

VILLAGE OF BRADLEY

ORDINANCE NO. O-10-22-02

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(915 E. Broadway St., Bradley, Illinois 60915; 148 N. Kinzie Ave, Bradley, Illinois 60915)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 10 DAY OF October, 2022

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 10 day of Oct, 2022

ORDINANCE NO. 010-2202

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(915 E. Broadway St., Bradley, Illinois 60915; 148 N. Kinzie Ave, Bradley, Illinois 60915)**

WHEREAS, the President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the health, safety, and welfare of its citizens; and

WHEREAS, the land described in Section 2 of this Ordinance (the “Subject Property”), *infra*, is located within the corporate boundaries of the Village; and

WHEREAS, the Subject Property is presently zoned B2 (Commercial); and

WHEREAS, Embrace Consignment Boutique, Inc., and Julie Jones (collectively the “Applicant”) submitted an application to the Village requesting that the Village grant the Applicant a special use permit authorizing the operation of a secondhand store on the Subject Property (the “Special Use Permit”); and

WHEREAS, the operation of a secondhand store is a permissible special use for a B2 (Commercial) District pursuant to Section 60-153 of the Village of Bradley Code of Ordinances (the “Village Code”); and

WHEREAS, the Subject Property is owned by DJM Trust #1 (aka DJMS Trust #1) dated February 19, 2003 (the “Owner”); and

WHEREAS, the Owner has authorized the Applicant to apply for the Special Use Permit; and

WHEREAS, the Applicant’s application, along with all necessary documentation and supporting data (collectively the “Application”), has been submitted to the President and Board of Trustees of the Village by the Village of Bradley Planning and Zoning Commission (the “Plan Commission”); and

WHEREAS, the Plan Commission held a public hearing to consider the Application on Tuesday, October 4, 2022, with notice having been properly given for the same, and at that time made all findings of fact required by and pursuant to the Village Code; and

WHEREAS, the Plan Commission has recommended that the President and Board of Trustees approve the Application and pass this Ordinance granting the Applicant’s request, subject to the conditions and restrictions contained herein; and

WHEREAS, the Plan Commission has supported its recommendation by setting forth its findings of fact in accordance with the requirements of the Village Code (a copy of the Plan

Commission's PZC Findings of Fact and Recommendation of Approval for a Special Use Permit is attached hereto as Exhibit A and fully incorporated herein); and

WHEREAS, the President and Board of Trustees of the Village hereby approve and adopt the Plan Commission's findings of fact; and

WHEREAS, the President and Board of Trustees of the Village have determined that the Special Use Permit (and the secondhand store proposed to be operated thereunder), subject to the conditions noted herein, granted by this Ordinance:

- (1) Is necessary for the public convenience at the location of the Subject Property; and
- (2) Is designated, located, and proposed to be operated in a fashion that will protect the public health, safety, and welfare; and
- (3) Will not cause substantial injury to the value of other properties in the surrounding neighborhood; and
- (4) Conforms to the applicable regulations of the B2 (Commercial) District in which the Subject Property is located.

WHEREAS, the President and Board of Trustees of the Village hereby find that it is in the best interest of the citizens of the Village to grant the Applicant a special use permit authorizing the Applicant to operate a secondhand store on the Subject Property, subject to the terms and conditions of this Ordinance; and

WHEREAS, pursuant to 65 ILCS 5/2-3-8, the Corporate Authorities of the Village are authorized to enter into agreements and contracts that support any legitimate public purpose of the Village; and

WHEREAS, in connection with the Applicant's request for the Special Use Permit, as discussed above, the Village has negotiated a Memorandum of Understanding with the Applicant where by the Applicant agrees, *inter alia*, to sell the Village certain parts of the Subject Property as soon as they take ownership thereof, for the purposes of enabling the Village to pursue its streetscape design initiative (the "Agreement") (a copy of the Agreement is attached hereto as Exhibit B and fully incorporated herein); and

WHEREAS, the Applicant has indicated its willingness and desire to enter into the Agreement with the Village; and

WHEREAS, the Applicant has acknowledged and accepted that its willingness to enter into and perform under the Agreement has, *inter alia*, induced the Village to approve this Ordinance, because such perform is necessary to the Village's ability to carry out its streetscape design initiative; and

