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**VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 897

AN ORDINANCE AUTHORIZING AND DIRECTING THE ENTRY INTO THAT CERTAIN FIRST AMENDMENT TO PLANNED DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF MELROSE PARK AND NORTH MELROSE DEVELOPMENT LLC, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK**

THIS 14TH DAY OF MARCH 2005

**RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

Board Of Trustees

**JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
THOMAS KLEIN
RUBEN LOMELI
ARTURO J. MOTA
ANTHONY J. PRIGNANO**

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**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 15TH day of MARCH 2005**

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* * * * *

WHEREAS, the Village of Melrose Park, Cook County, State of Illinois (“the Village”) is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the Village President, the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 1, 2001 and the Village Board of Trustees, the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "T.K." Klein, Ruben Lomeli, Arturo J. Mota and Anthony J. Prignano, having taken office on May 1, 2003, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, the Village and North Melrose Development L.L.C., an Illinois limited liability corporation, (“Developer”) entered into a Planned Development Agreement, dated May 12, 2004 (“Agreement”); and

WHEREAS, the Village and Developer desire to modify certain terms of said Agreement, as more particularly set forth in the “First Amendment to Planned Development Agreement” (hereinafter or otherwise the “First Amendment”), a copy of which is attached hereto as Exhibit A; and

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Melrose Park, Cook County, Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 1.0 Incorporation Clause.

The Village Board hereby finds that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 2.0 Purpose

The purpose of this Ordinance is to approve the First Amendment, and authorize and direct the Village President to execute the First Amendment.

Section 3.0 Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to this Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 4.0 State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Section 5.0-9.0 Reserved.

**ARTICLE II.
FIRST AMENDMENT TO PLANNED DEVELOPMENT AGREEMENT**

Section 10.0 Approval and Execution of Documents.

The form, terms and provisions of the First Amendment are hereby approved in substantially the same form as provided in the First Amendment, a copy of which is attached hereto and made a part hereof as Exhibit A, with such insertions, omissions and changes as shall be approved by the Village President and the Village Attorney or other members of the governing body of the Village executing the same, the execution of such documents being conclusive evidence of such approval; the Village President is hereby authorized and directed to execute and the Village Clerk is hereby authorized and directed to attest and countersign the First Amendment and any and all such other documents as may be necessary to carry out and effectuate the purpose of this Ordinance; and the Village Clerk is also authorized and directed to affix the seal of the Village to such documents.

The authorization and direction herein contained is subject to the limitations and conditions as expressly provided within the First Amendment.

Section 11.0 Reserved.

**ARTICLE III.
SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 12.0 Headings.

The headings for the articles, sections, paragraphs, and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of the Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 13.0 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section or part of this Ordinance be determined to be in conflict with any law, statute, or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

Section 14.0 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

Section 15.0 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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Section 16.0 Effective Date

This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Italia, Trustee Klein,
Trustee Lomeli, Trustee Mota, Trustee Prignano

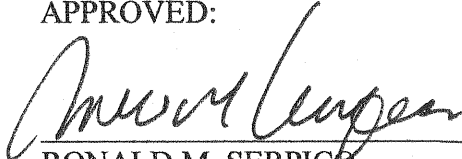
NAY VOTES:

ABSTAIN:

ABSENT:


SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF
MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS FOURTEENTH DAY OF
MARCH, 2005 AD.

APPROVED:

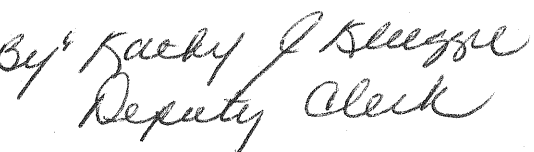


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:



Mary/Ann Paolantonio Salemi
Village Clerk



Kathy J. Slezyske
Deputy Clerk

(SEAL)

Recorded in the Municipal Records: March 14, 2005
Published in pamphlet form: March 15, 2005