

ORDINANCE. NO. 6041

**AN ORDINANCE AUTHORIZING A DOWNTOWN IMPROVEMENT
AND RENOVATION GRANT AND AN INTEREST FREE LOAN
RELATIVE TO THE PAVING OF THE PARKING LOT FOR
THE PROPERTY LOCATED AT 21-25 WEST ST. CHARLES ROAD**

WHEREAS, the Village controls the disbursement of funds relative to the Downtown Improvement and Renovation Grant Program under the provisions of Sections 36.30 through 36.36 of the Lombard Village Code, 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, West Suburban Bank Trust No. 8927, (hereinafter referred to as “Owner”), wishes to participate in the Program so as to have the parking lot associated with the property located at 21-25 W. St. Charles Road, Lombard, Illinois, and as legally described on Exhibit “A” attached hereto and made part hereof (hereinafter referred to as the “Subject Property”), paved (hereinafter referred to as the “Owner Project”); and

WHEREAS, the Village is going to be paving parking areas under the jurisdiction of the Village which are adjacent to the Subject Property (hereinafter referred to as the “Village Project”); and

WHEREAS, the Village has offered to include the Owner Project as part of the Village Project, provided the Owner authorizes the Village to enter upon the Subject Property for purposes of proceeding with the Owner Project; and

WHEREAS, the Owner has agreed to allow the Village to include the Owner Project as part of the Village Project, and enter upon the Subject Property for purposes of

performing the paving work contemplated by the Owner Project, subject to the Owner receiving financial assistance, in addition to the assistance provided under the Program, relative to paying for the Owner Project; and

WHEREAS, the Owner 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 recitals set forth above are incorporated herein by reference as if set forth fully herein.

SECTION 2: That the Village shall provide Owner with a grant of \$30,177.20 pursuant to the Program (hereinafter referred to as the "Grant"), to be used by the Village in proceeding with the Owner Project as part of the Village Project.

SECTION 3: That the Village shall provide the Owner with an interest free loan, in the amount of \$30,177.20, (hereinafter referred to as the "Loan"), to be used by the Village in proceeding with the Owner Project as part of the Village Project.

SECTION 4: That the Owner Project will be performed in accordance with the Owner Project plans and cost estimate, attached hereto as Exhibit "B" and made part hereof.

SECTION 5: That the Village will undertake the following in connection with the Owner 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 Owner Project within six (6) months from the date of the adoption of this Ordinance.
- C. Allow inspection of the Owner Project by authorized agents or employees of the Owner to assure compliance with applicable building codes of the Village.
- D. Maintain the financial records that pertain to the Owner Project, and allow access thereto by authorized agents or employees of the Owner. At a minimum, all contracts, change orders, bills, invoices, receipts, cancelled checks and partial and final waivers of liens shall be maintained and made available to the authorized agents or employees of the Owner.
- E. Submit copies of all final waivers of lien, cancelled checks and invoices related to the Owner Project to the Owner.

SECTION 6: That the Owner hereby grants, releases, conveys, assigns and quit claims to the Village a temporary easement and right-of-way for the full and free right, privilege and authority to clear, trench for, construct, install and inspect the Owner Project in, on, upon, over, through, across the parking lot portion of the Subject Property, for a period of six (6) months from the date of this Ordinance (hereinafter referred to as the “Temporary Easement”).

SECTION 7: The Owner agrees to maintain the Subject Property in accordance with all Village codes and ordinances and agrees not to substantially change the use of the Subject Property for a period of three (3) years from the date of this Ordinance. Failure to maintain the Subject Property in accordance with all Village codes and ordinances, changing the use of the Subject Property 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 shall obligate the Owner to make pro rated repayment of the Grant received by the Owner to the Village based on the following formula:

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

SECTION 8: A lien is hereby declared against the Subject Property in the amount of \$30,177.20, relative to the Grant, subject to said lien being released, upon the Owner’s compliance with the terms and conditions of Section 7 of this Ordinance (hereinafter referred to as the “Grant Lien”). In the event of any such release, whether at the end of the three (3) year period referenced in Section 7 above, or sooner upon the payment by Owner of the Repayment Amount as referenced in Section 7 above, the Village shall record a release of lien document, with the DuPage County Recorder of Deeds, to evidence same.

