Village of Downers Grove

Report for the Village Council Meeting

Table 1 - Council Agenda item.

Subject	Amendment to 1250 Ogden Redevelopment Agreement for Completion Date Extension
Submitted By	David Fieldman, Village Manager

Synopsis

An Ordinance has been prepared to amend the Redevelopment Agreement between the Village of Downers Grove and 1250 Ogden, LLC to extend the completion deadline to December 31, 2027 for the property located at 1250 Ogden Avenue.

Strategic Plan Alignment

The 2025-27 Long Range Plan Strategic Goals include *A Strong, Diverse Local Economy. Close Out the Ogden TIF District* is a Priority Action Item.

Fiscal Impact

N/A

Recommendation

Staff recommends approval on the November 17, 2026 Active Agenda.

Background

On March 4, 2025, the Village Council approved a Redevelopment Agreement (RDA) with 1250 Ogden, LLC for the redevelopment of the property located at 1250 Ogden.

While the Developer has actively pursued completion of the project according to the schedule in the RDA, progress has been delayed due to a slower than expected IDOT permitting process. The Developer has obtained the IDOT permit and construction is well underway. The Developer expects to complete the project prior to the end of 2027.

Therefore, the Developer has requested a 1-year extension of the required completion date from December 31, 2026 to December 31, 2027.

The RDA requires the Developer to redevelop the property according to the following key terms:

- Acquire all of the property comprising the redevelopment project
- Demolish the existing building located on the subject property
- Redevelop the property and construct a multi-tenant building with a minimum of 9,600 square feet in area pursuant to the plans approved in conjunction with the Special Use
    - Lease the building to two restaurants (two tenant spaces shall be leased to two restaurants)
    - The minimum square footage of both leases combined shall be 3,200 square feet o The minimum initial lease terms shall be ten years
- Open and operate the two restaurants
- Adhere to development/construction schedule
    - Acquire the properties - May 15, 2026
    - Commence construction - June 30, 2026

    - Complete Construction - December 31, 2027
- Submit proof of paid invoices for TIF eligible expenses.

Attachments

Ordinance

Agreement

Ordinance

An Ordinance Approving Execution of a First Amendment to the Redevelopment Agreement Between the Village of Downers Grove and 1250 Ogden, LLC

BE IT ORDAINED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

SECTION 1. That the form and substance of a certain First Amendment to the Redevelopment Agreement (the "First Amendment"), between the Village of Downers Grove (the "Village") and 1250 Ogden, LLC (the "Developer"), as set forth in the form of the First Amendment submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

SECTION 2. That the Mayor and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the First Amendment, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

SECTION 3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the First Amendment.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage as provided by law.

_____
By: Mayor

Passed:

Published:

Attest:

_____
By: Village Clerk

FIRST AMENDMENT TO THE AGREEMENT BETWEEN
THE VILLAGE OF DOWNERS GROVE AND 1250 OGDEN, LLC

On or about March 4, 2025, the Village of Downers Grove, Illinois ("Village") and 1250 Ogden, LLC ("Developer") entered into a Redevelopment Agreement regarding the redevelopment of the property located at 1250 Ogden Ave., Downers Grove, IL 60515 (the "Agreement"). Pursuant to the terms stated therein, the parties desire to amend the Agreement in accordance with the following terms:

1. Section 6.3. of the Agreement, **Agreement to Complete the Redevelopment Project**, is hereby amended to state the following:

   6.3 Agreement to Complete the Redevelopment Project. Subject to extension for Uncontrollable Circumstances, Developer covenants and agrees to use its commercially reasonable efforts to Substantially Complete the Redevelopment Project no later than December 31, 2027, in accordance with this Redevelopment Agreement and in substantial compliance with the zoning entitlements approved by the Village. Developer shall meet with the Village staff and make presentations to the Village Council and Village staff as reasonably requested by the Village Manager in order to keep the Village apprised of the progress of the Redevelopment Project. Notwithstanding anything to the contrary contained in this Redevelopment Agreement, Developer's failure to Substantially Complete the Redevelopment Project by December 31, 2027 will not be considered an Event of Default. Subject to extension for Uncontrollable Circumstances, any failure to Substantially Complete the Redevelopment Project by December 31, 2027 will give rise to the termination rights of the Parties under Section 14.1 of this Redevelopment Agreement.

2. Section 14.1. of the Agreement, **Cancellation**, is hereby amended to state the following:

   14.1 Cancellation. In the event Developer or the Village shall be prohibited, in any material respect, from performing covenants and agreements or enjoying the rights and privileges herein contained, or contained in the Redevelopment Plan with respect to the Property, including Developer's duty to build-out the Redevelopment Project, (i) by order of any court of competent jurisdiction; (ii) in the event that all or any part of the Act or any ordinance adopted by the Village in connection with the Redevelopment Project, shall be declared invalid or unconstitutional, in whole or in part, by a final decision of a court of competent jurisdiction (any such finding being referred to herein as "Superseding Order") and such declaration shall materially affect the Redevelopment Project or the covenants and agreements or rights and privileges of Developer or the Village; or (iii) the failure of the Developer to Substantially Complete the Redevelopment Project on or before December 31, 2027, subject to extension for Uncontrollable Circumstances, then and in any such event, the party so materially affected may, at its election, cancel or terminate this Redevelopment Agreement in whole (or in part with respect to that portion of the Redevelopment Project materially

affected) by giving written notice thereof to the other party within sixty (60) days after such final decision or event. If the Village terminates this Redevelopment Agreement pursuant to this Section 14.1, to the extent it is then appropriate, the Village, at its option, may also terminate its duties, obligation and liability under all or any related documents and agreements; provided, however, that (i) the cancellation or termination of this Redevelopment Agreement shall have no effect on the authorizations granted to Developer for building permits issued and under construction to the extent permitted by said court order; (ii) the cancellation or termination of this Redevelopment Agreement shall have no effect on perpetual easements contained in any document recorded against the Property for the Village's benefit; and (iii) the cancellation or termination of this Redevelopment Agreement shall release the Village from any and all liability or obligation relating to the payment or reimbursement to the Developer for any Eligible Redevelopment Project Costs. If the Developer terminates this Redevelopment Agreement pursuant to this Section 14.1, to the extent it is then appropriate, the Developer, at its option, may also terminate its duties, obligation and liability under all or any related documents and agreements; provided, however, that the cancellation or termination of this Redevelopment Agreement shall have no effect on perpetual easements contained in any document recorded against the Property for the Village's benefit.

3. Exhibit C, **PROJECT SCHEDULE**, of the Agreement is hereby amended to state the following:

EXHIBIT C
PROJECT SCHEDULE

ACQUIRE PROPERTY	**MAY 15, 2026**
COMMENCE CONSTRUCTION	**JUNE 30, 2026**
SUBSTANTIAL COMPLETION	**DECEMBER 31, 2027**

4. All other terms from the Agreement remain in full force and effect.

VILLAGE OF DOWNERS GROVE

_____
By: Mayor

ATTEST:

_____
Village Clerk

1250 OGDEN, LLC

Vick Mehta
By: Vick Mehta, Manager

ATTEST:

_____
By: Secretary

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