

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: Scott R. Niehaus, Village Manager

DATE : April 12, 2022 **(BOT) Date:** April 21, 2022

**SUBJECT: Downtown Retail Business Grant; 390 E. St. Charles Road
(Righteous Kitchen)**

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Community Development Department received an application for the Downtown Retail Business Grant Program for 390 E. St. Charles Road (Righteous Kitchen). The Applicant is seeking to relocate their business. The property is located in TIF 1 West. The project is grant eligible up to **\$20,000**.

The ECDC recommended approval of this grant request by a unanimous vote. Please place the attached Resolution on the April 21, 2022 Board of Trustees agenda for approval.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ 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.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: April 21, 2022

SUBJECT: **Downtown Retail Business Grant; 390 E. St. Charles Road (Righteous Kitchen)**

Please find the following items for Village Board consideration as part of the April 21, 2022 Board meeting:

1. Economic and Community Development Committee (ECDC) memo; and
2. A Resolution Approving a Downtown Retail Business Grant for the Property Commonly Known As 390 E. St. Charles Road.

The Community Development Department received an application for the Downtown Retail Business Grant Program for 390 E. St. Charles Road (Righteous Kitchen). The Applicant is seeking to relocate their business. The property is located in TIF 1 West. The project is grant eligible up to **\$20,000**.

The ECDC recommended approval of this grant request by a unanimous vote. Please place the attached Resolution on the April 21, 2022 Board of Trustees agenda for approval.



MEMORANDUM

TO: Trustee Puccio, Chairperson
Economic and Community Development Committee

FROM: Jennifer Ganser, Assistant Director of Community Development

DATE: April 11, 2022

SUBJECT: Downtown Retail Business Grant; 390 E. St. Charles Road (Righteous Kitchen)

The Community Development Department has received an application for the Downtown Retail Business Grant for Righteous Kitchen located at 390 E. St. Charles Road. They are currently located at 837 S. Westmore Meyers Road and this new location offers them the opportunity to continue to grow their business. The property has not received a retail grant in the past.

The applicant is seeking to do interior renovations such as plumbing, electric, HVAC, and painting. All work consists of interior improvements.

The property is located in TIF 1 West. The project is grant eligible up to \$20,000 (up to 50% of the eligible project costs; not to exceed \$20,000.00, unless specifically approved by the Village Board).

Retail businesses who receive the Retail Business Grant dollars shall be subject to a lien on the property in an amount equal to their proportionate share of capital costs paid upfront by the Village for the following five (5) years. One-fifth (1/5) of the lien shall be forgiven for each full year that the business operates at the project location. If the space is legally occupied with a new tenant (retail or service), each remaining year(s) left on the lien shall be forgiven for each full year that the new business(es) remain open.

Righteous Kitchen leased the property at 390 E. St. Charles Road. A copy of the lease was provided to show they meet the three-year lease provision set forth by the guidelines. The applicant has included their business plan.

The Lombard Downtown Revitalization Project Guidebook focuses on aesthetic standards in Section 4. The design recommendations can be applied to numerous buildings in downtown Lombard.

GRANT REQUEST ELEMENTS

The applicant has submitted three bids for the proposed work and based on the lowest bid the applicant is eligible to receive up to **\$20,000**.

<u>Contractor</u>	<u>Price Quote</u>
Beaver Den Builders Inc.	\$224,312
NCH General Contractors	\$193,613.31
Great Lakes Commercial Contracting	\$172,323.68

Staff is supportive of the request for the following reasons:

1. Consistent with the recommendations of the Lombard Downtown Revitalization Project Guidebook.
2. Consistent with past approval for other retail business grant requests.
3. The new interior would create a wanted business for the corridor and improve the building's interior.

Conditions of Approval

Staff proposes the following conditions be placed on the grant, if approved by the Village Board.

1. Permits shall be applied for and received. Any required inspections shall pass.
2. Work shall be complete one year from the date of approval by the ECDC.
3. Before the grant can be paid out, Righteous Kitchen shall submit a final receipt (showing the project is paid in full), waivers of lien from contractors, and an IRS W-9 form.
4. After the grant money is paid, Righteous Kitchen shall display the Village window sign acknowledging they received a grant.

COMMITTEE ACTION REQUESTED

This item is being placed on the April 11, 2022 ECDC agenda for consideration. Staff recommends that the ECDC recommend approval of the requested Downtown Retail Business Grant of **\$20,000** being sought for the property at 390 E. St. Charles Rd. Said recommendation is subject to the following conditions, by the ECDC:

1. Permits shall be applied for and received. Any required inspections shall pass.
2. Work shall be complete one year from the date of approval by the ECDC.
3. Before the grant can be paid out, Righteous Kitchen shall submit a final receipt (showing the project is paid in full), waivers of lien from contractors, and an IRS W-9 form.
4. After the grant money is paid, Righteous Kitchen shall display the Village window sign acknowledging they received a grant.