SECTION 9: A lien is hereby declared against the Subject Property in the amount of \$30,177.20, relative to the Loan, subject to said lien being released, upon the Owner’s repayment of the Loan, whether as a result of the sale of the Subject Property or as a result of an earlier payment (hereinafter referred to as the “Loan Lien”). In the event of any such release, the Village shall record a release of lien document, with the DuPage County Recorder of Deeds, to evidence same.

SECTION 10: The Owner agrees that this Ordinance shall be recorded against the title to the Subject Property, to serve as notice upon future purchasers, assigns, estate representatives, successors and all other interested persons of the terms and conditions outlined in this Ordinance, and applicable to the Grant and the Loan.

SECTION 11: West Suburban Bank Trust No. 8927, being the legal title holder(s) of the Subject Property, hereby acknowledge(s) that he/she/they/it has/have

read the terms and conditions applicable to the receipt of the Grant and the Loan, and the Village's construction of the Owner Project, as set forth in this Ordinance, and agree to be bound thereby, and to bind the Subject Property with the Grant Lien, the Loan Lien and the Temporary Easement, and in evidence thereof have executed this Ordinance as set forth below:

OWNER

By: _____

Name: _____

Title: _____

Attest:

Name: _____

Title: _____

Address

SUBSCRIBED AND SWORN TO
before me this ____ day of
_____, 2007.

Notary Public

OWNER

By: _____

Name: _____

Title: _____

Attest:

Name: _____

Title: _____

Address

SUBSCRIBED AND SWORN TO
before me this ____ day of
_____, 2007.

Notary Public

SECTION 12: That is Ordinance shall be in full force and effect from and after its passage, approval and the execution thereof by the Owner.

Passed on first reading this 3rd day of May, 2007.

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

Passed on second reading this 17th day of May, 2007, pursuant to a roll call vote as follows:

AYES: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick & Soderstrom

NAYS: None

ABSENT: None

Approved by me this 17th day of May, 2007.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Exhibit "A"

Legal Description of Subject Property

THE WEST 49.95 FEET MEASURED ON THE NORTH LOT LINE AND THE WEST 48.32 FEET MEASURED ON THE SOUTH LOT LINE OF LOT 2 IN OWNER'S SUBDIVISION OF BLOCK 18 OF THE ORIGINAL TOWN OF LOMBARD, EXCEPT FOR THE SOUTHERNMOST 10 FEET OF SAID LOT 2, BEING A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 111637 IN DUPAGE COUNTY, ILLINOIS;

P.I.N.: 06-07-210-005;

