintain the business in accordance with all Village codes and ordinances, changing the use of the interior space within said three (3) year period, other than with the prior written authorization of the Village, or failing to otherwise fully comply with the terms and conditions of this Ordinance will require the Owner to make pro rated repayment of the Grant funds received by the Owner to the Village based on the following formula:

$$\begin{array}{rcccl} & & 1096 \text{ minus the number of days} & & \\ & & \text{from Ordinance adoption to event} & & \\ \text{Grant} & \times & \underline{\text{triggering repayment obligation}} & = & \text{Repayment} \\ \text{Amount} & & 1096 & & \text{Amount} \end{array}$$

SECTION 5: The Owner agrees that this Ordinance shall be recorded against the title to the property located at 601-609 E. St. Charles Road said property being legally described in Exhibit "B" attached hereto and made part hereof to serve notice upon future purchasers, assigns, estate representatives, successors, and all other interested persons of the conditions outlined in this Ordinance.

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SECTION 6: A lien is hereby declared against the property described in Exhibit “B” in the amount of \$12,170.00, subject to said lien being released, in whole or in part, upon the Owner’s compliance with the terms and conditions of this Ordinance. In the event of any such partial or full release, the Village shall record a partial or full release document to evidence same.

SECTION 7: Robert Carter, being the legal title holder(s) of the property described in Exhibit “B”, hereby acknowledges that he/she/they/it has/have read the terms and conditions applicable to the receipt of the Grant, as set forth in this Ordinance, and agree to be bound thereby and to bind the property set forth in Exhibit “B” with the lien set forth in Section 6 above.

PROPERTY OWNER

By:

Attest:

Address

City, State

SUBSCRIBED and SWORN to
before me this _____ day of
_____, 2006.

NOTARY PUBLIC

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Passed on first reading this ____ day of _____, 2006.

First reading waived by action of the Board of Trustees this ____ day of _____, 2006.

Passed on second reading this ____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

EXHIBIT B

LEGAL DESCRIPTION OF SUBJECT PROPERTY

THE EAST 43.25 FEET AS MEASURED ON THE NORTH LOT LINE AND THE EAST 39.37 FEET AS MEASURED ON THE SOUTH LOT LINE OF LOT 1 IN BLOCK 2; LOTS 2, 3, AND 4 IN BLOCK 2; LOT 5 IN BLOCK 2, EXCEPT THE NORTHERLY PART THEREOF, MEASURING 50.55 FEET SOUTHERLY FROM THE NORTHWEST CORNER ALONG THE WESTERLY LINE OF SAID LOT, AND 54.9 FEET SOUTHERLY FROM THE NORTHEAST CORNER ALONG THE EASTERLY LINE OF SAID LOT 5; LOT 6 IN BLOCK 2 EXCEPT THE NORTHERLY PART THEREOF, MEASURING 20.3 FEET SOUTHWESTERLY FROM THE NORTHWEST CORNER ALONG THE WESTERLY LINE OF SAID LOT AND 289 FEET SOUTHWESTERLY FROM THE NORTHWEST CORNER OF SAID LOT 7, WHICH IS ALSO THE SOUTHERLY RIGHT-OF-WAY LINE OF CIRCLE AVENUE, ALL IN SUNNYSIDE ADDITION TO LOMBARD, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1925, AS DOCUMENT 191820, IN DUPAGE COUNTY, ILLINOIS.

ALSO THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF LOTS 2, 3, 4, 5, 6, AND 7 IN BLOCK 2 IN SUNNYSIDE ADDITION TO LOMBARD, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1925, AS DOCUMENT 191820 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST QUARTER OF LOT 2 IN BLOCK 2 SUNNYSIDE ADDITION TO LOMBARD; THENCE EAST ALONG THE SOUTH LINE OF LOTS 2, 3, 4, 5, 6, AND 7 IN BLOCK 2, AFORESAID, TO THE SOUTHEAST CORNER OF LOT 7; THENCE SOUTHEASTERLY ALONG THE SOUTHEASTERLY EXTENSION OF THE NORTHEASTERLY LINE OF SAID LOT 7, BEING A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 476.28 FEET AND A CHORD DISTANCE OF 222.84 FEET, TO A POINT DISTANT 50.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE MAIN TRACK OF THE CHICAGO NORTHWESTERN TRANSPORTATION COMPANY AS SAID MAIN TRACK IS NOW LOCATED; THENCE WESTERLY PARRALLEL WITH SAID MAIN TRACK CENTERLINE 903.14 FEET, MORE OR LESS, TO THE WEST LINE OF LOT 2 EXTENDED SOUTH TO SAID NORTH RIGHT-OF-WAY-LINE; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 2 EXTENDED SOUTH, AS AFORESAID, TO THE PLACE OF BEGINNING IN DUPAGE COUNTY, ILLINOIS.

ALSO THAT PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 28.0 FEET SOUTHEASTERLY OF THE NORTHWEST CORNER OF LOT 7 IN BLOCK 2 OF SUNNYSIDE ADDITION TO LOMBARD RECORDED APRIL 25, 1925, AS DOCUMENT 191820; THENCE EASTERLY ALONG A LINE 33.0 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF ST. CHARLES ROAD, 132.65 FEET; THENCE SOUTH 20 DEGREES 33 MINUTES 31 SECONDS WEST ALONG THE EAST LINE OF AN EXISTING CONCRETE PARKING LOT AND ITS NORTHERLY EXTENSION, A DISTANCE OF 45.22 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS 476.28 FEET, WHOSE CHORD BEARS NORTH 50 DEGREES 18 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 140.41 FEET, AN ARC DISTANCE OF 140.93 FEET TO THE PLACE OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-05-423-006, 009, 010, 012, 014