

**MEMORANDUM**

TO: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

DATE: August 23, 2012

SUBJECT: PC 12-13: 401 E. North Avenue

The subject property is currently vacant and the petitioner is proposing to develop a multi-tenant commercial center which includes a Dunkin Donuts with a drive through. The Plan Commission recommended approval of this petition at their July 16, 2012 meeting and it was scheduled for first reading on the August 23, 2012 Board of Trustees meeting agenda.

The petitioner is requesting that this petition be continued to the September 6, 2012 Board of Trustees meeting in order to finalize a companion Sales Tax Agreement (see attached e-mail). This continuance would allow the zoning actions as well as the Sales Tax Agreement to be considered concurrently. The petitioner will be requesting a waiver of first reading at that time.

Recommendation:

That the Village Board of Trustees continue all actions associated with PC 12-13 to the September 6, 2012 meeting.

Downer, Janet

From: Stilling, Christopher
Sent: Wednesday, August 08, 2012 9:31 AM
To: Heniff, William
Cc: Downer, Janet
Subject: FW: Agreement
Attachments: Sales Tax Agreement 882012.docx; Force Majeure.doc

Below, Mike Mallon requests the continuance and a waiver of first for the 9/6 BOT Meeting

Christopher Stilling, AICP
Assistant Director of Community Development
Village of Lombard
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stillingc@villageoflombard.org

From: Mike Mallon [<mailto:mike.mallon@malloninc.com>]
Sent: Wednesday, August 08, 2012 9:23 AM
To: Stilling, Christopher
Subject: RE: Agreement

Chris-

Per our conversation, please find our changes to the proposed sales tax agreement for the North & Grace project. I have also included the proposed language for "Force Majeure". I would appreciate this matter be continued if necessary to the September 6th Village Board meeting so that the ordinance approving the zoning and the sales tax agreement could be approved at the same time. Please have the board consider waiving first reading so that the matter could be reviewed and approved at the same meeting. As you are aware, our waiver of due diligence needs to be satisfied by September 7th.

Your assistance in this matter would be greatly appreciated.

Please do not hesitate to contact me if you have any questions.

Michael Mallon
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