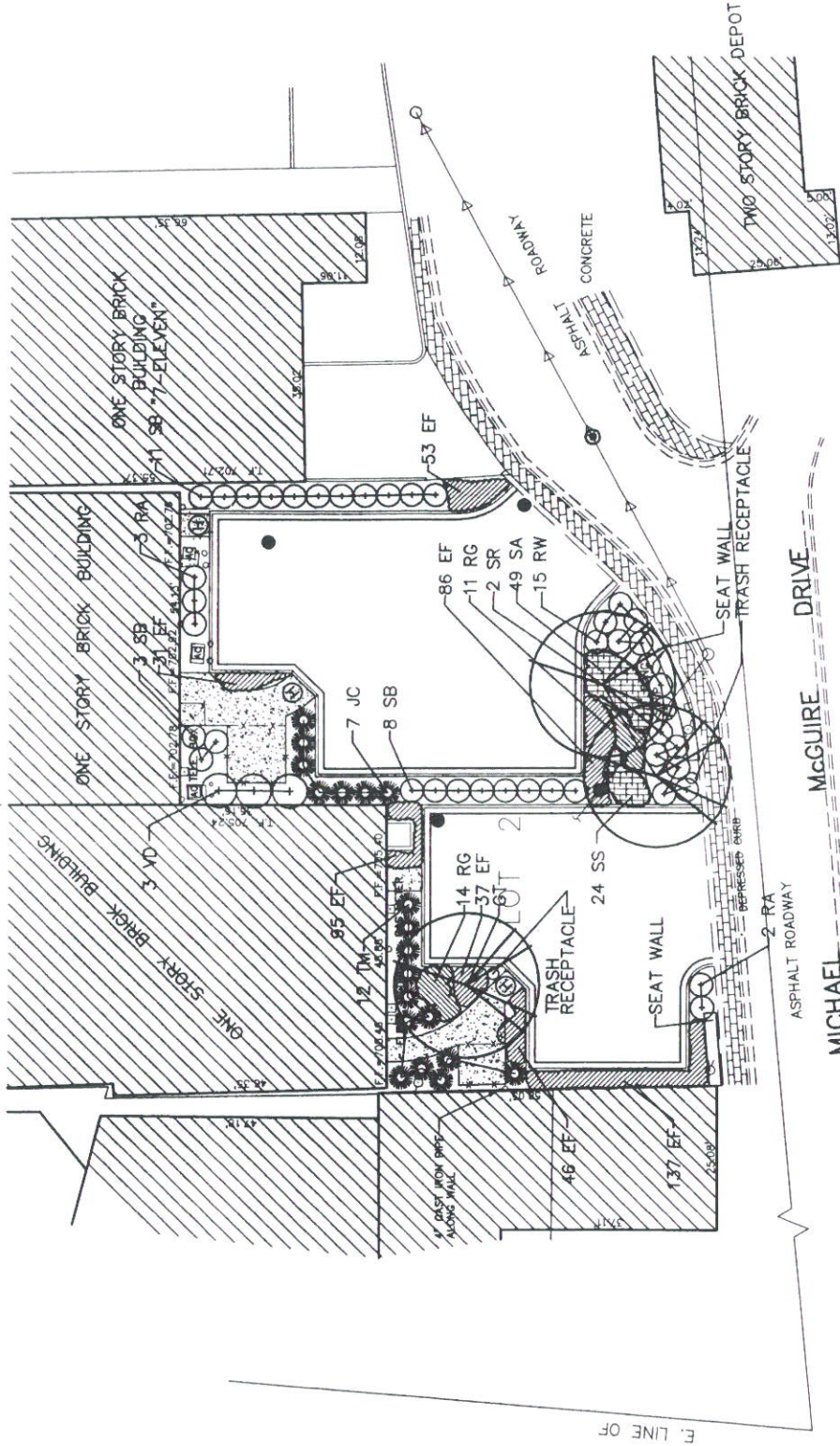
COMMON ADDRESS: 21-25 West St. Charles Road, Lombard, Illinois.

Exhibit “B”