WHEREAS, the Corporate Authorities of the Village have reviewed the terms, conditions, and provisions of the Agreement and have determined that they are fair, reasonable, and acceptable to the Village; and

WHEREAS, the Corporate Authorities of the Village have determined that it is in the best interests of the Village and its citizens to enter into the Agreement with the Applicant.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. That the President and Board of Trustees of the Village hereby accept the recommendations of the Plan Commission and grant and approve a special use permit for the purpose of operating a secondhand store pursuant to Section 60-153 of the Village Code over and upon the land legally described in this Section (hereinafter the "Subject Property"). The Subject Property is zoned B2 (Commercial) and is legally described as follows:

TRACT 1: LOT 13 AND 14 AND THE SOUTH HALF OF THE VACATED ALLEY ADJOINING IN BLOCK 105 IN THE VILLAGE OF BRADLEY, SITUATED IN KANKAKEE COUNTY, ILLINOIS.

TRACT 2: LOT 12 AND THE SOUTH HALF OF THE VACATED ALLEY ADJOINING IN BLOCK 105 IN THE VILLAGE OF BRADLEY, SITUATED IN KANKAKEE COUNTY, ILLINOIS.

TRACT 3: LOTS 7 AND 8 IN BLOCK 105 IN THE VILLAGE OF BRADLEY, SITUATED IN KANKAKEE COUNTY, ILLINOIS.

TRACT 4: LOTS 9, 10, AND 11 IN BLOCK 105, IN THE VILLAGE OF BRADLEY, SITUATED IN THE COUNTY OF KANKAKEE, IN THE STATE OF ILLINOIS.

Commonly known as: 915 E. Broadway St., Bradley, Illinois 60915; and
148 N. Kinzie Ave, Bradley, Illinois 60915

Bearing the current PINs: 17-09-28-111-005; 17-09-28-111-020;
17-09-28-111-030; 17-09-28-111-032.

SECTION 3. That the Special Use Permit granted by this Ordinance is and shall be subject to the following conditions and restrictions pursuant to Section 60-400 of the Village Code:

1. Each donation point and associated pathway shall be clearly marked and visible.
2. The parking lot used in connection with the subject business shall be maintained in good condition, free of cracks and potholes.
3. All parking lot spaces shall be striped, and all required ADA parking spots shall be provided as close to the front entrance as possible.

4. All exterior entrances, and exits, donation points, associated pathways, and the parking lot used in connection with the subject business shall be clearly marked and adequately lit at all times that the subject business is in operation.
5. Each donation point shall be clearly identified with appropriate signage and shall be easily accessible.
6. All donation points shall be kept clean and free of overflow donations.
7. The subject business shall post and maintain clearly visible signage stating: "No Trespassing and No Dumping" at all donation points.
8. Additional signs shall be posted listing the subject business's hours of operation.
9. The subject business, including without limitation all exterior entrances and donation points, shall be adequately secured after business hours.
10. All exterior entrances and donation points shall be guarded by a security camera system, the footage of which shall be made readily accessible to the Bradley Police Department for review upon request.
11. Entrance and exit Sidewalks and walkways shall be maintained in good repair and readily accessible.
12. All exterior signs shall be maintained in a well-lit and good working order.
13. The Applicant shall submit a landscaping plan to the Village for review and approval prior to the issuance of any certificate of occupancy, which plan shall comply with the Village's existing landscaping ordinances, as well as the Village's RT.50 redevelopment plan. All improvements required by said plan shall be installed prior to the commencement of business operations by the subject business.
14. No outside displays of inventory are allowed.
15. The subject business shall be designed and maintained in full compliance with the Americans with Disabilities Act (ADA) and the Illinois Accessibility Code.
16. Prior to commencement of business activities, the subject business shall submit a store layout plan to the Village for review and approval, along with any and all documentation necessary to show that such plan provides for best practices as to customer flow, as well as proper emergency exit pathways to exit doors.
17. Windows and Lighting. All windows shall remain unobscured and adequate lighting levels shall be maintained during business hours to allow for unobstructed viewing of the inside of the subject business and its operations from the exterior of the building
18. Prior to the commencement of business operations, the Applicant shall have the business premises inspected by the State Fire Marshall or another certified fire inspector. At the time of such inspection, the Applicant shall inform the inspecting official of the anticipated store layout, as well as all anticipated types of merchandise that could affect the known fire load present in the retail floor space.
19. Prior to commencement of business activities, the sprinkler system on the Subject Property shall be reviewed and certified by a certified sprinkler company or architect.
20. Prior to commencement of business activities, the Applicant shall secure and submit a fire alarm system compliance report to the Village.

