

# Request For Board Action

**REFERRED TO BOARD** October 9, 2017

**AGENDA ITEM NO: 6**

**ORIGINATING DEPARTMENT:** Administration

**SUBJECT:** Resolution authorizing the mayor to execute a business incentive grant agreement with Lovin Oven Cakery, LLC

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

At the July 26, 2017 Committee of the Whole meeting, Mr. Ken Slove of Lovin' Oven Bakery approached the board with a request for assistance in order to expand his already successful business into downtown Antioch. The proposed location for Lovin' Oven Bakery will be the former Hannah's building located at 455 Lake Street.

At the August 14, 2017 Village Board meeting, the Village Board approved Resolution No. 17-51 Granting Building Rehabilitation Funds to Lovin Oven Bakery. Since that time, representatives from the bakery have raised concerns about the form of the grant. The proposed agreement will allow the Village to continue with their promise of funds in a format acceptable to both parties.

In an effort to maintain a vibrant downtown business climate, and with funds set aside in the budget for the purpose of providing grants to local property owners for building improvements, staff recommends approval of the grant request.

**FINANCIAL IMPACT:** \$250,000

**DOCUMENTS ATTACHED:**

1. Resolution
2. Proposed Agreement

**RECOMMENDED MOTION:**

Move to approve a Resolution authorizing the Mayor to execute a business incentive grant agreement with Lovin Oven Cakery, LLC

**RESOLUTION 17 - xx**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A BUSINESS INCENTIVE GRANT AGREEMENT WITH LOVIN OVEN CAKERY, LLC**

**WHEREAS**, the Village Board has set aside funds within its budget for the purpose of providing grants to local property owners to incentivize their investments in the community, bringing jobs which in turn help generate and maintain a vibrant downtown business climate, and

**WHEREAS**, the large commercial building located at 455 Lake Street, PIN 02-08-307-028, has been vacant for several years, and is in deteriorating condition due to its age and deferred maintenance, particularly during its vacancy, and is currently not generating any positives for the community in terms of jobs or aesthetics, and

**WHEREAS**, the Village Board finds that if this particular property is returned to a productive condition with a going concern operating in the building, it will have a serious improving effect on the surrounding properties along Lake Street, which is an important commercial zone within the overall downtown business area, and

**WHEREAS**, the Lovin' Oven Bakery has purchased this property and has demonstrated an intention to make a significant investment into its purchase, rehabilitation, remodeling and ultimately establishing a commercial bakery, and

**WHEREAS**, the Lovin' Oven Bakery is a well-established enterprise that is known as a quality business that provides excellent baked goods and employs significant numbers of workers, and

**WHEREAS**, the Village Board finds that the proposal of Lovin' Oven Bakery to rehabilitate this property and to establish a commercial bakery employing potentially 50 workers is definitely in the best interest of the community for a multiplicity of reasons.

**WHEREAS**, the Village Board recognizes that it also needs to be a strong protector of the public treasury, and accordingly, it has determined that providing some security to the public on grants is appropriate and prudent,

**NOW THEREFORE, BE IT RESOLVED** by the Village of Antioch, Lake County, Illinois, as follows:

**SECTION ONE:** The Mayor and Village Administrator are directed and empowered to enter into a final agreement with the owners of Lovin' Oven Bakery in substantial conformance with the provisions of the draft agreement attached as Exhibit A hereto.

**SECTION TWO:** This resolution shall take effect immediately upon passage.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS, ON THIS 9<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST:

---

LAWRENCE M. HANSON, MAYOR

---

LORI K. ROMINE, VILLAGE CLERK

## VILLAGE OF ANTIOCH BUSINESS INCENTIVE GRANT AGREEMENT

THE VILLAGE OF ANTIOCH (Grantor), being a municipal corporation of the State of Illinois and vested with the powers afforded to it by law, including those codified at 65 ILCS 5/1-1-1 et. seq., and in exercise of its powers and authority to expend funds in the public interest and to promote the development of quality businesses and promote the expansion of employment opportunities within the Village does hereby grant to LOVIN' OVEN CAKERY, LLC, (Grantee) the sum of TWO HUNDRED FIFTY THOUSAND (\$250,000.00) DOLLARS, upon the following terms and conditions:

1. **GRANT**. This is an outright grant of funds, conditioned only upon the terms and conditions of this Agreement, to be used for the purchase of ovens, chillers, and other mechanical apparatus to be used in the bakery business intended to be operated at the property commonly known as 455 Lake Street.
2. **USE OF FUNDS**. The Grantee is given broad discretion to use the funds for the purchase of mechanical equipment that will be beneficial to the bakery business, thereby enhancing opportunity for employment to the residents of the Village as well as the surrounding areas.
3. **ESCROWS**. The funds shall be paid in a lump sum to the grantee's lender, the Huntington National Bank, to be held in escrow for use in conformity with the terms and conditions of this grant.
4. **LONGEVITY**. Because the money provided in this grant are public funds supported by the tax payments of the Citizens of Antioch and business patrons, there must be a clearly demonstrated public benefit of this grant, and to that effect, the Grantee is required to timely install and operate a commercial bakery at the aforesaid premises. The Grantee is further required to operate the said bakery for a period of not less than five (5) years. In the event the business does not open on or before February 1, 2018, the full grant shall be returned to the Grantor by the Grantee within 30 days of written demand therefore. If the business does open but closes at any time prior to the 5<sup>th</sup> anniversary of its opening, the Grantee shall return a pro rata share of the grant funds within 30 days of written demand therefore. By a pro rata share, the parties mean the following:

Closing date of business:	Percentage to be returned:
During 1 <sup>st</sup> year of business	80% of grant
During 2 <sup>nd</sup> year of business	60% of grant
During 3 <sup>rd</sup> year of business	40% of grant
During 4 <sup>th</sup> year of business	20% of grant
During 5 <sup>th</sup> year of business	10% of grant

5. **CHATTEL MORTGAGE.** To secure this agreement, the Grantor will be granted the security of a chattel mortgage in compliance with the Uniform Commercial Code, which may be asserted by the filing of a UCC notice with the Illinois Secretary of State and/or the recording of a notice of lien, which shall not attach to the real property upon which this bakery will be operated.
6. **MERGER.** This agreement, together with any adopting Resolution of the Village Board of the Village of Antioch, shall constitute the parties' expression of their final intent. No modifications shall be effective unless in writing, and formally approved by the said Village Board.
7. **LAW.** This Agreement is made in the State of Illinois pursuant to its laws. The sole jurisdiction for resolution of any dispute is the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois.
8. **NOTICES.** Notices shall be given in writing, by personal service, by certified mail, return receipt requested or by commercial carrier such as UPS or FedEx. Service will be considered complete when posted or deposited with the commercial carrier. The parties to be noticed are as follows:

**GRANTOR:**

Village Administrator  
874 Main Street  
Antioch, IL 60002

With a copy to:

Village Clerk  
874 Main Street  
Antioch, IL 60002

**GRANTEE:**

LOVIN' OVEN CAKERY, LLC  
c/o Ken Slove, Manager



(forward to signature page)

IN WITNESS WHEREOF, the parties have set their hands and seals on the dates next following their signatures:

Village of Antioch, Grantor

\_\_\_\_\_  
By: Lawrence M. Hanson  
Its: Mayor

Date: \_\_\_\_\_, 2017

\_\_\_\_\_  
Witnessed by Clerk  
Lori K. Romine

Date: \_\_\_\_\_, 2017

Lovin' Oven Cakery, LLC, Grantee

\_\_\_\_\_  
By: Ken Slove  
Its: Manager

Date: \_\_\_\_\_, 2017