Owner Project Plans and Cost Estimate

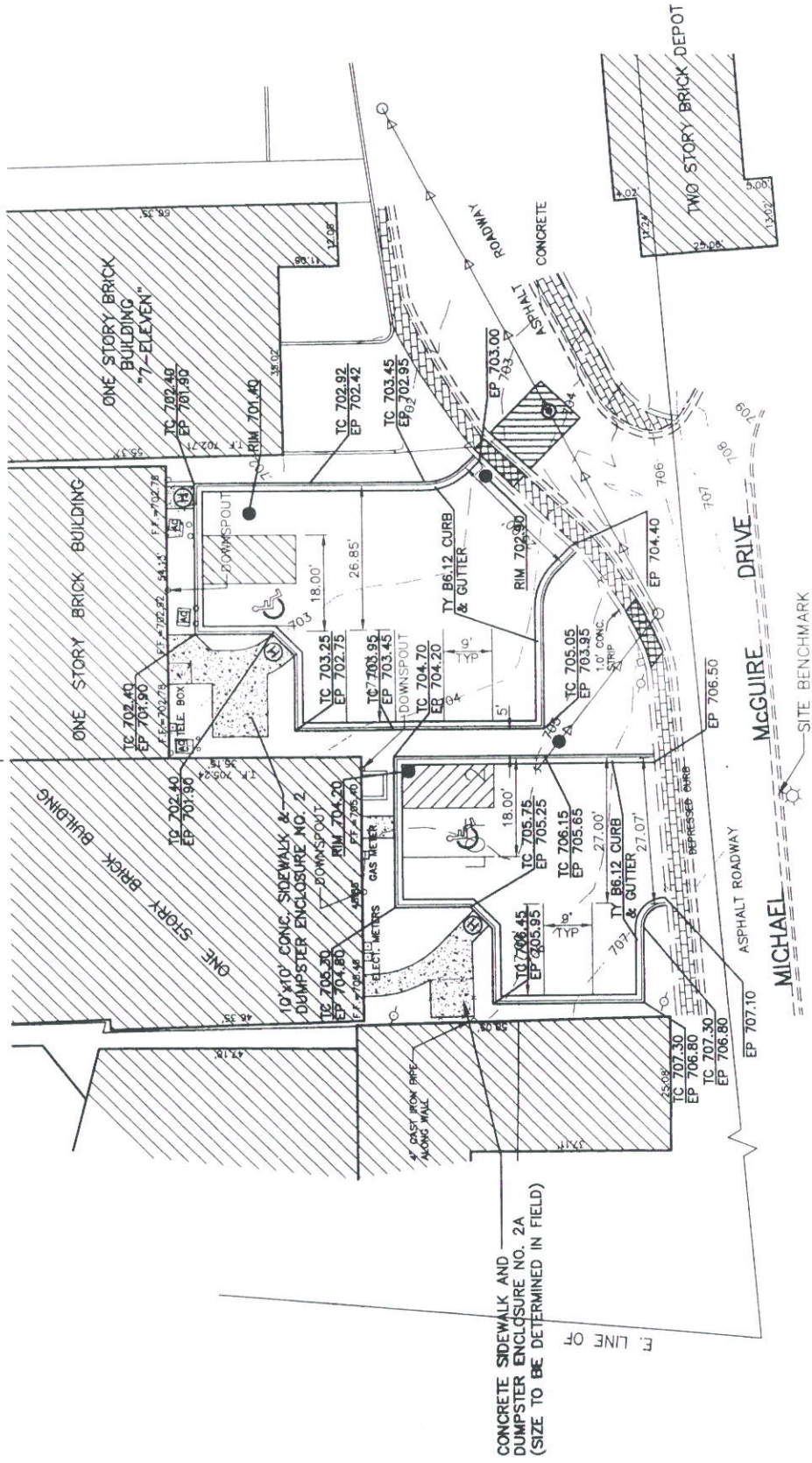
(attached)

