

UNFINISHED BUSINESS



Martin J. Moylan

OFFICE OF THE MAYOR

City of Des Plaines

1420 Miner Street
Des Plaines, Illinois 60016
Telephone: 847/391-5301
Fax: 847/391-5378

DATE: November 27, 2012
TO: Honorable Aldermen
FROM: Martin J. Moylan
Mayor
RE: Kmart Stores of Illinois, LLC, d/b/a Kmart Store #4214, 1155 Oakton St. Class B-1-
(Bulk Sale Liquors Dealers License) New License

Attached please find an application for a Class B-1 Bulk Sale Liquors Dealers License, as well as the Articles of Incorporation. Signatures have been redacted. The complete application is on file in the Mayor's office.

Fees have been secured and required posting has been done.

This application will come before you on the Consent Agenda of December 3, 2012.

Martin J. Moylan
Mayor
Local Liquor License Control Commissioner

cc: Michael Bartholomew, City Manager

CITY OF DES PLAINES

APPLICATION FOR LICENSE UNDER DES PLAINES LIQUOR CONTROL ORDINANCE

TO: Liquor Control Commissioner:
The undersigned hereby makes application for the issuance of a license to engage in the business of selling alcoholic liquors, as indicated hereafter.

1. Applicant's corporate name Kmart Stores of Illinois, LLC
Doing business as: Kmart Store #4214

2. Location of place of business for which license is sought:
(A) 1155 Oakton Street, Des Plaines, IL 60018
(Exact address by street and number)

(B) Hours of operation: Monday through Sunday 8:00AM - 10:00PM
Phone: (847) 296-6136

3. Date of incorporation 5/5/2003; Under laws of State of Illinois
(Attach a copy of the most recent State of Illinois Domestic Corporation Annual Report.)

Name of Registered Agent: CT Corporation System
Address: 208 S. LaSalle Street, Suite 814 Chicago, IL 60604
Phone Number: (312) 345-4320

4. Classification of Licenses being applied for:
- Class A (Tavern Liquors Dealers License – seat 250 people or less)
 - Class A-1 (Tavern License – seat 251 to 500 people)
 - Class A-2 (Tavern License – seat more than 500 people)
 - Class AB (Tavern and Bulk Sale on and off premises – seat 250 people or less)
 - Class AB-1 (Tavern and Bulk Sale – seat 250 to 500 people)
 - Class AB-2 (Tavern and Bulk Sale – seat over 500 people)
 - Class B (Bulk Sales Dealers License – No consumption on premises)
 - Class B-1 (Bulk Sales, Liquor not primary product)
 - Class C (Club Liquor License)
 - Class E (Restaurant and Dining Room License – seat over 50 people)
 - Class F (Restaurant, Beer Only)
 - Class G (Banquet Hall)
 - Class H-1 (Restaurant, Beer and Wine Only)
 - Class H-2 (Bulk Sale, Beer and Wine Only)
 - Class I (Religious Society License)
 - Class J (Special 4 am Liquor License – Class A License Required)
 - Class K (Government Facility License)
 - Class L (Wine Only–On and Off Premises – wine bar with bottle sales)
 - Class M (Gas Station with Mini Mart)
 - Class N (Casino Liquor License)
 - Class O (Casino Special Occasion License)

5. State names of directors and officers, and indicate the percentage of stock owned in applicant corporation, if any.
(Note: If more than three directors, attach separate sheet with required information for additional directors.)

(A) President Louis D'Ambrosio Percentage of stock owned 0 %

Have you ever plead guilty, been found guilty, received supervision, plead nolo contendere (no contest) to any felony under any Federal, State, County or Municipal law ordinance? No

If Yes, attach additional sheet identifying charge, date of finding, Court name and Branch and case docket number. N/A

Attach a copy of the current Alcohol Awareness Certification. N/A

Do you participate in the operation of the business? No

If "Yes", state in detail the nature of your participation. N/A

(Attach Confidential Information Forms)

(B) Vice President William Phelan Percentage of stock owned 0 %

Have you ever plead guilty, been found guilty, received supervision, plead nolo contendere (no contest) to any felony under any Federal, State, County or Municipal law ordinance? No

If Yes, attach additional sheet identifying charge, date of finding, Court name and Branch and case docket number. N/A

Attach a copy of the current Alcohol Awareness Certification. N/A

Will you participate in the operation of the business? No

If "Yes", state in detail the nature of your participation. N/A

(Attach Confidential Information Forms)

(C) Secretary Lawrence Meerschaert Percentage of stock owned 0 %

Have you ever plead guilty, been found guilty, received supervision, plead nolo contendere (no contest) to any felony under any Federal, State, County or Municipal law ordinance? No

If Yes, attach additional sheet identifying charge, date of finding, Court name and Branch and case docket number. N/A

Attach a copy of the current Alcohol Awareness Certification. N/A

Will you participate in the operation of the business? No

If "Yes", state in detail the nature of your participation. N/A

(Attach Confidential Information Forms)

6. List below persons or corporations owning 5% or more of the stock of the applicant, other than those named in answer to question 5. State the percentage of stock so owned.