R E S O L U T I O N
R _____

**A RESOLUTION APPROVING A DOWNTOWN RETAIL BUSINESS GRANT
FOR THE PROPERTY COMMONLY KNOWN AS
390 E. ST. CHARLES ROAD**

WHEREAS, the Village disburses funds for the Downtown Retail Business 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) St. Charles Road West District to enhance and improve buildings and parking areas; and,

WHEREAS, Righteous Kitchen Inc., signed by Mary B. Tolkin and Matthew T. Tolkin (the "Applicant"), wish to participate in this Program for renovations to the property (the "Project") located at 390 E. St. Charles Road, Lombard, Illinois (the "Subject Property") and,

WHEREAS, LSC Partners LLC is the owner of 390 E. St. Charles Road, Lombard, Illinois; and,

WHEREAS, the Project shall consist of those renovations to the property on the Subject Property as set forth on 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 twenty thousand dollars (\$20,000), pursuant to the Program (the "Grant"). Such grant funds shall be available to the Applicant 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 Applicant have paid all invoices for labor and materials in connection therewith.

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

1. Permits shall be applied for and received. Any required inspections shall pass.
2. Work shall be complete one year from the date of approval by the ECDC.
3. Before the grant can be paid out, Righteous Kitchen shall submit a final receipt (showing the project is paid in full), waivers of lien from contractors, and an IRS W-9 form.

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390 E. St. Charles Road

4. After the grant money is paid, Righteous Kitchen shall display the Village window sign acknowledging they received a grant.

SECTION 3: The Applicant, 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 Retail Business 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 _____ day of _____, 2022.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2022.

Keith T. Giagnorio
Village President

ATTEST:

Elizabeth Brezinski
Village Clerk

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390 E. St. Charles Road

EXHIBIT A
Legal Description

LOT 4 IN THE HERBRECHT'S SUBDIVISION OF PART OF SECTIONS 5 AND 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF LOT 4 AFORESAID LYING NORTHEASTERLY OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF SAID LOT 4 TO A POINT IN THE NORTH LINE THEREOF 30.05 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 4) IN DUPAGE COUNTY, ILLINOIS

PIN 06-05-322-008

ADDRESS: 390 E. ST. CHARLES ROAD

EXHIBIT B

DOWNTOWN RETAIL BUSINESS GRANT PROGRAM AGREEMENT

This Agreement is entered into this twentieth-one day of April, 2022, by and between the Village of Lombard, Illinois, (hereinafter referred to as the “Village”), and Righteous Kitchen Inc., signed by Mary B. Tolkin and Matthew T. Tolkin (hereinafter referred to as “Applicant”) doing business at 390 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 390 E. St. Charles Road, Lombard, Illinois. The Village and the Applicant 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 Retail Business 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 interior 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 Applicant wish to participate in this Program for proposed interior renovations to be located at 390 E. St. Charles Road, Lombard, Illinois; Program Application No.: **22-01**; with said interior 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 Applicant with a grant under the Program in an amount not to exceed twenty thousand dollars (\$20,000), (hereinafter referred to as the “Grant”). Such Grant shall be available to the Applicant upon the authorization of the Village's Director of Community Development, and after the Applicant 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

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upon the Applicant expending no less than forty thousand dollars (\$40,000) in relation to the Project. In the event that the Applicant's 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 Applicant in relation to the Project.

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

1. Permits shall be applied for and received. Any required inspections shall pass.
2. Work shall be complete one year from the date of approval by the ECDC.
3. Before the grant can be paid out, Righteous Kitchen shall submit a final receipt (showing the project is paid in full), waivers of lien from contractors, and an IRS W-9 form.
4. After the grant money is paid, Righteous Kitchen shall display the Village window sign acknowledging they received a grant.

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.

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

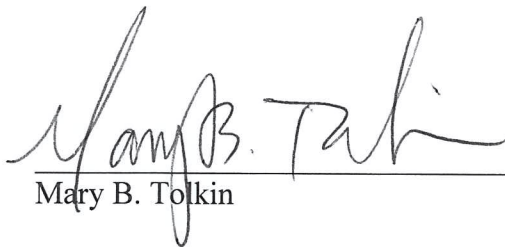
VILLAGE OF LOMBARD

By: Keith T. Giagnorio, Village President

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390 E. St. Charles Road

Attest: Elizabeth Brezinski , Village Clerk

APPLICANT



Mary B. Tolkin



Matthew T. Tolkin

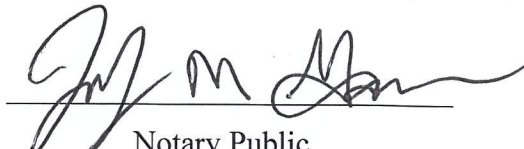
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390 E. St. Charles Road

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 Elizabeth Brezinski , 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 11 day of April, 2022.

Commission expires July 7, 2025.



Notary Public



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390 E. St. Charles Road

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 Mary B. Tolkin and Matthew T. Tolkin, 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 _____ day of _____, 2022.

Commission expires _____, 20____.

Notary Public

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EXHIBIT 1

Legal Description

LOT 4 IN THE HERBRECHT'S SUBDIVISION OF PART OF SECTIONS 5 AND 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF LOT 4 AFORESAID LYING NORTHEASTERLY OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF SAID LOT 4 TO A POINT IN THE NORTH LINE THEREOF 30.05 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 4) IN DUPAGE COUNTY, ILLINOIS.

PIN 06-05-322-008

ADDRESS: 390 E. ST. CHARLES ROAD

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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 propose to install interior improvements for a relocation. The total cost of project is \$172,323.68 and it is grant eligible up to \$20,000.