
THE VILLAGE OF BLOOMINGDALE
DUPAGE COUNTY, ILLINOIS

ORDINANCE
NUMBER 2022-12

**AN ORDINANCE
AMENDING ORDINANCE 2021-38 AND
GRANTING AN EXTENSION TO
THE CONSENT REQUIREMENT NECESSARY
TO EFFECTUATE THE REQUESTED RELIEF FOR
THE PROPERTY LOCATED AT 455 W. SCHICK ROAD;
(CULVER'S RESTAURANT)**

FRANCO A. COLADIPIETRO, Mayor
PAMELA HAGER, Village Clerk

VINCE ACKERMAN
WILLIAM BELMONTE
BILL BOLEN
FRANK BUCARO
PATRICK SHANNON
JUDI VON HUBEN

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Bloomingdale
on this the 14th day of March, 2022

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WHEREAS, the Village of Bloomingdale (hereinafter referred to as "Village") is a Home Rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, on September 27, 2021, the Village approved Ordinance No. 2021-38, which granted the necessary approvals for a Planned Development, with exceptions, for the construction of a Culver's restaurant located at 455 W. Schick Road, Bloomingdale, IL 60108 ("Subject Property");

WHEREAS, Section Thirteen of Ordinance No. 2021-38 provides in relevant part: "This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law; provided, however, this Ordinance shall not take effect until the Consent . . . is executed by the Petitioner and by the owner, thereby memorializing its agreement to be bound by the terms and conditions contained within this Ordinance. Such execution shall take place within forty-five (45) days after the passage and approval of this Ordinance or within such extension of time as may be granted by the Board of Trustees by motion prior to the expiration of said forty-five day (45) period. If the Consent is not executed within forty-five (45) days after passage and approval of this Ordinance or within an extension of time granted during said forty-five (45) day period, this Ordinance shall be void and of no force or effect, and the request for relief identified herein shall be deemed abandoned.";

WHEREAS, McCON Building Corporation (the "Petitioner"), on behalf of DM Bloomingdale RE, LLC., contract purchaser ("Contract Purchaser") of the Subject Property was able to obtain the necessary signatures from the Contract Purchaser but was unable to obtain the necessary signatures from Meijer ("Contract Seller" or "Owner") on the Consent form within the forty-five day period required by Ordinance No. 2021-38;

WHEREAS, the Petitioner is requesting an extension to the forty-five (45) day requirement provided by Ordinance No. 2021-38;

WHEREAS, the Village finds this request to be reasonable in that the requested extension is appropriate under the given circumstances;

WHEREAS, the corporate authorities of the Village of Bloomingdale find that the granting of the requested extension has no detrimental impact on the health, welfare or safety of the public in general and finds that the petitioner has met his burden in demonstrating the grounds for the requested relief and extension thereto.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled, by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois, pursuant to the Village's Home Rule Powers, as follows:

Section One - Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to the Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section Two – Amendment of Ordinance 2021-38

Subject to the terms and conditions set forth in this Ordinance, the Village Board hereby amends Ordinance No. 2021-38 to extend the amount of time Petitioner has to obtain all necessary consent signatures.

Section Three – Grant of Extension

The Corporate Authorities of the Village of Bloomingdale hereby grant the requested extension to the Consent requirements by an additional forty-five (45) days from the date this ordinance is passed and approved in open meeting.

Section Four – Conditions to Granting of the Extension

All other conditions and restrictions provided by Ordinance No. 2021-38 and the Village Code are otherwise still in full force and effect.

Section Five: Penalty

Any person violating the terms and conditions of this Ordinance shall, following prior notice thereof by the Village to such offending person and such opportunity to correct such violation(s) as the Village may determine appropriate, be subject to a penalty not exceeding \$1,000.00, with each and every day that such violation of this Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other actions they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees of the Village.

Section Six: Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Section Seven - Conflict Clause

That all ordinances or parts of ordinances in conflict with the terms of this Ordinance shall be repealed to the extent of said conflict.

Section Eight - Publication

This Ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Nine: Recording

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees.

[Remainder of Page Intentionally Left Blank; Roll Call to Follow]

DECIDED pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman	X			
William Belmonte	X			
Bill Bolen	X			
Frank Bucaro	X			
Patrick Shannon	X			
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
TOTAL	6	0	0	

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 14th day of March, 2022.



Franco A. Coladipietro
Village President

ATTEST:



Pamela S. Hager
Village Clerk