

RESOLUTION
R 69-16

A RESOLUTION APPROVING A DOWNTOWN IMPROVEMENT AND RENOVATION
GRANT FOR THE PROPERTY COMMONLY KNOWN AS
104-106 E. ST. CHARLES ROAD

WHEREAS, the Village disburses funds for the Downtown Improvement and Renovation Grant Program (the "Program") under the authority of the Village Board of Trustees, and will provide monetary grants to qualified property owners in the Lombard Tax Increment Financing (TIF) Downtown District to enhance and improve buildings and parking areas; and,

WHEREAS, Luxica LLC (the "Applicant"), wish to participate in this Program for façade renovations to the building (the "Project") located at 104-106 E. St. Charles Road, Lombard, Illinois (the "Subject Property") and,

WHEREAS, the Applicant is also the owner of 104-106 E. St. Charles Road, Lombard, Illinois; and,

WHEREAS, the Project shall consist of those renovations to the façade of the building on the Subject Property, legally described in Exhibit "A" attached hereto and made part hereof; and,

WHEREAS, the Project will complement and support the Village's plans to maintain a quality Central Business District;

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 the Applicant a grant of up to forty-four thousand, one hundred and seventy-five and 00/100 dollars (\$44,175.00), pursuant to the Program (the "Grant"). Such grant funds shall be available to the Applicants upon the authorization of the Village's Director of Community Development, after receipt of satisfactory evidence that the project components have been completed, and that the Applicants have paid all invoices for labor and materials in connection therewith.

SECTION 2: The Applicants, as well as any subsequent business or property owner, will perform the following obligations in connection with the Project:

- a. Permits must be applied for and received for all of the work.
- b. Before the grant can be paid out, the applicant will submit a final receipt (showing the project is paid in full), waivers of lien from the contractors, and an IRS W-9 (provided by staff).
- c. That the applicant/property owner shall not apply for a vacancy exemption from the York Township Assessor.
- d. Work must be complete one year from the date of approval by the Village Board of Trustees.

SECTION 3: The Applicants, and any subsequent business or property owner, shall be required to maintain the Property in accordance with all Village codes and ordinances, and obtain any and all necessary licenses and permits required relative thereto.

SECTION 4: That the Downtown Improvement and Renovation Grant Program Agreement, relative to the Project, attached hereto as Exhibit "B" and made part hereof is hereby approved (the "Agreement")

SECTION 5: The Village may terminate the Agreement if the Applicant, or any subsequent business or property owner, fails to comply with any of the terms of the Agreement. In the event of termination, the Applicant shall be required to repay any amount of the Grant disbursed.

SECTION 6: That the Village President and Village Clerk are hereby authorized and directed to sign, on behalf of the Village of Lombard, the Agreement attached hereto as Exhibit "B".

Adopted this 20th day of October, 2016.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: None

Approved this 20th day of October, 2016.


Keith T. Giagnorio
Village President

ATTEST:



Sharon Kuderna
Village Clerk

EXHIBIT A

Legal Description

LOT 9 AND THE WEST 2 FEET OF LOT 8, IN BLOCK 18 IN H.O. STONE AND CO'S ADDITION TO LOMBARD, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 5 AND PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179463, IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 06-08-103-010; (the "Subject Property").

EXHIBIT B

DOWNTOWN IMPROVEMENT AND RENOVATION GRANT PROGRAM AGREEMENT

This Agreement is entered into this twentieth day of October, 2016, by and between the Village of Lombard, Illinois, (hereinafter referred to as the "Village"), and Luxica LLC (hereinafter referred to as "Applicant") doing business at 104 E. St. Charles Road, Lombard, Illinois (said location being legally described on Exhibit "1" attached hereto and made part hereof – hereinafter referred to as the "Subject Property"), with personal property being secured at 104 E. St. Charles Road, Lombard, Illinois. The Village and the Applicants are sometimes referred to herein collectively as the "Parties."

WITNESSETH

WHEREAS, the Village, pursuant to Sections 36.30 through 36.36 of the Lombard Village Code, has established a Downtown Improvement and Renovation Grant Program (hereinafter referred to as the "Program") and, as such, will provide grants to qualified business owners and property owners in the Eligible TIF Districts (as said term is defined in Section 36.31 of the Lombard Village Code) for exterior renovations; and

WHEREAS, the Program compliments and supports the Village's plans to maintain a quality Central Business District; and

WHEREAS, exterior renovations are desirable within the Central Business District and contribute to an economically strong Central Business District; a commercial area where the image, appearance, and environment encourage the attraction of shoppers; and

WHEREAS, the Applicants wish to participate in this Program for proposed exterior renovations to be located at 104-106 E. St. Charles Road, Lombard, Illinois; Program Application No.: 16-02; with said exterior renovations being more specifically described in Exhibit "2" attached hereto and made part hereof (hereinafter referred to as the "Project");

NOW, THEREFORE, in consideration of the foregoing, and other good and valuable consideration, the receipt of which is hereby acknowledged by the Parties hereto, the Parties agree as follows:

