

**VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY**

INITIATED: Village Manager **DATE:** November 19, 2002
(Name)

RECOMMENDATION FROM: N/A **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND TIM HART (HART'S GARAGE RELOCATION ASSISTANCE)" as presented.



SUMMARY OF ITEM:

Adoption of this resolution shall authorize an agreement between the Village of Downers Grove and Tim Hart to provide Hart's Garage relocation funding in an amount up to \$315,000.00.

RECORD OF ACTION TAKEN:

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN
THE VILLAGE OF DOWNERS GROVE AND TIM HART
(HART'S GARAGE RELOCATION ASSISTANCE)**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the form and substance of a certain Agreement (the "Agreement"), between the Village of Downers Grove (the "Village") and Tim Hart d/b/a Hart's Garage ("Hart"), for relocation assistance in an amount up to \$315,000.00, as set forth in the form of the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:
Attest: _____
Village Clerk

**AGREEMENT FOR RELOCATION
ASSISTANCE FOR HART'S GARAGE**

This Agreement made and entered this 19th day of November, 2002, by and between the VILLAGE OF DOWNERS GROVE, Illinois, an Illinois Municipal Corporation situated in DuPage County, Illinois (the "Village") and Tim Hart d/b/a Hart's Garage (hereinafter referred to as "Hart");

WITNESSETH

WHEREAS, the Village of Downers Grove is an Illinois Municipal Corporation and a Home Rule unit pursuant to the Constitution and the laws of the State of Illinois; and

WHEREAS, as a Home Rule unit the Village of Downers Grove may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to acquire real property to promote economic and urban development; and

WHEREAS, on December 22, 1997 the Village Council of the Village of Downers Grove approved a tax increment redevelopment plan and redevelopment project (Ordinance No. 3997) in the Village of Downers Grove pursuant to the Real Property Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1 *et seq.*) (hereinafter referred to as "the Act") for the proposed Redevelopment Plan and Redevelopment Project within the municipal boundaries of the Village; and

WHEREAS, Hart owned and operated a business known as Hart's Garage on certain property commonly known as 945 Curtiss Avenue (the "Property"), which is located within the Redevelopment Project area for which the Village has planned for the construction of a multi-level parking structure;

WHEREAS, on June 4, 2002, the Village and Hart entered into a real estate agreement wherein the Village purchased the Property from Hart; and

WHEREAS, the Village recognizes that due to its purchase of the Property the business establishment currently operating on the Property (Hart's Garage) will be required to relocate; and

WHEREAS, Hart would like to relocate his current business to another location within the corporate limits of the Village; and

WHEREAS, the Village Council wishes to mitigate adverse impacts on Hart as a result of the relocation.

NOW THEREFORE, in consideration of mutual promises, covenants and conditions, the parties hereby agree as follows:

1. The provisions of the preamble are hereby made a part of this agreement as if fully set forth herein.
2. Hart shall open and operate an auto body repair shop within the corporate limits of the Village for a minimum period of five (5) years from the date of this Agreement.
3. The Village shall reimburse Hart up to Three Hundred Fifteen Thousand Dollars (\$315,000.00) as relocation expenses, as outlined below:
 - a. The Village shall reimburse Hart One Hundred Forty Thousand Dollars (\$140,000.00) upon execution of this Agreement.
 - b. The Village shall reimburse Hart up to Eighty Thousand Dollars (\$80,000.00) for the purchase of a frame machine upon presentment of a purchase order/receipt for said frame machine.
 - c. The Village shall reimburse Hart up to Forty-Five Thousand Dollars (\$45,000.00) for the cost of a spray booth upon presentment of a purchase order/receipt for said spray booth.
 - d. The Village shall reimburse Hart up to Fifty Thousand Dollars (\$50,000.00) for the cost of a two-car preparation work station upon presentment of a purchase order/receipt for said work station.
4. This Agreement and the rights of the parties hereunder shall be interpreted and enforced in accordance with the laws of the State of Illinois.

VILLAGE OF DOWNERS GROVE

Village Manager

ATTEST:

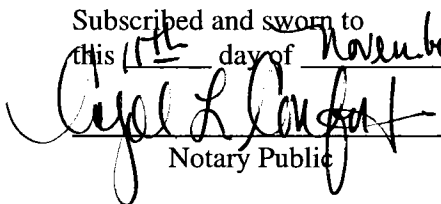
Village Clerk

Tim Hart d/b/a Hart's Garage



Tim Hart

Subscribed and sworn to
this 15th day of November, 2000.



Notary Public

