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

ORDINANCE NO. 915

**AN ORDINANCE AUTHORIZING AND APPROVING A LICENSE
AGREEMENT 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 13TH DAY OF JUNE 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 14TH day of JUNE 2005**

ORDINANCE NO. 915

AN ORDINANCE AUTHORIZING AND APPROVING A LICENSE AGREEMENT FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

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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 "T.K." Klein, Ruben Lomeli, Trustee Arturo J. Mota and Anthony J. Prignano, having taken office on May 2, 2005, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, there currently exists a need to enter the property of another for the purposes of locating, operating and maintaining a varying diameter sanitary sewer for the Village of Melrose Park; and

WHEREAS, in order to construct, and subsequently maintain, the varying diameter sanitary sewer, the Village of Melrose Park must obtain a License, issued by the Forest Preserve District of Cook County, Illinois, to enter upon, across, through and under certain land owned by the Forest Preserve District of Cook County, Illinois; and

WHEREAS, to accomplish this object, the Village of Melrose Park and the Forest Preserve District of Cook County, Illinois (hereinafter referred to as "District"), desire to enter into a License Agreement, upon the terms and conditions as more particularly described in the License Agreement (hereinafter the "Licensing Agreement"), attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the President and the Board of Trustees of the Village has determined that it is necessary, advisable and in the best interests of the Village and its residents to authorize the Village to enter into said License Agreement with the District;

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 this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to authorize the Village of Melrose Park to enter into said License Agreement with the District and to authorize the payment of consideration for the rights therein granted.

Section 03. 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 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.
AUTHORIZATION TO ENTER AGREEMENT.**

Section 10.00 Authorization for Consideration.

That the President and Board of Trustees of the Village for and in consideration of the rights granted to the Village of Melrose Park by the District, pursuant to the License Agreement, a copy of which is attached hereto and made a part hereof as "Exhibit A," authorize the Village of Melrose Park to make payment of a one time five hundred dollar and 00/100 (\$500.00) fee (hereinafter the "Fee") for the license. The Village President and Board of Trustees authorize payment for the Fee in conformity with Section 3, Fee, of the License Agreement.

Section 11.00 Approval and Execution of License Agreement.

The form, terms, conditions, and provisions of the License Agreement are 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, 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; and the Village President is hereby authorized and directed to execute, and the Village Clerk is hereby authorized and directed to attest and countersign, the License Agreement and any related exhibits and/or documents attached thereto, the Village Clerk is further authorized to affix the seal of the Village to such documents.

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

Section 12.00 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 13.00 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 14.00 Superseder.

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

Section 15.00 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 16.00 Effective date

This Ordinance shall be in full force and effect upon passage, approval and publication, as provided 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

NAY VOTES:

ABSTAIN:

ABSENT: Trustee Prignano

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

APPROVED:



RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: June 13, 2005

Published in pamphlet form: June 14, 2005