

VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5812
www.villageoflombard.org

September 2, 2005

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

CERTIFIED MAIL 7004 2890 0004 5000 1750

Mr. Greg Mihalich
TAP Manager
Illinois Department of Commerce and Economic Opportunity
620 E. Adams Street
Springfield, IL 62701

Dear Mr. Mihalich:

This is to advise you that at its regular meeting of September 1, 2005, the Lombard Board of Trustees formally approved the following motion:

"Motion to reject the Illinois Tourism Attraction Grant from the Illinois Department of Commerce and Economic Opportunity and to reject the Save America's Treasures Grant from the National Park Service, both in relation to the DuPage Theatre and Shoppes, and to direct the Village to advise the State and the National Park Service, in writing, of said formal rejection of grants."

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

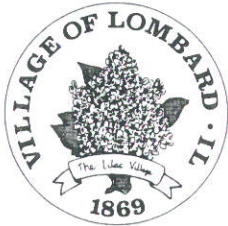
Pursuant to the action of the Lombard Board of Trustees, this letter is to advise you of the formal rejection of the Illinois Tourism Attraction Grant for the DuPage Theatre and Shoppes.

Please feel free to contact me should you have any questions at 630-620-5717 or by e-mail at lichterw@villageoflombard.org.

Sincerely,

William T. Lichter
Village Manager

cc: Village President and Board of Trustees
Ms. Anne Hacker, Illinois Historic Preservation Agency



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Village Manager
William T. Lichter

CERTIFIED MAIL 7004 2890 0004 5000 1767

Mr. Hampton Tucker
Acting Chief, Historic Preservation Grants Division
National Park Service
United States Department of Interior
1849 C Street
Washington, D.C. 20240

Dear Mr. Tucker:

This is to advise you that at its regular meeting of September 1, 2005, the Lombard Board of Trustees formally approved the following motion:

"Motion to reject the Illinois Tourism Attraction Grant from the Illinois Department of Commerce and Economic Opportunity and to reject the Save America's Treasures Grant from the National Park Service, both in relation to the DuPage Theatre and Shoppes, and to direct the Village to advise the State and the National Park Service, in writing, of said formal rejection of grants."

Pursuant to the action of the Lombard Board of Trustees, this letter is to advise you of the formal rejection of the Save America's Treasures Grant for the DuPage Theatre and Shoppes.

Please feel free to contact me should you have any questions at 630-620-5717 or by e-mail at lichterw@villageoflombard.org.

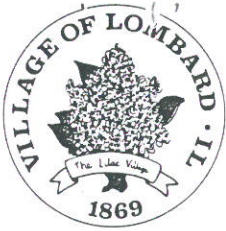
Sincerely,

William T. Lichter
Village Manager

cc: Village President and Board of Trustees
Ms. Anne Hacker, Illinois Historic Preservation Agency

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Village President
William J. Mueller

September 28, 2005

Village Clerk
Brigitte O'Brien

CERTIFIED MAIL 7003 1680 0001 3965 3408

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Rick Soderstrom, Dist. 6

Mr. Hampton Tucker
Acting Chief, Historic Preservation Grants Division
United States Department of the Interior
National Park Service
1849 C Street, N.W.
Washington, D.C. 20240

Village Manager
William T. Lichter

Dear Mr. Tucker:

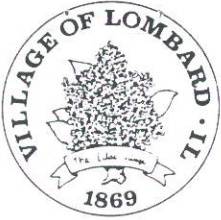
This is to acknowledge receipt of your correspondence dated September 21, 2005 in which you indicate that the National Park Service has reversed its decision to cancel the Save America's Treasures Grant in the amount of \$296,303 for the DuPage Theatre restoration project in the Village of Lombard. In your letter you refer to the DuPage Theatre Foundation as the grantee, and indicate that only the grantee can cancel or refuse the grant. However, given that the Village of Lombard was the grant applicant and continues to be the property owner, Grant Agreement No. 17-04-ML-0019 signed by Mr. Martin Carroll on behalf of the DuPage Theatre Foundation was mistakenly accepted as valid by the National Park Service.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

In that regard, I offer the following information:

- a. The application for the Save America's Treasures grant was filed by the Village of Lombard and signed by Lombard Village Manager William T. Lichter as Authorizing Official on May 15, 2003.
- b. The Project Information Form lists the Village of Lombard as the Sponsor Organization, identifies the Village of Lombard as the property owner of the DuPage Theatre and Shoppes, and indicates that the Village of Lombard will supply the matching funds for the project. The Project Information Form was signed by Leonard Flood, Lombard Director of Finance/Treasurer, as authorized representative of the project sponsor and property owner on December 17, 2003.
- c. Ms. Cynthia Ward, Administrative Director of the DuPage Theatre Foundation, was noted on the Project Information Form only as the project contact. Ms. Ward is not an employee of the Village of Lombard. At no

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Mr. Hampton Tucker
September 28, 2005
Page 2

time during the grant process was she identified as an authorized representative of the grant applicant and property owner – the Village of Lombard.

- d. The National Park Service and DuPage Theatre Foundation entered into Grant Agreement No. 17-04-ML-0019 on March 4, 2004 without approval of the corporate authorities of the Village of Lombard. At no time did the corporate authorities of the Village of Lombard authorize Mr. Martin Carroll to sign the grant agreement.
- e. Based on decisions to date made by the Lombard Board of Trustees, it is clear that the Village will not grant the easements required pursuant to the grant regulations. Accordingly, the DuPage Theatre Foundation will be unable to fulfill the provisions of the grant as specified in the Grant Agreement.
- f. The DuPage Theatre Foundation has no fee title, leasehold, or other interest in the property and has had no interest since April 2005 when the Foundation voluntarily terminated its Agreement with the Village of Lombard rather than have the Board of Trustees take action on a Notice of Termination (correspondence attached).

It is the position of the Village of Lombard, as grant applicant and property owner, that the Village is the only legally established local agency authorized to enter into a grant agreement regarding the Save America's Treasures Grant for the DuPage Theatre and Shoppes. Accordingly, this is to reaffirm the formal rejection by the Lombard Board of Trustees of the Save America's Treasures Grant as indicated in my letter of September 2, 2005.

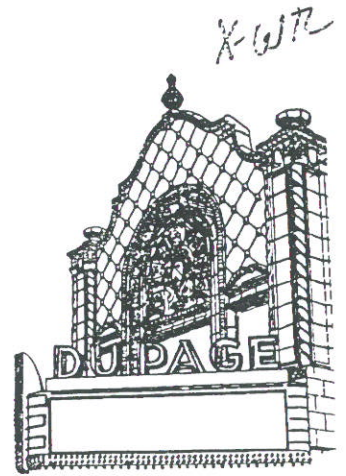
Sincerely,

A handwritten signature in black ink that reads "William T. Lichter".

William T. Lichter
Village Manager

cc: William J. Mueller, Village President
Village of Lombard Board of Trustees
Thomas P. Bayer, Village Attorney

THE DUPAGE THEATRE FOUNDATION



April 11, 2005

Mr. William Mueller
Village President
Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148

Re: Redevelopment Agreement for the DuPage Theatre and Shops

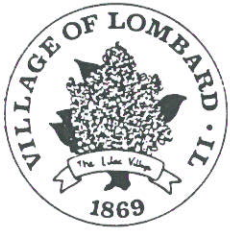
Dear President Mueller:

The DuPage Theatre Foundation, Inc. hereby voluntarily terminates the Redevelopment Agreement for the DuPage Theatre and Shops entered into between the Village of Lombard and the DuPage Theatre Foundation dated June 25, 2003. As I stated in my presentation to the Village Board on April 7, 2005, the Foundation desires to enter into a new redevelopment agreement with the Village of Lombard based on our joint development proposal with RSC Associates. We look forward to working with the Village in restoring the DuPage Theatre.

Sincerely,



Martin B. Carroll



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April 14, 2005

Village President
William J. Mueller

Martin B. Carroll
President
DuPage Theatre Foundation
P.O. Box 273
Lombard, IL 60148

DuPage Theatre Foundation
119 North Main Street
Lombard, Illinois 60148

Martin Carroll
321 North Clark
Suite 3300
Chicago, IL 60610

Trustees

Tyler L. Williams, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

CERTIFIED MAIL 7004 1350 0005 7126 3952/7004 1350 0005 7126 3969/
7004 1350 0005 7126 3976

Re: Redevelopment Agreement for the DuPage Theatre and Shoppes Development Comprising Part of the Downtown T.I.F. District of the Village of Lombard, DuPage County, Illinois, Dated June 25, 2003, Between the Village of Lombard and the DuPage Theatre Foundation

Village Manager
William T. Lichter

Dear Mr. Carroll:

As you know, on January 3, 2005, the Village of Lombard served a Notice of Default on the DuPage Theatre Foundation pursuant to Section VII of the above-captioned Agreement. As of the end of the sixty (60) day cure period (March 4, 2005) the identified default had not been cured. At the April 7, 2005 Lombard Village Board meeting, the DuPage Theatre Foundation made a presentation relative to an alternate redevelopment proposal in regard to the DuPage Theatre and Shoppes. At that time, you represented to the Village Board that, rather than having the Village Board take action on a Notice of Termination relative to the above-captioned Agreement, the DuPage Theatre Foundation would voluntarily terminate the above-captioned Agreement, pursuant to a written correspondence to be forwarded to the Village. Based upon said representation, the Village Board took no action in regard to a Notice of Termination relative to the above-captioned Agreement. The Village Board did, however, authorize the Village staff to agree to the voluntary termination of the above-captioned Agreement in the event that a written voluntary termination notice was received from the DuPage Theatre Foundation.

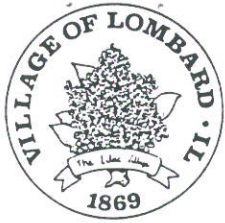
"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

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Based on the foregoing, this letter will confirm the receipt by the Village of the written notice, dated April 11, 2005 and executed by you on behalf of the DuPage Theatre Foundation, pursuant to which the DuPage Theatre Foundation has indicated to the Village its desire to voluntarily terminate the above-captioned Agreement. In light of the foregoing and the action taken by the Village Board on April 7, 2005, please be advised that the Village hereby consents to the voluntary termination of the above-captioned Agreement, with said Agreement to be deemed null and void as of the date hereof.

With the voluntary termination of the above-captioned Agreement, I would request that the DuPage Theatre Foundation take the following action:

1. Return all keys relative to the DuPage Theatre and Shoppes to the Village Manager;
2. Provide a final accounting, relative to the expenditure of all funds provided to the DuPage Theatre Foundation by the Village, to the Village's Finance Director; and



Mr. Martin Carroll
April 14, 2005
Page 2

3. Advise all vendors and consultants, that the DuPage Theatre Foundation has been working with, of the voluntary termination of the above-captioned Agreement.

Finally, in regard to the DuPage Theatre Foundation's request to enter into a new redevelopment agreement, based upon the presentation made at the April 7, 2005 Village Board meeting, please be advised that said request is noted, and will be addressed at a future date by the Village Board. At such time as said future date is determined, you will be advised of the date by Village staff.

Sincerely,

William J. Mueller, Village President

Cc: Village Board of Trustees
William T. Lichter, Village Manager
Thomas P. Bayer, Village Attorney