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**THE VILLAGE OF BLOOMINGDALE**  
DUPAGE COUNTY, ILLINOIS

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**RESOLUTION**  
NUMBER 2023-R-42

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**A RESOLUTION  
APPROVING AND AUTHORIZING THE EXECUTION OF A  
DEVELOPMENT AGREEMENT WITH MJR  
BLOOMINGDALE REAL ESTATE HOLDING COMPANY,  
LLC FOR 355 W. ARMY TRAIL ROAD**

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FRANCO A. COLADIPIETRO, Mayor

PAMELA S. HAGER, Village Clerk

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

Village Board

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Published in pamphlet form by authority of the  
President and the Board of Trustees of the Village of Bloomingdale  
on this the 26th day of June 2023

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**RESOLUTION NO. 2023-R-42**

**A RESOLUTION  
APPROVING AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT  
AGREEMENT WITH MJR BLOOMINGDALE REAL ESTATE HOLDING COMPANY,  
LLC FOR 355 W. ARMY TRAIL ROAD**

**WHEREAS**, the Village of Bloomingdale (hereinafter referred to as the "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**, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt;

**WHEREAS**, the Village upon approval of the President and Board of Trustees of the Village (the "Corporate Authorities") may contract with another party pursuant to Illinois Statute;

**WHEREAS**, on February 13, 2023, the Village approved the development for Shake Shack and Old Second National Bank at 355 W. Army Trail Road;

**WHEREAS**, since the approvals, MJR Bloomingdale Real Estate Holding Company, LLC, (the "Developer") determined that the project would not be financially feasible without some level of assistance;

**WHEREAS**, the Village is willing to provide certain relief from fees for Developer and other financial incentive, with restrictions, pursuant to the Development Agreement (the "Agreement"), attached hereto and incorporated herein as Exhibit A;

**WHEREAS**, the Corporate Authorities of the Village of Bloomingdale are of the opinion that the foregoing actions are in the best interest of the public safety, health and welfare of the residents of the Village of Bloomingdale.

**NOW, THEREFORE, BE IT RESOLVED** by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois as follows:

**Section One – Recitals**

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

**Section Two –Approval**

The Village hereby approves the Agreement with the Developer substantially in the form attached hereto and incorporated herein as Exhibit A;

### **Section Three – Authorization and Direction**

The Village President and/or Village Administrator is hereby authorized to execute, and the Village Clerk is hereby authorized to attest the Agreement, substantially in the form attached hereto as Exhibit A, with such changes therein as shall be approved by the Village attorney and the officials of the Village executing the same, their execution thereof to constitute exclusive evidence of their approval to any and all changes or revisions therein from and after the execution and delivery of such Agreement.

### **Section Four -- Other Actions Authorized**

The officers, employees and/or agents of the Village shall take all actions necessary or reasonably required to carry out and give effect to the intent of the Agreement and otherwise to consummate the transactions contemplated therein, and shall take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein.

### **Section Five – Authorization of Expenditures**

The Corporate Authorities hereby authorize and direct the expenditure of all costs related to the execution of the Agreement, additionally, the Village is authorized and directed to allocate and spend all necessary funds to fulfill the requirements of the Agreement and of this Resolution.

### **Section Six - Acts of Village Officials**

That all past, present and future acts and doings of the officials of the Village that are in conformity with the purpose and intent of the Agreement are hereby, in all respects, ratified, approved, authorized and confirmed.

### **Section Seven – Effective Date**

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

### **Section Eight – Publication**

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

**Section Nine – Conflict Clause**

All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section Ten – Saving Clause**

If any section, paragraph, clause or provision of this Resolution is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of any other provisions of this Resolution, which are hereby declared to be separable.

**Section Eleven – Recording**

This Resolution shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Bloomingdale.

***[Remainder of Page intentionally left blank; roll call vote 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)				
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>1</b>	

**PASSED AND APPROVED** by the Village of Bloomingdale Board of Trustees on  
the 26th day of June 2023:



\_\_\_\_\_  
Franco A. Coladipietro  
Village President

ATTEST:

  
\_\_\_\_\_  
Pamela S. Hager  
Village Clerk

**Exhibit A**

[Development Agreement]