

**ORDINANCE. NO 6088**

**AN ORDINANCE AUTHORIZING A DOWNTOWN FAÇADE  
IMPROVEMENT GRANT FOR THE PROPERTY LOCATED AT  
524 E. ST. CHARLES PLACE**

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, Jeffrey Weinberg (hereinafter referred to as "Owner"), wishes to participate in this program for façade renovation for the building located at 524 E. St. Charles Road, Lombard, Illinois; 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 up to \$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 Applicant and Owner of 524 E. St. Charles Road agree that the project will be performed in accordance with the Pre-Application dated May 31, 2007 and attached as Exhibit "A," Building Plans prepared by Randy B. Pruyn, dated December 14, 2005 (last revised March 1, 2007) and attached as Exhibit "B," and the project cost estimate, attached hereto as Exhibit "C."

**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 524 E. St. Charles Place Avenue 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:

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

**SECTION 5:** The Owner agrees that this Ordinance shall be recorded against the title to the property located at 524 E. St. Charles Place said property being legally described in Exhibit "D" 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.

**SECTION 6:** A lien is hereby declared against the property described in Exhibit "B" in the amount of up to \$50,000, 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:** Jeffrey Weinberg, being the legal title holder of the property described in Exhibit "D", hereby acknowledges that he has 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 "D" with the lien set forth in Section 6 above.

\_\_\_\_\_  
Jeffrey Weinberg, Owner

SUBSCRIBED and SWORN to  
before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

\_\_\_\_\_  
NOTARY PUBLIC

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2007.

First reading waived by action of the Board of Trustees this 4<sup>th</sup> day of October, 2007.

Passed on second reading this 4<sup>th</sup> day of October, 2007.

Ayes: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick and Soderstrom

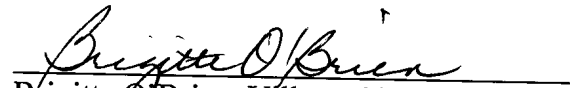
Nayes: None

Absent: None

Approved this 4<sup>th</sup> day of October, 2007.

  
\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

  
\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

## EXHIBIT D – LEGAL DESCRIPTION OF PROPERTY

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH LINE OF ST. CHARLES ROAD (NOW KNOWN AS ST. CHARLES PLACE) WHICH IS 726.1 FEET EAST OF THE EAST LINE OF GRACE STREET FOR A POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF THE HIGHWAY (NOW KNOWN AS EAST ST. CHARLES ROAD), MAKING AN ANGLE OF 26 DEGREES 2 MINUTES WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE FOR A DISTANCE OF 220.3 FEET TO AN IRON STAKE; WHICH IS ON THE SOUTH RIGHT OF WAY OF CHICAGO GREAT WESTERN RAILROAD; THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF SAID RAILROAD FOR A DISTANCE OF 138.2 FEET TO A STAKE; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 75 DEGREES 26 MINUTES TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 62.6 FEET TO A STAKE ON THE NORTH LINE OF ST. CHARLES ROAD (NOW KNOWN AS ST. CHARLES PLACE); THENCE SOUTHWESTERLY ALONG THE NORTH LINE OF ST. CHARLES ROAD (NOW KNOWN AS ST. CHARLES PLACE) A DISTANCE OF 331.3 FEET, TO THE POINT OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 06-05-427-001