

RESOLUTION _____ 06

A RESOLUTION AUTHORIZING SIGNATURES OF VILLAGE MANAGER AND DIRECTOR OF COMMUNITY DEVELOPMENT ON AN AGREEMENT AUTHORIZING THE REIMBURSEMENT OF FUNDS FOR A DOWNTOWN RETAIL BUSINESS GRANT FOR THE PROPERTY LOCATED AT 104 W. ST. CHARLES ROAD

WHEREAS, the Village is an agent for disbursement of funds for the Downtown Downtown Retail Business 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 and the Lombard St. Charles TIF 1 West District to increase the economic viability of Downtown Lombard by attracting targeted retail businesses and assisting existing businesses (hereinafter referred to as the “Program”); and,

WHEREAS, Bill and Donna Wilson (hereinafter referred to as “Owner”), wishes to participate in the Program for renovation of the tenant space located at 104 W. St. Charles Road, Lombard, Illinois as Brix WoodFired Pizza (hereinafter referred to as the “Project”); and,

WHEREAS, the Project will complement and support the Village’s plans to maintain a quality Downtown;

NOW, THEREFORE, BE IT RESOLVED 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 in an amount not to exceed \$20,000 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 submitted plans by Barker/Nestor Architecture + Design, dated September 14, 2005, attached as Exhibit “A” and made a part hereof, and the Business Plan and Project costs attached as Exhibit “B”.

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 execution of this Agreement. 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 104 W. St. Charles Road 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 Agreement.

SECTION 5: The Owner agrees that this Agreement may be duly recorded against the property located at 104 W. St. Charles Road to serve notice upon future purchasers, assigns, estate representatives, successors, mortgages, and all other interested persons of the conditions outlined in this Agreement.

SECTION 6: The Village may suspend or terminate this Agreement if the Owner fails to comply with any of the terms of this Agreement. In the event of suspension or termination, the Business Owner shall be required to repay any amount of the grant disbursed.

SECTION 7: That the Village Manager be and hereby is authorized to sign on behalf of the Village of Lombard said document as attached hereto.

Resolution No. _____

104 W. St. Charles Rd.

Page 3

SECTION 8: That the Director of Community Development be and hereby is authorized to attest said agreement as attached hereto.

Adopted this ____ day of _____, 2005.

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____ day of _____, 2005.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk