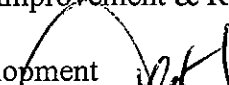


VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
 For Inclusion on Board Agenda

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

TO: PRESIDENT AND BOARD OF TRUSTEES
 FROM: William T. Lichter, Village Manager
 DATE: February 7, 2007 (B of T) Date: February 15, 2007
 TITLE: 14 W. St. Charles Road - Downtown Improvement & Renovation Grant
 SUBMITTED BY: The Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance granting an amendment to the conditions of approval associated with Ordinance 5883 relative to a time extension (i.e. December 31, 2007) in order for the property located at 14 W. St. Charles Road to complete development and qualify for grant funds. (DISTRICT #1)

Staff recommends approval of this request.

Staff is requesting a waiver of first reading.

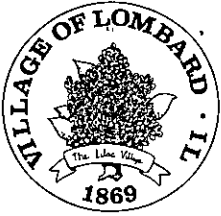
Please place this item on the February 15, 2007 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <u>W. T. Lichter</u>	Date <u>2/8/07</u>

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: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *DAH*

DATE: February 15, 2007

SUBJECT: **Downtown Improvement & Renovation Grant; 14 W. St. Charles Road – Time Extension**

Staff has received the attached correspondence requesting a time extension to previous approvals granted by the Village for the subject property. The previous Ordinance of approval includes an expiration date tied to the completion of construction activity on the subject property. To date, construction has not started on the building. In order to allow the approved Ordinance to remain valid, the Board will be required to adopt the following Ordinance.

On June 15, 2006, the Board adopted Ordinance 5883 approving a Downtown Improvement & Renovation Grant in the amount of \$50,000 for improvements to the 14 W. St. Charles Road property. Section 3(b) required the petition to take all necessary steps to ensure completion of the project within six months of the date of approval of the Ordinance. Although the petitioner has shared several preliminary plans with staff, the petitioner has not completed the proposed property improvements. Therefore, a time extension for Ordinance 5883 is requested.

The applicant has also requested a time extension for the approved Restaurant Forgivable Loan (Resolution R04-07); however, the loan agreement has not yet been signed by the applicant. Consequently, the six-month completion window has not yet begun and, therefore, no time extension is necessary for the Forgivable Loan.

RECOMMENDATION

Staff recommends that the aforementioned Ordinance be extended through December 31, 2007. Staff supports this request as it is more desirable to grant the extension than it would be to require the application to go through the grant approval process again.

Staff also recommends a waiver of the first reading of the Ordinance.

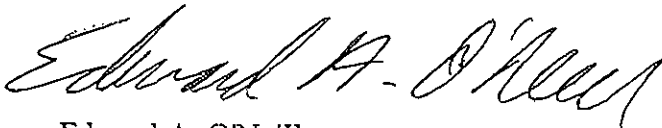
02-07-07

To: Village of Lombard

From: Edward A. O'Neill

Please extend the "Restaurant Forgivable Loan" and the "Fasade Grant" for 14 W St. Charles Rd until December 31st 2007. The Restaurant project continues to move forward.

Sincerely,

A handwritten signature in cursive script that reads "Edward A. O'Neill". The signature is written in dark ink and is positioned above the printed name.

Edward A. O'Neill

ORDINANCE NO. 5883

**AN ORDINANCE AUTHORIZING A DOWNTOWN IMPROVEMENT AND
RENOVATION GRANT FOR THE PROPERTY LOCATED AT
14 W. 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 Downtown Tax Increment Financing (TIF) District to enhance and improve downtown buildings and parking areas (hereinafter referred to as the "Program"); and,

WHEREAS, Wailea Holdings LLC (hereinafter referred to as "Owner"), wishes to participate in the Program so as to renovate the façade of the building located at 14 W. 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 \$50,000 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 14 W. St. Charles Road in accordance with all Village codes and ordinances and obtain any and all necessary licenses and permits required to allow for the service and consumption of alcohol on the premises 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, serving alcohol without the proper licensing and/or permits, 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:

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

SECTION 5: The Owner agrees that this Ordinance shall be recorded against the title to the property located at 14 W. 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.

Ordinance No. _____

14' W. St. Charles Road

Page 3

SECTION 6: A lien is hereby declared against the property described in Exhibit "B" in the amount of \$50,000.00, 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: Wailea Holdings LLC, 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

Ordinance No. _____

14 W. St. Charles Road

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

First reading waived by action of the Board of Trustees this 15th day of June, 2006.

Passed on second reading this 15th day of June, 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

THAT PART OF LOTS 4 AND 5 IN BLOCK 11 IN THE TOWN OF LOMBARD, BEING A SUBDIVISION IN THE NORTHEAST QUARTER 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 (FORMERLY 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 93.55 FEET TO THE POINT OF BEGINNING; 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 ON 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 TO THE POINT OF BEGINNING; THENCE EASTERLY 25.04 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PIN 06-07-206-020

ORDINANCE NO. _____

**AN ORDINANCE GRANTING AN AMENDMENT TO
THE CONDITIONS OF APPROVAL ASSOCIATED WITH ORDINANCE 5883**

(14 W. St. Charles Road – Downtown Improvement and Renovation Grant)

WHEREAS, on June 15, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5883 authorizing a Downtown Improvement and Renovation Grant for the building located at 14 W. St. Charles Road, (hereinafter the “Subject Property”); and

WHEREAS, Condition number 3b of Ordinance 5790 states that the owner of the Subject Property shall:

- 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.

WHEREAS, while the owner has been developing permit plans for the building improvements associated with the Subject Property, the project has not been completed to date and no Certificate of Occupancy has been issued for the Subject Property; and

WHEREAS, the Village has received a letter requesting a time extension associated with Ordinance 5883 as it relates to the aforementioned condition number 3b; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said time extension.

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

SECTION 1: Condition number 3b of Ordinance 5883 is hereby amended and extended and shall read as follows:

- b. Take all reasonable action to assure completion of the Project no later than December 31, 2007. Failure to complete the Project by December 31, 2007 shall result in forfeiture of the Grant.

Ordinance No. _____

Re: O'Neill's Pub Downtown Improvement and Renovation Grant Extension

Page 2

SECTION 2: That all other provisions associated with Ordinance 5883 shall remain in full force and effect.

SECTION 3: This Ordinance is limited and restricted to the property generally located at 14 W. St. Charles Road, Lombard, Illinois and legally described as follows:

THAT PART OF LOTS 4 AND 5 IN BLOCK 11 IN THE TOWN OF LOMBARD, BEING A SUBDIVISION IN THE NORTHEAST QUARTER 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 (FORMERLY 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 93.55 FEET TO THE POINT OF BEGINNING; 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 ON 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 TO THE POINT OF BEGINNING; THENCE EASTERLY 25.04 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PIN 06-07-206-020

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Ordinance No. _____

Re: O'Neill's Pub Downtown Improvement and Renovation Grant Extension

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Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2007.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2007.

Brigitte O'Brien, Village Clerk