ALTERNATE 1 ALTERNATE 2



CHICAGO AND NORTHWESTERN RAILWAY

ALTERNATE 1 ALTERNATE 2

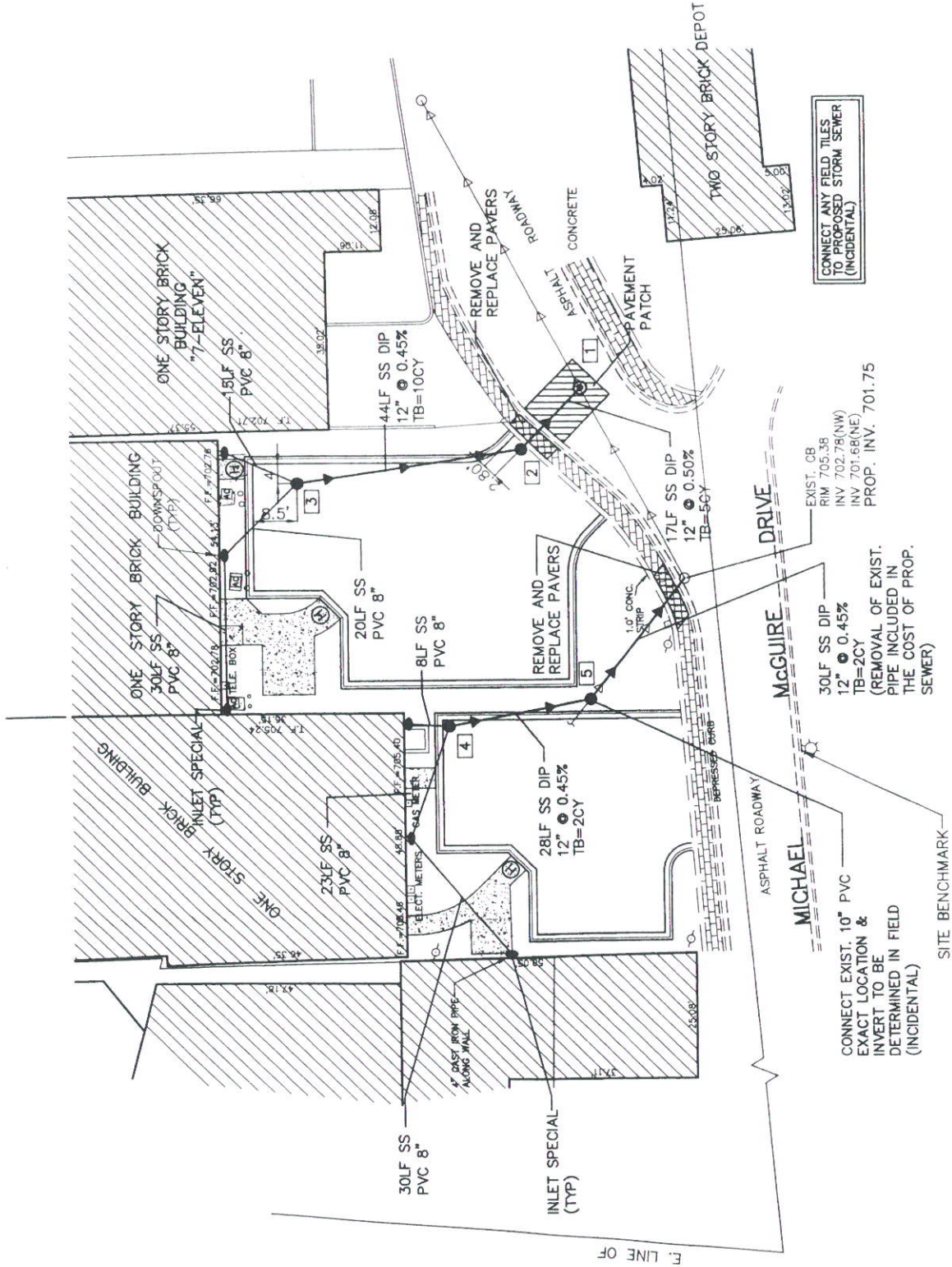


GEOMETRY AND GRADING PLAN
 1"=20'

ALTERNATE 1 ALTERNATE 2

CONCRETE SIDEWALK AND
 DUMPSTER ENCLASURE NO. 2A
 (SIZE TO BE DETERMINED IN FIELD)

F. LINE OF



CONNECT ANY FIELD TILES TO PROPOSED STORM SEWER (INCIDENTAL)

EXIST. CB
RIM 705.36
INV 702.78(NW)
INV 701.68(NE)
PROP. INV. 701.75

30LF SS DIP
12" @ 0.45%
TB=2CY
(REMOVAL OF EXIST. PIPE INCLUDED IN THE COST OF PROP. SEWER)

CONNECT EXIST. 10" PVC EXACT LOCATION & INVERT TO BE DETERMINED IN FIELD (INCIDENTAL)

UTILITY PLAN
1"=20'

PROJECT FILE NAME: ORCHARD TERRACE PARKING LOT

PROJECT NO.: M-07-07

DATE: Wednesday, March 07, 2007

TIME: 11:00 AM

TABULATED BY:

NO	ITEM	DESCRIPTION	QUAN	UNIT	ENGINEER'S ESTIMATE		Chicagoland Paving		Alliance Contractors Inc.	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
Alternate 2										
1	20101000	TEMPORARY FENCE	20	FOOT	\$8.00	\$160.00	1.50	\$30.00	15.00	\$300.00
2	20200100	EARTH EXCAVATION	145	CU YD	\$30.00	\$4,350.00	40.00	\$5,800.00	94.00	\$13,630.00
3	20201200	REM & DISP UNS MATL	35	CU YD	\$35.00	\$1,225.00	40.00	\$1,400.00	71.50	\$2,502.50
4	20700420	POROUS GRAN EMB, SUBGR	35	CU YD	\$45.00	\$1,575.00	30.00	\$1,050.00	26.50	\$927.50
5	20800250	TRENCH BACKFILL SPL	15	CU YD	\$50.00	\$750.00	87.55	\$1,313.25	32.00	\$480.00
6	21001000	GEOTECH FAB F/GR STAB	210	SQ YD	\$3.00	\$630.00	1.00	\$210.00	2.00	\$420.00
7	21300010	EXPLOR TRENCH SPL	50	SQ FT	\$4.00	\$200.00	75.00	\$3,750.00	2.40	\$120.00
8	28000400	PERIMETER EROS BAR	50	FOOT	\$3.00	\$150.00	3.00	\$150.00	4.00	\$200.00
9	31101200	SUB GRAN MAT B 4	53	SQ YD	\$6.00	\$318.00	10.00	\$530.00	4.10	\$217.30
10	35102200	AGG BASE CSE B 10	210	SQ YD	\$15.00	\$3,150.00	20.00	\$4,200.00	22.85	\$4,798.50
11	40300100	BIT MATLS PR CT	21	GAL	\$8.00	\$168.00	5.00	\$105.00	7.00	\$147.00
12	40603080	HMA BC IL-19.0 N50	28	TON	\$105.00	\$2,940.00	100.00	\$2,800.00	180.00	\$5,040.00
13	40603310	HMA SC "C" N50	22	TON	\$115.00	\$2,530.00	100.00	\$2,200.00	180.00	\$3,960.00
14	42400430	PC CONC SIDEWALK 5 SPL	216	SQ FT	\$7.00	\$1,512.00	10.60	\$2,289.60	6.40	\$1,382.40
15	42400800	DETECTABLE WARNINGS	16	SQ FT	\$25.00	\$400.00	31.80	\$508.80	28.80	\$460.80
16	60234200	INLETS TA T1F OL	1	EACH	\$1,000.00	\$1,000.00	1,020.00	\$1,020.00	1,090.00	\$1,090.00
17	60240210	INLETS TB T1F OL	1	EACH	\$1,250.00	\$1,250.00	1,532.00	\$1,532.00	1,285.00	\$1,285.00
18	60603800	COMB CC&G TB6.12	190	FOOT	\$23.00	\$4,370.00	26.50	\$5,035.00	26.35	\$5,006.50
19	70101800	TRAF CONT & PROT SPL	1	EACH	\$2,000.00	\$2,000.00	265.00	\$265.00	2,680.00	\$2,680.00
20	72000100	SIGN PANEL T1	2	SQ FT	\$25.00	\$50.00	22.25	\$44.50	21.00	\$42.00
21	72900100	METAL POST TY A	13	FOOT	\$10.00	\$130.00	11.00	\$143.00	11.00	\$143.00
22	78001100	PT PVT MK LTRS & SYMB	5	SQ FT	\$10.00	\$50.00	9.55	\$47.75	9.00	\$45.00
23	78001110	PAINT PVT MK LINE 4	158	FOOT	\$2.00	\$316.00	1.70	\$268.60	9.50	\$1,501.00
24	XX006203	SS PVC SDR-26 8	61	FOOT	\$70.00	\$4,270.00	41.00	\$2,501.00	87.00	\$5,307.00
25	XX006283	SS D I T2 12	58	FOOT	\$60.00	\$3,480.00	70.30	\$4,077.40	112.00	\$6,496.00
26	Z0000990	AGG FOR TEMP ACCESS	5	TON	\$50.00	\$250.00	50.00	\$250.00	16.00	\$80.00
27		STORM SEWER CLEAN OUT	1	EACH	\$500.00	\$500.00	1,050.00	\$1,050.00	1,150.00	\$1,150.00
28		INLET, SPECIAL	3	EACH	\$750.00	\$2,250.00	960.00	\$2,880.00	1,085.00	\$3,255.00
29		FILTER	2	EACH	\$200.00	\$400.00	100.00	\$200.00	145.00	\$290.00
30		FILTER CLEANING	2	EACH	\$150.00	\$300.00	100.00	\$200.00	60.00	\$120.00
31		PRECONST VID TAP	1	EACH	\$500.00	\$500.00	345.00	\$345.00	275.00	\$275.00
32		DUMPSTER ENCLOSURE FENCE	24	FOOT	\$125.00	\$3,000.00	115.00	\$2,760.00	123.00	\$2,952.00
33		DUMPSTER ENCLOSURE GATE (DOUBLE SWING)	1	EACH	\$1,500.00	\$1,500.00	1,266.00	\$1,266.00	1,029.00	\$1,029.00

