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

ORDINANCE NO. 902

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A PUBLIC THOROUGHFARE AUTHORITY AGREEMENT IN CONNECTION WITH 1515 N. 25TH AVENUE IN 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 9TH DAY OF MAY 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 10TH day of MAY 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 2, 2005 and the Village Board of Trustees, the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "TK" Klein, Ruben Lomeli, Arturo J. Mota, and Anthony J. Prignano, having taken office on May 2, 2005, respectively, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, at the President and Board of Trustees Meeting of November 24, 1997, the Corporate Authorities of the Village of Melrose Park adopted Ordinance No. 321, entitled "An Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply by the Installation or Use of Potable Water Supply Wells or by any other Method..."; and

WHEREAS, in order to ensure the long-term integrity of Ordinance No. 321 as an environmental institutional control and to minimize any risk to human health and the environment from contamination, the Village of Melrose Park adopted Ordinance No. 509 which authorized and approved a Memorandum of Understanding ("MOU") between the Village and the Illinois Environmental Protection Agency (hereinafter "IEPA"); and

WHEREAS, pursuant to said MOU, the Village, assumed certain responsibilities, pursuant to 35 Ill. Adm. Code 742.1015(i), with respect to monitoring and siting public water supply wells in the Village; and

WHEREAS, Jay Tee Screw Machine Products Co. (the "Land Owner") is pursuing corrective environmental action on and about 1515 N. 25th Avenue in the Village and the public thoroughfare(s) adjacent to 1515 N. 25th Avenue, as particularly described in the Agreement attached hereto (hereinafter collectively the "Site"); and

WHEREAS, the Public Thoroughfare Authority Agreement, a copy of which is attached hereto and made a part hereof as Exhibit A, among other things, sets forth the requirements for the environmental clean-up of the Site and specifies that the Village will not permit underground potable water wells to be used on or near the Site; and

WHEREAS, in an effort to encourage environmental clean-up and redevelopment of the site, the President and the Board of Trustees (the "Corporate Authorities") of the Village of Melrose Park, County of Cook, State of Illinois, have determined that the approval of the Public Thoroughfare Authority Agreement (hereinafter the "Agreement") between the Village and the Land Owner is advisable and in the best interest of the Village and its residents;

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

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

The President and Board of Trustees of the Village (the "Village Board") hereby find 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 the Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to authorize and approve the adoption and execution of a Public Thoroughfare Authority Agreement, in connection with 1515 N. 25th Avenue in the Village of Melrose Park.

Section 03. Invocation of authority.

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

Section 04. 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.

Sections 05-09. Reserved.

ARTICLE II.
PUBLIC THOROUGHFARE AUTHORITY AGREEMENT

Section 10.00 Approval & Adoption of Agreement.

Subject to Section 13.00 below, the terms and provisions of the Public Thoroughfare Authority Agreement between the Village and the Land Owner, in connection with 1515 N. 25th Avenue, Melrose Park, Illinois, are hereby approved in substantially the same form as attached hereto 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.

Section 11.00 Authorization for Execution of Agreement.

The Village President is hereby authorized and directed to execute, and the Village Clerk, if necessary, is hereby authorized and directed to attest and countersign the Public Thoroughfare Authority Agreement and any related exhibits attached thereto, whether or not such documents are attached to this Ordinance, and the Village Clerk, if necessary, is also authorized to affix the seal of the Village to such documents.

Section 12.00 Other Actions Authorized.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by this Ordinance and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any documents required to be delivered in connection with this Ordinance and the Public Thoroughfare Authority Agreement.

Section 13.00 Future Obligations of Site.

The Village's approval, adoption and execution of the Agreement and the Village's authorization for the actions contemplated herein are expressly contingent upon the recordation, by the Land Owner at its sole expense, of the Public Thoroughfare Authority Agreement and the "IEPA's No Further Remediation" determination, in the chain of title for the Site in the county where the Site is located. Further, as an inducement to the Village of Melrose Park to adopt this Ordinance, the Landowner has executed and delivered a Letter of Agreement, a copy of which is attached hereto and made a part hereof as Exhibit B, and the Village has relied upon the terms and conditions of said Letter of Agreement as a condition precedent to adoption of this Ordinance. Said Letter of Agreement forms an integral part of this Ordinance and the authorization granted herein.

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

Section 14.00 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 this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 15.00 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. It is hereby declared to be the legislative intent of the Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

Section 16.00 Superseder.

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

Section 17.00 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 18.00 Effective date

This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

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:

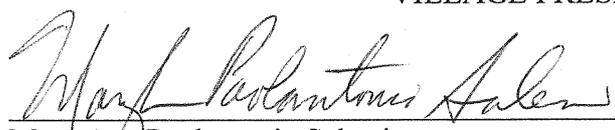
SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS
NINTH DAY OF MAY, 2005, A.D.

APPROVED:



RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: May 9, 2005
Published in pamphlet form: May 10, 2005