

RESOLUTION NUMBER 02 - 11

**A RESOLUTION OF THE VILLAGE OF EAST DUNDEE, COOK  
AND KANE COUNTIES, ILLINOIS, TO CONSIDER AN  
AMENDMENT OF THE BUSINESS DISTRICT BOUNDARIES AND  
INDUCE THE REDEVELOPMENT OF CERTAIN PROPERTY  
WITHIN THE ILLINOIS ROUTE 72 AND ILLINOIS ROUTE 25  
BUSINESS DISTRICT  
(195 Penny Avenue)**

**WHEREAS**, pursuant to the Business District Development and Redevelopment Act of the State of Illinois, 65 ILCS 5/11-74.3-1 *et seq.*, as from time to time amended (the “*BDD Act*”) the Corporate Authorities are empowered to undertake the development and redevelopment of business districts within its municipal limits which are in need of revitalization if such business districts are deemed to be “blighted,” as defined in the BDD Act; and,

**WHEREAS**, pursuant to the BDD Act, on September 28, 2009, the Corporate Authorities, after public hearings, passed Ordinance No. 09-30 designating the Route 25 and Route 72 Business District (the “*BD District*”) as depicted on Exhibit 1 and imposed a retailers occupation tax and service occupation tax in the amount of one-half of one percent (0.5%) on all commercial operations within the boundaries of this commercial district to pay project costs incurred in connection with the planning, execution and implementation of the BD District (the “*BD Plan*”); and,

**WHEREAS**, Tovar Snow Professionals (the “*Developer*”) is considering relocating its business to the Village and to purchase and redevelop the building at 195 Penny Avenue in the Village; and,

**WHEREAS**, the Subject Property is located immediately adjacent to the BD District and the Village intends to consider the expansion of the boundaries of the BD District as depicted on

Exhibit 2 to include the Subject Property and an amendment of the BD District plan to the extent such properties meet the requirements for eligibility in the BDD Act; and,

**WHEREAS**, the Developer has also informed the Village that the ability to undertake the Project on the Subject Property may require financial assistance from the Village for certain improvements that would be incurred in connection with the development, which costs would be in furtherance of the implementation of an amended BD Plan for the BD District; and,

**WHEREAS**, the Developer would like to incur certain costs in connection with the development prior to the approval of ordinance authorizing the addition of properties to the BD District and the execution of a redevelopment agreement pertaining to the Subject Property with the Village wherein reimbursement for eligible project costs may be considered between the parties subject to certain terms and conditions; and,

**WHEREAS**, if the Village adds properties to the BD District and amends the BD Plan, the Developer desires to request costs related to the redevelopment of the Subject Property be able to qualify for consideration as eligible project costs that can be reimbursed to the extent such costs are in furtherance of the BD Plan; and,

**WHEREAS**, this Resolution is intended to allow the Developer to incur certain costs relating to the redevelopment of the Subject Property in furtherance of the implementation of an amended BD Plan, prior to approval of any ordinance adding properties to the BD District and authorizing the execution of a redevelopment agreement pertaining to the Subject Property with the Village, subject to the conditions set forth in Section 3 of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

Section 1. That the above recitals are incorporated herein and made a part hereof by reference.

Section 2. That the Corporate Authorities may consider the addition on the Subject Property in compliance with the BDD Act and costs in furtherance of the implementation of the amended BD Plan incurred prior to the approval and execution of a redevelopment agreement with the Developer, to be expenditures that are eligible for reimbursement through the BDD Act, provided that such costs constitute "project costs" as defined by the BDD Act; and, that the Development of the Project is consistent with the amended BD Plan for the BD District.

Section 3. That all undertakings of the Village set forth in this Resolution are specifically contingent upon the Village adding the Subject Property to the BD District and approving the execution of a redevelopment agreement with the Developer which provides for the development of the Subject Property in accordance with all applicable Village ordinances.

Section 4. That the addition of the properties, including the Subject Property, to the BD District and any financial assistance rendered to the Developer by the Village shall be contingent upon the authority, restrictions, terms and conditions imposed by the BDD Act.

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

Adopted this 18<sup>th</sup> day of January, 2011, pursuant to a roll call vote as follows:

AYES:

6 - Justices Ruffalo, Lynam, Miller, Cichowski, VanOstenbridge & President Bartels

NAYES:

0

ABSENT:

1 - Justice Gorman

Approved by me this 18<sup>th</sup> day of January, 2011.

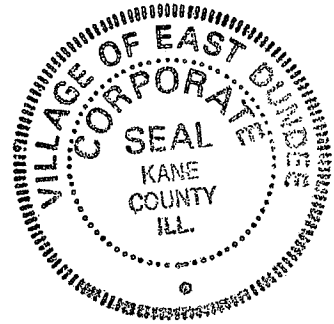
Jerald Bartels  
JERALD BARTELS, President

Published in pamphlet form this 24<sup>th</sup> day of January, 2011, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg  
JENNIFER REHBERG, Village Clerk

Recorded in the Village Records on Jan. 24<sup>th</sup>, 2011.





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31W377 W. Spaulding Road  
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January 10, 2011

Mr. Bob Skurla  
Village Administrator  
120 Barrington Avenue  
East Dundee, IL 60118

Tovar Snow Professionals has an agreement to purchase the property at 195 Penny Road, East Dundee, pending an agreement from the Village of East Dundee to split the cost of renovations on the property.

At this time, Tovar Snow Professionals has the opportunity to relocate our corporate headquarters to a building in Elgin or in East Dundee. Both properties are suited to be our corporate headquarters for the next 10 to 20 years and now it is a matter of economics.

We are requesting the Village of East Dundee to consider adding this property and the area to the Business Development District and request that the Village of East Dundee split \$490,000 in renovations to the building. This will bridge the financial gap between the Penny Road building and the Elgin building that is also under consideration. The agreement to split the cost will make the Village of East Dundee the choice for Tovar's Corporate Headquarters.

Tovar Snow Professionals is one of the nation's largest snow and ice management firms. We care for customers properties in Illinois, Indiana and Wisconsin. The company has just celebrated its 20<sup>th</sup> year in business with growth in revenues every year since its inception.

The company also operates branches and satellite offices in Rockford, Marengo, Dekalb, Lake In The Hills, Elgin, Rolling Meadows, Libertyville, Franklin Park, Lockport, Wisconsin and Indiana. Our corporate headquarters will support our branch and satellite offices. We have a staff of 40 people in 2011 with plans to bring 20 new jobs to the community over the next 3 to 5 years. In addition, we look forward to setting up accounts with local companies to help support the community.

We would like to finalize this decision this week so we can move forward with plans to develop our new corporate headquarters. Tovar Snow Professionals looks forward to bringing 40 to 60 people to our new home and becoming part of the Village of East Dundee to help establish economic growth and development within the community.

Sincerely,

Jeff Tovar  
President  
Tovar Snow Professionals