PROJECT FILE NAME: ORCHARD TERRACE PARKING LOT

PROJECT NO.: M-07-07

DATE: Wednesday, March 07, 2007

TIME: 11:00 AM

TABULATED BY:

NO	ITEM	DESCRIPTION	QUAN	UNIT	ENGINEER'S ESTIMATE		Chicagoland Paving 225 Teiser Road Lake Zurich, IL 60047		Alliance Contractors Inc. 1166 Lake Avenue Woodstock, IL 60098	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
34		REMOVE AND REINSTALL BRICK PAVERS	30	SQ FT	\$40.00	\$1,200.00	50.00	\$1,500.00	21.25	\$637.50
35		CONCRETE EDGING, 12"	15	FOOT	\$15.00	\$225.00	26.50	\$397.50	24.75	\$371.25
36		SKYLINE HONEYLOCUST, 2 1/2" CAL.	1	EACH	\$410.00	\$410.00	450.00	\$450.00	600.00	\$600.00
37		IVORY SILK JAPANESE TREE LILAC, 2 1/2" CAL.	1	EACH	\$410.00	\$410.00	600.00	\$600.00	600.00	\$600.00
38		GRO LO SUMAC, 24" WIDE	2	EACH	\$44.00	\$88.00	50.00	\$100.00	75.00	\$150.00
39		WHITE MEIDILAND SHRUB ROSE, 24" WIDE	7	EACH	\$44.00	\$308.00	40.00	\$280.00	50.00	\$350.00
40		ANTHONY WATERER SPIREA, 24" WIDE	8	EACH	\$44.00	\$352.00	40.00	\$320.00	50.00	\$400.00
41		DENSIFORMIS YEW, 24" WIDE	12	EACH	\$82.00	\$984.00	100.00	\$1,200.00	85.00	\$1,020.00
42		BLACK EYED SUSAN, 1 GAL.	14	EACH	\$13.00	\$182.00	20.00	\$280.00	20.00	\$280.00
43		EAST FRIESLAND SAGE, 1 GAL.	12	EACH	\$15.00	\$180.00	20.00	\$240.00	15.00	\$180.00
44		PURPLELEAF WINTERCREEPER, 1 QUART	315	EACH	\$5.00	\$1,575.00	6.00	\$1,890.00	2.00	\$630.00
45		MULCH	5	CU YD	\$60.00	\$300.00	75.00	\$375.00	85.00	\$425.00
46		TRASH RECEPTACLES AND FOUNDATION	1	EACH	\$1,250.00	\$1,250.00	2,500.00	\$2,500.00	1,850.00	\$1,850.00
TOTAL ALTERNATE 3					AS READ:		AS CORRECTED:			
					\$53,138.00		\$60,354.40		\$74,826.25	
									\$74,826.25	



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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: April 24, 2007 (B of T) Date: May 3, 2007

TITLE: 21-25 W. St. Charles Road

SUBMITTED BY: The Department of Community Development *[Signature]*

BACKGROUND/POLICY IMPLICATIONS:

The Economic & Community Development Committee through the Department of Community Development transmits for your consideration a recommendation for a Downtown Improvement and Renovation Grant in the amount of \$30,177.20 and an Interest Free Loan in the amount of \$30,177.20 relative to the paving of the parking lot for the property located at 21-25 W. St. Charles Road. (DISTRICT #1)

Please note that while this request was approved by the ECDC back in 2003 the property owner has now agreed to move forward with the project.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X _____	Date _____

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.