21. All “backend” operations (including but not limited to the donation point, shipping, receiving, inventory sorting, testing, storage, and retrieval) shall be maintained and conducted in a clean and orderly manner, free of pests and without creating serious fire hazards.
22. The subject business’s hours of operations shall be as follows:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10am-5pm	10am-5pm	10am-5pm	10am-5pm	10am-5pm	10am-5pm	10am-5pm

23. The subject business shall be operated in full compliance with all requirements of the Illinois Resale Dealers Act (815 ILCS 398/1, *et seq.*).
24. The subject business shall be operated in full compliance with all applicable rules and regulations of the U.S. Consumer Product Safety Commission (CPSC).
25. The Applicant shall make the subject business available to the Village of Bradley for a bi-annual code inspection in January and July of each year, in order to ensure continuing compliance with all stated conditions. Such inspections shall be conducted after reasonable written notice and during normal business hours.
26. The subject business shall be operated in full compliance with all applicable rules and regulations of the Village’s B-2 (Commercial) zoning district.
27. The Applicant may not commence any work on the interior and exterior building or site unless and until it has submitted all required development plans to the Community Development Department for review and applied for and received any and all required approvals and permits.
28. The subject business may not commence any work on the interior or exterior site improvements unless and until (a) the applicant has received final engineering approval of all engineering and construction plans from the Village engineer, and (b) the applicant has provided the Village with a letter of credit or other sufficient surety, in an form and amount acceptable to the Village, for the construction of any public or private site improvements, including landscaping improvements associated with the proposed use.
29. Prior to commencement of business operations, Applicant must apply for and receive a business license and occupancy permit from the Village.
30. The Applicant will cooperate with the Village’s business corridor redevelopment plans, as more specifically identified in the Agreement (Exhibit B). This specifically includes, but is not limited to, selling certain property to the Village at the rate identified in said Agreement.

The Applicant shall be deemed to have accepted and agreed to the conditions and restrictions aforesaid as of the date on which the Applicant first begins to use the Subject Property as a secondhand store pursuant to the Special Use Permit granted by this Ordinance.

SECTION 4. In the event that the Applicant violates any of the conditions and restrictions set forth in Section 3 of this Ordinance, the Village shall have the ability, but not the obligation, to revoke the Special Use Permit granted pursuant to this Ordinance, provided that the Applicant shall be entitled to notice and a hearing prior to any revocation pursuant to this Section. Under no circumstances shall any failure to enforce any condition or restriction of this Ordinance on any particular occasion or occasions be deemed or interpreted as constituting a waiver or forfeiture of

the Village's right to so enforce in the future, nor shall any such failure to enforce preclude the Village from considering any and all prior violations as part of any revocation proceeding under this Section.

SECTION 5. The Special Use Permit shall not run with the land and shall be immediately and automatically terminated and revoked if and when the Owner sells, conveys, or otherwise transfers his ownership interest in the Subject Property, provided however that the Special Use Permit shall not be so terminated and revoked if (i) the Owner sells, conveys, or otherwise transfers its entire ownership interest in the Subject Property to the Applicant and/or (ii) the Applicant later transfers its entire ownership interest in the Subject Property to Ms. Julie Jones's son: Mr. Damon Routsen.

SECTION 6. That the Village Clerk is hereby instructed to record a certified copy of this ordinance with the office of the Kankakee County Recorder of Deeds.

SECTION 7. The Corporate Authorities of the Village hereby find and declare that the terms, conditions, and provisions of the Agreement (Exhibit B) are fair, reasonable, and acceptable to the Village. Therefore, the Corporate Authorities of the Village hereby authorize and direct the Village President execute the Agreement, and thereafter to take any and all actions necessary to enter into said Agreement with the Applicant.