SECTION 1: The Village shall provide the Applicants with a grant under the Program in an amount not to exceed forty-four thousand, one hundred and seventy-five and 00/100 dollars (\$44,175.00), (hereinafter referred to as the "Grant"). Such Grant shall be available to the Applicants upon the authorization of the Village's Director of Community Development, and after the Applicants has constructed the Project, and complied with the provisions of this Agreement and Sections 36.30 through 36.36 of the Lombard Village Code, as well as paid for the Project. The maximum amount of the Grant, as set forth above, is based upon the Applicants expending no less than eighty-eight thousand, three hundred and fifty and 00/100 dollars (\$88,350.00) in relation to the Project. In the event that the Applicants' expenditures for the Project are less, the Grant shall be

reduced such that the maximum amount of the Grant shall not exceed fifty percent (50%) of the amount expended by the Applicants in relation to the Project.

SECTION 2: The Applicants shall undertake the following in connection with the Project:

- a. Permits must be applied for and received for all of the work.
- b. Before the grant can be paid out, the applicant will submit a final receipt (showing the project is paid in full), waivers of lien from the contractors, and an IRS W-9 (provided by staff).
- c. That the applicant/property owner shall not apply for a vacancy exemption from the York Township Assessor.
- d. Work must be complete one year from the date of approval by the Village Board of Trustees.

SECTION 3: Upon completion of the Project, the Applicant shall maintain the Subject Property and the business located thereon in accordance with all applicable federal, state and local laws, rules and regulations.

SECTION 4: The Applicant hereby consent to the recording of this Agreement to serve as notice to future purchasers, assigns, estate representatives, mortgagees, and all other interested persons of the conditions outlined in this Agreement.

SECTION 5: In the event the Village terminates this Agreement as a result of the Applicant failing to comply with any of the terms of this Agreement, the Applicant shall be required to repay any amount of the Grant that has been disbursed by the Village. In the event said amount is not repaid, the Village shall have the right to record a lien against the Subject Property for said amount.

SECTION 6: This Agreement shall be binding upon the successors and assigns of the Parties hereto.

VILLAGE OF LOMBARD



By: Keith T. Giagnorio, Village President

ATTEST:



Sharon Kuderna, Village Clerk

APPLICANT



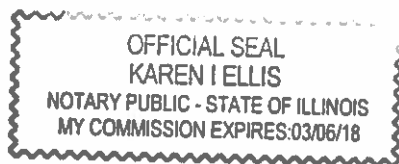
Luxica LLC
Frank LaGambina

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Keith T. Giagnorio, personally known to me to be the President of the Village of Lombard, and Sharon Kuderna, personally known to me to be the Village Clerk of said municipal corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Village Clerk, they signed and delivered the said instrument and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the Board of Trustees of said municipal corporation, as their free and voluntary act, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 20th day of Oct., 2016.

Commission expires March 6, 2018.



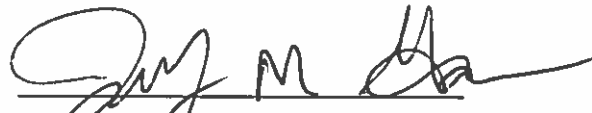
Karen I. Ellis
Notary Public

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Frank LaGambina, Manager of Luxica LLC, personally known to me to be the same person whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they signed and delivered the said instrument, as their free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 21 day of Oct, 2016.

Commission expires 7/2, 2017.



Notary Public

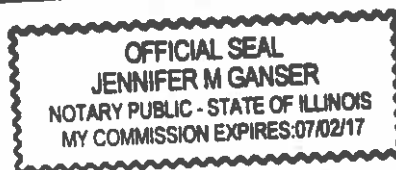


EXHIBIT 1

Legal Description

LOT 9 AND THE WEST 2 FEET OF LOT 8, IN BLOCK 18 IN H.O. STONE AND CO'S ADDITION TO LOMBARD, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 5 AND PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179463, IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 06-08-103-010; (the "Subject Property").

EXHIBIT 2

The Community Development Department retains a copy of the submittal to the Economic and Community Development Committee. This submittal includes contractor's quotes and a description of the work to be completed. The Applicant proposes to reface the front and side facades of the building, as well as add awnings and light fixtures, as listed below and depicted on the attached rendering:

1. Demolition activities to the south elevation
2. Install metal framed parapet wall
3. Install new front door and replacement exterior windows
4. Install masonry brick on south elevation
5. Dryvit application on top parapet
6. Tie existing roofing into new parapet wall
7. Electrical work installation, including exterior light fixtures
8. Installation of awnings
9. Exterior tuck-pointing and paint activities on west and east elevations
10. Replace west entrance door
11. Replace east wall gutters
12. Companion architectural services activities



SIDE

FRONT

BLACK CANVAS
APPLYING IN
YELLOW STRIPES
TOP SIDE FRONT
FACE BACK

FRONT

ELEVATION

SHED 'A' SINGLE TENANT

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