Kmart Corporation Percentage of stock owned 100 %

Percentage of stock owned _____ %

Percentage of stock owned _____ %

(Attach Confidential Information Forms)

7. Does applicant own premises for which license is sought? No

If not, when does applicant's lease expire? _____

8. Is the location of the applicant's business for which license is sought within one hundred (100) feet of any church, school, hospital, home for aged or indigent persons or for veterans, their wives or children, or any naval or military station, as defined by ordinance of this City? No

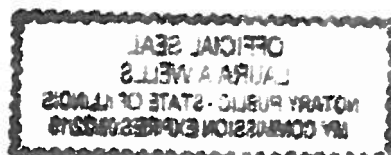
9. Is any law enforcing official, Mayor, Alderman, Member of a City Commission or Board, or any President or member of a County Board directly or indirectly interested in the business for which license is sought? No

If answer is "Yes", give particulars N/A

10. Is or will the business be conducted by a Manager or Agent? Yes

If answer is "Yes", complete attached Manager's supplemental sheet for each manager. See attached

STORE	TYPE	ADDRESS	CITY	ST	COUNTY
3422	B/W	2851 HOMER M ADAMS PARKWAY	ALTON	IL	MADISON
9351	B/W	7230 WESTFIELD PLAZA DRIVE	BELLEVILLE	IL	ST CLAIR
3914	LIQ	156 S GARY AVENUE	BLOOMINGDALE	IL	DU PAGE
4031	B/W	1608 E EMPIRE STREET	BLOOMINGTON	IL	MC LEAN
7525	LIQ	990 KENZIE	BRADLEY	IL	KANKAKEE
4381	LIQ	7325 W 79TH STREET	BRIDGEVIEW	IL	COOK
3371	LIQ	3443 W ADDISON	CHICAGO	IL	COOK
4729	LIQ	1360 N ASHLAND AVE	CHICAGO	IL	COOK
4235	LIQ	7050 S PULASKI	CHICAGO	IL	COOK
3474	LIQ	6000 NORTHWEST HIGHWAY	CRYSTAL LAKE	IL	MCHENRY
3758	B/W	1101 BELTLINE ROAD	COLLINSVILLE	IL	MADISON
4293	B/W	1155 E PERSHING ROAD	DECATUR	IL	MACON
9331	B/W	6525 N ILLINOIS	FAIRVIEW HEIGHTS	IL	ST CLAIR
3620	B/W	1150 WEST CARL SANDBURG	GALESBURG	IL	KNOX
3137	B/W/LIQ	3655 NAMEOKI ROAD	GRANITE CITY	IL	MADISON
7416	LIQ	17550 HALSTEAD	HOMEGOOD	IL	COOK
7399	LIQ	1900 DOUGLAS ROAD	MONTGOMERY	IL	KANE
3328	LIQ	1500 W LINCOLN HIGHWAY	NEW LENOX	IL	WILL
9335	B/W	901 W LAKE AVENUE	PEORIA	IL	PEORIA
9163	B/W	VERMILLION PLAZA	PONTIAC	IL	LIVINGSTON
4433	B/W	3701 BROADWAY STREET	QUINCY	IL	ADAMS
4938	LIQ	400 E ROLLINS ROAD	ROUND LAKE	IL	LAKE
7289	LIQ	3231 CHICAGO ROAD	STEGER	IL	COOK
4984	LIQ	16300 HARLEM	TINLEY PARK	IL	COOK
9680	B/W/LIQ	#3 WEST FRANKFORT PLAZA	W FRANKFORT	IL	FRANKLIN
4459	LIQ	840 PLAINFIELD	WILLOWBROOK	IL	DU PAGE