SECTION 8. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 9. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 10. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 11. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

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PASSED by the Board of Trustees on a roll call vote on the 10 day of Oct, 2022.

TRUSTEES:

RYAN LEBRAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN BILLINGSLEY	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DARREN WESTPHAL	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN TIERI	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
GRANT D. VANDENHOUT	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
GENE JORDAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

VILLAGE PRESIDENT:

MICHAEL WATSON Aye - Nay - Absent -

TOTALS: Aye - 6 Nay - 0 Absent - 0

ATTEST:



JULIE TAMBLING, VILLAGE CLERK

APPROVED this 10 day of October, 2022.



MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:

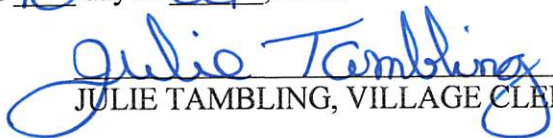


JULIE TAMBLING, VILLAGE CLERK

STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, Julie Tambling, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number 0102202 "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (915 E. Broadway St., Bradley, Illinois 60915; 148 N. Kinzie Ave, Bradley, Illinois 60915)," which was adopted by the Village Corporate Authorities at a meeting held on the 10 day of Oct, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 10 day of Oct, 2022.



JULIE TAMBLING, VILLAGE CLERK



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PAID
John W. ...

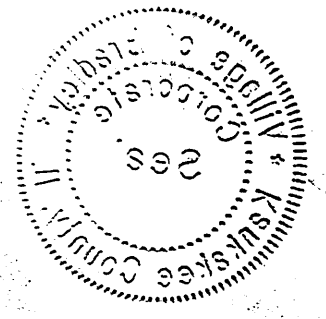


EXHIBIT A

(PZC Findings of Fact and Recommendation of Approval)

**PZC FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR A
SPECIAL USE PERMIT
(915 E. BROADWAY ST., BRADLEY, ILLINOIS 60915; AND
148 N. KINZIE AVE, BRADLEY, ILLINOIS 60915 — SECONDHAND STORE)**

On October 4, 2022, at 6:30 p.m., at the Bradley Village Hall, 147 S. Michigan Avenue, Bradley, Illinois 60915, the Village of Bradley Planning and Zoning Commission conducted a public hearing, with public notice having been duly given for the same. At that hearing, the Planning and Zoning Commission considered whether to recommend approval or denial of a special use permit authorizing the use of certain property located within the corporate boundaries of the Village as a secondhand store (the “Proposed Use”). Having heard and considered all of the evidence presented at the hearing and being fully advised in the premises, the Planning and Zoning Commission hereby finds as follows:

1. The Proposed Use is an authorized special use in the B2 (Commercial) district pursuant to Section 60-153 of the Bradley Zoning Ordinance.
2. The Proposed Use is compatible with surrounding land uses and the general area surrounding the subject property.
3. The Proposed Use is not inconsistent with the zoning classifications of other property within the general area of the subject property.
4. The subject property is suitable for the uses permitted under its existing zoning classification of B2 (Commercial).
5. The Proposed Use is not inconsistent with the trend of development in the general area of the subject property.
6. The Proposed Use and the subject property’s existing zoning classification of B2 (Commercial) are not inconsistent with the official comprehensive plan of the Village.
7. The approval of the special use permit is in the public interest and not solely for the interest of the applicant.
8. The Proposed Use is necessary and desirable on the subject property and will likely provide the Village and its residents with services that are convenient and beneficial to the public.
9. The Proposed Use will likely contribute to the general welfare of the surrounding neighborhood or community.
10. The Proposed Use is not likely to be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity of the subject property.
11. The Proposed Use is not likely to be injurious to property values or improvements in the vicinity of the subject property.
12. The Proposed Use is compliant with all applicable regulations and conditions specified in the Bradley Zoning Ordinance.

Based on the foregoing findings, the Planning and Zoning Commission hereby recommends that the Corporate Authorities of the Village approve the applicant's request and adopt an ordinance granting the applicant a special use permit authorizing a secondhand store, subject to the following conditions and restrictions:

1. Each donation point and associated pathway shall be clearly marked and visible.
2. The parking lot used in connection with the subject business shall be maintained in good condition, free of cracks and potholes.
3. All parking lot spaces shall be striped, and all required ADA parking spots shall be provided as close to the front entrance as possible.
4. All exterior entrances, and exits, donation points, associated pathways, and the parking lot used in connection with the subject business shall be clearly marked and adequately lit at all times that the subject business is in operation.
5. Each donation point shall be clearly identified with appropriate signage and shall be easily accessible.
6. All donation points shall be kept clean and free of overflow donations.
7. The subject business shall post and maintain clearly visible signage stating: "No Trespassing and No Dumping" at all donation points.
8. Additional signs shall be posted listing the subject business's hours of operation.
9. The subject business, including without limitation all exterior entrances and donation points, shall be adequately secured after business hours.
10. All exterior entrances and donation points shall be guarded by a security camera system, the footage of which shall be made readily accessible to the Bradley Police Department for review upon request.
11. Entrance and exit Sidewalks and walkways shall be maintained in good repair and readily accessible.
12. All exterior signs shall be maintained in a well-lit and good working order.
13. The Applicant shall submit a landscaping plan to the Village for review and approval prior to the issuance of any certificate of occupancy, which plan shall comply with the Village's existing landscaping ordinances, as well as the Village's RT.50 redevelopment plan. All improvements required by said plan shall be installed prior to the commencement of business operations by the subject business.
14. No outside displays of inventory are allowed.
15. The subject business shall be designed and maintained in full compliance with the Americans with Disabilities Act (ADA) and the Illinois Accessibility Code.
16. Prior to commencement of business activities, the subject business shall submit a store layout plan to the Village for review and approval, along with any and all documentation necessary to show that such plan provides for best practices as to customer flow, as well as proper emergency exit pathways to exit doors.
17. Windows and Lighting. All windows shall remain unobscured and adequate lighting levels shall be maintained during business hours to allow for unobstructed viewing of the inside of the subject business and its operations from the exterior of the building

18. Prior to the commencement of business operations, the Applicant shall have the business premises inspected by the State Fire Marshall or another certified fire inspector. At the time of such inspection, the Applicant shall inform the inspecting official of the anticipated store layout, as well as all anticipated types of merchandise that could affect the known fire load present in the retail floor space.
19. Prior to commencement of business activities, the sprinkler system on the Subject Property shall be reviewed and certified by a certified sprinkler company or architect.
20. Prior to commencement of business activities, the Applicant shall secure and submit a fire alarm system compliance report to the Village.
21. All “backend” operations (including but not limited to the donation point, shipping, receiving, inventory sorting, testing, storage, and retrieval) shall be maintained and conducted in a clean and orderly manner, free of pests and without creating serious fire hazards.
22. The subject business’s hours of operations shall be as follows:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10am-5pm	10am-5pm	10am-5pm	10am-5pm	10am-5pm	10am-5p	10am-5pm

23. The subject business shall be operated in full compliance with all requirements of the Illinois Resale Dealers Act (815 ILCS 398/1, *et seq.*).
24. The subject business shall be operated in full compliance with all applicable rules and regulations of the U.S. Consumer Product Safety Commission (CPSC).
25. The Applicant shall make the subject business available to the Village of Bradley for a bi-annual code inspection in January and July of each year, in order to ensure continuing compliance with all stated conditions. Such inspections shall be conducted after reasonable written notice and during normal business hours.
26. The subject business shall be operated in full compliance with all applicable rules and regulations of the Village’s B-2 (Commercial) zoning district.
27. The Applicant may not commence any work on the interior and exterior building or site unless and until it has submitted all required development plans to the Community Development Department for review and applied for and received any and all required approvals and permits.
28. The subject business may not commence any work on the interior or exterior site improvements unless and until (a) the applicant has received final engineering approval of all engineering and construction plans from the Village engineer, and (b) the applicant has provided the Village with a letter of credit or other sufficient surety, in an form and amount acceptable to the Village, for the construction of any public or private site improvements, including landscaping improvements associated with the proposed use.
29. Prior to commencement of business operations, Applicant must apply for and receive a business license and occupancy permit from the Village.
30. The Applicant will cooperate with the Village’s business corridor redevelopment plans, as more specifically identified in a Memorandum of Understanding between the Parties.

PASSED this 4th day of October, 2022, by roll call vote.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Ryland Gagnon (Chairman)	<u>X</u>	<u> </u>	<u> </u>
Charlene Eads (Secretary)	<u>X</u>	<u> </u>	<u> </u>
James Guiss	<u>X</u>	<u> </u>	<u> </u>
Rick White	<u>X</u>	<u> </u>	<u> </u>
Bill Bodemer	<u> </u>	<u> </u>	<u>X</u>
Michael Williams	<u>X</u>	<u> </u>	<u> </u>
Robert Redmond	<u> </u>	<u> </u>	<u>X</u>

EXHIBIT B

(Memorandum of Understanding)

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "MOU") is entered into this 10th day of October, 2022, by and between **Embrace Consignment Boutique, Inc.**, an Illinois Corporation and **Julie Jones**, an individual residing at 1400 N. Samara Avenue (collectively the "Company"), on the one hand, and the **Village of Bradley**, an Illinois Municipal Corporation located in Kanakee County (the "Village"), on the other hand. The Company and the Village may be referred to individually as a "Party" or collectively as the "Parties" from time to time herein, as appropriate.

RECITALS

WHEREAS, the Company is in the process of purchasing certain property, located within the corporate boundaries of the Village, that is commonly known as 915 E. Broadway St., Bradley, Illinois 60915 and 148 N. Kinzie Ave, Bradley, Illinois 60915, and which presently bears the following tax PINs: 17-09-28-111-005; 17-09-28-111-020; 17-09-28-111-030; 17-09-28-111-032 (the "Subject Property"); and

WHEREAS, the Company intends to operate, with the Village's approval, a secondhand retail establishment on the Subject Property; and

WHEREAS, the Village is presently in the process of improving and beautifying various business corridors throughout the Village, including the one that adjoins the Subject Property, and wishes to construct setbacks for the Village's streetscape design initiative and a public access parking lot in the vicinity of the Subject Property (the "Project"); and

WHEREAS, assuming the Company successfully purchases the Subject Property, the Village wishes to purchase certain parts of the Subject Property, as identified on Exhibit 1, attached hereto and fully incorporated herein (collectively the "Parcel"), from the Company in support of its Project and on the terms set forth herein; and

WHEREAS, in connection with the Project, the Village will be conducting various construction and paving activities on the Parcel, which it is willing to offer to the Company on the terms set forth herein (the "Paving Incentive"); and

WHEREAS, the Village is in the process of creating a monument sign grant program, which it intends to make available to the Company, as set forth herein (the "Sign Grant Program"); and

WHEREAS, the Company wishes for the Village to complete the Project, and further wishes to participate in and benefit from the Paving Incentive and Sign Grant Program if and when made available by the Village; and

WHEREAS, the Company is willing and wishes to sell the Parcel to the Village on the terms set forth herein.

NOW THEREFORE, in consideration of the mutual promises and covenants contained in this MOU, as well as for other good and valuable consideration, the receipt and sufficiency of which are mutually acknowledged, the Village and the Company agree as follows:

1. **Recitals Incorporated.** The recitals contained in the preamble are hereby incorporated by reference and shall be deemed to be a part of this MOU. The Parties shall fully cooperate with each other in carrying out the terms of this MOU. All Parties represent that they have the full authority to enter into this MOU pursuant to law.