11. Has any officer or director of applicant corporation, or any stockholders, owning in this aggregate more than five percent (5%) of the stock of such corporations, ever plead guilty, received supervision, plead nolo contendere (no contest) to any felony under any Federal, State, County or Municipal law or ordinance? No
If Yes, attach additional sheet identifying charge, date of finding, Court name and Branch and case docket number. N/A
12. Has any officer or director of said corporation, or any stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, ever plead guilty to or been found guilty of a violation of any Federal, State, County or Municipal, liquor laws or ordinance. No
If so, give name of person so convicted, court, date of offense and the offense. N/A
13. Has any officer or director of said corporation, or any stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, ever plead guilty to or been found guilty under any Federal, State, County or Municipal law or ordinance of being the keeper of a house of ill fame; or of pandering or any other crime or misdemeanor opposed to decency or morality? No
If so, give name of person so convicted, stating date and the offense N/A
14. Has the applicant corporation or any Officer, Manager, or Director of said corporation, or any stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, made application for a similar license for this period for any premises other than those described above? Yes
If so, give name of applicant, location of premises, date and disposition of application Granted. Kmart Stores of Illinois, LLC holds several liquor licenses in the state of Illinois. See attached list.
15. Has any license previously issued by Federal, State, or local authorities to the applicant corporation or to any officer, manager, or director of said corporation, or any stockholder or stock holders owning in the aggregate more than five percent (5%) of the stock of such corporation, been revoked? No
If so, give name of licensee and state reasons for and date of revocation N/A
16. List any person identified in this application who is currently certified by any alcohol awareness training program. Attach copies of all certificates. (Certificates must be kept on premises)
- Complete the supplementary Manager's form for each person identified above who has not previously answered these questions.
(Attach Confidential Information Forms for Each)
17. I (We) acknowledge that any change in address, ownership or management must be immediately reported to the City and that the application must be updated and signed at that time. (Signature Required) [Signature]

AFFIDAVIT

STATE OF ILLINOIS COUNTY OF COOK S.S.

The undersigned swears (or affirms) that I (we) have read and understand the Liquor code of the City of Des Plaines and that the corporation in whose name this application is made will not violate any of the ordinances of the City of Des Plaines or the laws of the State of Illinois or of the United States of America, in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of our knowledge and belief. An Alcohol Awareness trained and background checked manager shall be on duty at all times when the business sells alcohol. I further understand and acknowledge that any false statements in this application may result in the denial of this application, or revocation of any liquor license issued pursuant to this application.

Subscribed and sworn to before me this 12th
day of October 20 12

Signature [Signature] President

Signature [Signature] Secretary

Notary Public

Notary Public Seal





OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

MAY 05, 2003

0091202-6

C T CORPORATION SYSTEM
208 SOUTH LASALLE STREET
CHICAGO, IL 60604-1136

RE KMART STORES OF ILLINOIS LLC

DEAR SIR OR MADAM:

IT HAS BEEN OUR PLEASURE TO APPROVE AND PLACE ON RECORD THE ARTICLES OF ORGANIZATION THAT CREATED YOUR LIMITED LIABILITY COMPANY. WE EXTEND OUR BEST WISHES FOR SUCCESS IN YOUR NEW VENTURE.

THE LIMITED LIABILITY COMPANY MUST FILE AN ANNUAL REPORT PRIOR TO THE FIRST DAY OF ITS ANNIVERSARY MONTH NEXT YEAR. A PRE-PRINTED ANNUAL REPORT FORM WILL BE SENT TO THE REGISTERED AGENT AT THE ADDRESS SHOWN ON THE RECORDS OF THIS OFFICE APPROXIMATELY 60 DAYS PRIOR TO ITS ANNIVERSARY MONTH.

DUE TO STATUTORY CHANGES IN THE LIMITED LIABILITY COMPANY ACT, CERTIFICATES OF ORGANIZATION WILL NO LONGER BE ISSUED WITH THE ARTICLES OF ORGANIZATION.

SINCERELY YOURS:

A handwritten signature in cursive script that reads "Jesse White".

JESSE WHITE
SECRETARY OF STATE

DEPARTMENT OF BUSINESS SERVICES
LIMITED LIABILITY COMPANY DIVISION
TELEPHONE (217)524-8008

JW:LLC

Form **LLC-5.5**
January 2000

Jesse White
Secretary of State
Department of Business Services
Limited Liability Company Division
Room 359, Howlett Building
Springfield, IL 62756
http://www.sos.state.il.us

Payment must be made by certified check, cashier's check, Illinois attorney's check, Illinois C.P.A.'s check or money order, payable to "Secretary of State."