2. **Sale of the Parcel.** At any time on or after the date on which the Company closes upon and takes ownership of the Subject Property, the Company agrees to sell the Parcel (**Exhibit 1**) to the Village for an agreed price of \$6.80/ft². Said sale shall be pursuant to a contract of sale between the Parties, which agreement shall be on terms mutually agreeable to said Parties, provided that the aforementioned price shall not be increased except as provided by this Paragraph. The sole exception to the preceding sentence shall be as follows: In the event that the Village purchases other like-kind property in connection with the Project that is located along Route 50 and south of Durham Street (the “Other Property”), for a net price in excess of \$6.80/ft², the Village agrees to honor such higher price per square foot when it purchases the Parcel from the Company and/or to provide the Company with a retroactive reimbursement equal to the difference between the price the Village paid for the Other Property and the price that the Village paid for the Parcel.
3. **Paving Incentive.** After taking ownership of the Parcel, the Village intends to construct certain improvements upon the Parcel, including a public parking lot, all as part of the Project. At whatever time the Village undertakes said improvements on the Parcel, the Village will, unless otherwise prohibited by law, offer to include the repaving of the Company’s parking lot on the Subject Property as part of the Project (*i.e.* the “Paving Incentive”). If the Company opts to participate in the Paving Incentive: (i) it shall be liable to reimburse the Village for all costs associated with work on the Company’s property, and (ii) the Village shall have no obligation to commence any work unless and until the Company places in escrow (or pre-pays to the Village) an amount equal to the estimated cost of the work on the Company’s property, as determined by the Village Engineer. For the avoidance of doubt, nothing in this Paragraph is intended or shall be deemed to limit the Company’s liability to the amount of such escrow/pre-payment; rather, the Company shall fully reimburse the Village the actual costs of all work undertaken by the Village on the Company’s property pursuant to this MOU. If the Company opts not to participate in Paving Incentive, as outlined herein, the Village shall have no further obligation to the Company with regards to paving.
4. **Sign Grant Program.** The Parties acknowledge that the Village is presently developing, and expects to implement, a grant program to assist business owners within the Village, such as the Company in this instance, to replace existing signs with new signs that meet the aesthetic standards of the Village. In the event that the Village implements the Sign Grant Program, or any other similar program, the Village agrees that the Company shall be permitted to participate therein, unless otherwise prohibited by law. The Parties acknowledge and understand that the implementation of any such Sign Grant Program is at the sole legislative discretion of the Village’s corporate authorities. Nothing in this MOU is intended or shall be deemed to require the Village to pass, approve, fund, or otherwise make available the Sign Grant Program, or any other similar program, on any particular term or terms.
5. **Applicable Law.** This MOU and its terms shall be construed, interpreted and governed by and under the laws of the State of Illinois.
6. **Jurisdiction and Venue.** The Parties, to the fullest extent permitted by law, hereby knowingly, willingly, intentionally and voluntarily submit to personal jurisdiction in Kankakee County, Illinois, over any suit, claim, cause of action, litigation or other proceeding. The Parties further agree that sole and exclusive jurisdiction over any and all

disputes which may arise from or concerning this MOU shall be vested in the Circuit Court for the Twenty-First Judicial Circuit, Kankakee County, Illinois. As such, the Parties hereby waive and forfeit their right to challenge jurisdiction and venue over any such dispute in said court, including but not limited to their ability to file motions to dismiss on jurisdictional grounds, to file motions for any change of venue, including but not limited to a motion forum *non conveniens*, and to file any motion seeking removal to federal court.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed on the date and year first above written.

Julie Jones, an Individual

EMBRACE CONSIGNMENT BOUTIQUE, INC.

By: Julie Jones

Its: President

VILLAGE OF BRADLEY

By: Michael M. Watson

Its: Village President

Exhibit 1

(The Parcel)

- The entire parcel that presently bears PIN no. 17-09-28-111-005 (approx. 11,600 ft²); and
- The western 12 feet of the parcel that presently bears PIN no. 17-09-28-111-032 (approx. 1,560 ft²); and
- The western 12 feet of the parcel that presently bears PIN no. 17-09-28-111-002 (approx. 1,740 ft²).



Agenda Cover Memorandum

Meeting Date: October 10th, 2022

Fiscal Year: 2022-23

Agenda Item: Community Development Department Ordinance allowing a special use permit to operate a second hand store in a B-2 Commercial district

Item Type: Ordinance Resolution Other

Action Requested: Approval First Reading For Discussion Informational

Staff Contact:
Name: Bruce Page - Director Community Development Department
Phone: 815-936-5100 ext. 1111
Email: bepage@bradleyil.org

Internal Review
Initials
Date

Summary: The Applicant Julie Jones, owner of Embrace Consignment Store is requesting to operate a secondhand store in a B-2 Commercial District which entails the approval of a special use permit. Discussion regarding the process and the MOU attached.

Is this a budgeted item? Yes No Requires Budget Amendment

Line Item: _____ Title: _____

Amount Budgeted: _____