Illinois
Limited Liability Company Act
Articles of Organization

SUBMIT IN DUPLICATE
Must be typewritten

This space for use by Secretary of State

Date 5-5-03
Assigned File # 0091-202-6
Filing Fee 900 \$400.00
Approved: JWB

This space for use by Secretary of State

FILED

MAY 05 2003

LIMITED LIABILITY CO. DIV.
JESSE WHITE
SECRETARY OF STATE

1. Limited Liability Company Name: Kmart Stores of Illinois LLC

(The LLC name must contain the words limited liability company, L.L.C. or LLC and cannot contain the terms corporation, corp., incorporated, Inc., Ltd., co., limited partnership, or L.P.)

2. If transacting business under an assumed name, complete and attach Form LLC-1.20.

3. The address of its principal place of business: (Post office box alone and c/o are unacceptable.)

3100 West Big Beaver Road; Troy, Michigan 48084

4. The Articles of Organization are effective on: (Check one)

a) the filing date, or b) _____ another date later than but not more than 60 days subsequent to the filing date: _____
(month, day, year)

5. The registered agent's name and registered office address is:

Registered agent:

CT Corporation System

First Name

Middle Initial

Last Name

Registered Office:

c/o CT Corporation System, 208 LaSalle Street

(P.O. Box and c/o are unacceptable)

Number

Street

Suite #

Chicago

ZIP Code

Cook

City

County

6. Purpose or purposes for which the LLC is organized: Include the business code # (IRS Form 1065).
(If not sufficient space to cover this point, add one or more sheets of this size.)

"The transaction of any or all lawful business for which limited liability companies may be organized under this Act."

The latest date, if any, upon which the company is to dissolve perpetual existence.
(month, day, year)

Any other events of dissolution enumerated on an attachment. (Optional)

LLC-5.5

8. Other provisions for the regulation of the internal affairs of the LLC per Section 5-5 (a) (8) included as attachment:
If yes, state the provisions(s) from the ILLCA. [] Yes [X] No

9. a) Management is by manager(s): [X] Yes [] No
If yes, list names and business addresses.

Kmart Corporation
3100 West Big Beaver Road
Troy, Michigan 48084

b) Management is vested in the member(s): [] Yes [X] No
If yes, list names and addresses.

10. I affirm, under penalties of perjury, having authority to sign hereto, that these articles of organization are to the best of my knowledge and belief, true, correct and complete.

Dated April 2003
(Month/Day) (Year)

Signature(s) and Name(s) of Organizer(s)

Business Address(es)

1. [Signature]
Ronald B. Hutchison, EVP, Chief Restructuring Officer
Kmart Corporation

1. 3100 West Big Beaver Road
Troy Michigan 48084

(Signatures must be in ink on an original document. Carbon copy, photocopy or rubber stamp signatures may only be used on conformed copies.)

CITY OF DES PLAINES

ORDINANCE M - 60 - 12

AN ORDINANCE AMENDING TITLE 4, "BUSINESS REGULATIONS," CHAPTER 4, "INTOXICATING LIQUORS," SECTION 5, "LICENSE FEES AND NUMBER," OF THE DES PLAINES CITY CODE TO ADD ONE CLASS B-1 LIQUOR LICENSE FOR KMART STORES OF ILLINOIS, LLC D/B/A KMART STORE #4214 LOCATED AT 1155 E. OAKTON STREET, DES PLAINES, ILLINOIS.

BE IT ORDAINED, by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1: That Title 4, "Business Regulations," Chapter 4, "Intoxicating Liquors," Section 5, "License Fees and Number," of the City Code of Des Plaines, be amended and read as follows:

4-4-5: LICENSE FEES AND NUMBER:

A. Schedule Of Fees, Number Of Licenses Authorized To Be Issued:

Class	Number Issued	Initial Fee	Annual Fee
Class B-1	14 <u>15</u>	3,630.00	1,815.00

The remainder of the table is unchanged.

B. No change

C. No change

SECTION 2: That Kmart Stores of Illinois, LLC d/b/a Kmart Store #4214 located at 1155 E. Oakton Street is hereby granted a Class B-1 Liquor License in the City of Des Plaines.

SECTION 3: If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form according to law.

PASSED this ____ day of _____, 2012.

APPROVED this ____ day of _____, 2012.

VOTE: AYES ____ NAYS ____ ABSENT ____

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form this
____ day of _____, 2012.

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

NOTE: Deleted Language is Struck Through. New Language is Underlined.

Legal\Ord\Special\Liq Lic\ K-Mart Add Class B-1