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

**ORDINANCE NO. 937**

**AN ORDINANCE AUTHORIZING AND APPROVING A CERTAIN  
EASEMENT AGREEMENT BETWEEN THE VILLAGE OF  
MELROSE PARK AND PARKWAY BANK AND TRUST  
COMPANY, 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 26<sup>TH</sup> DAY OF SEPTEMBER 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 27<sup>TH</sup> day of SEPTEMBER 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 "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, the Village has requested from Parkway Bank and Trust Company, not personally, but solely as Trustee under Trust Agreement dated December 18, 1996 and known as Trust No. 8105, (hereinafter “Grantor”) a certain easement in, under, over, upon and across the Easement Area more particularly described in the "Grant of Easement" (hereinafter the "Easement Agreement"), a copy of which is attached hereto and made a part hereof as Exhibit A, and commonly described as a ten (10) foot wide

strip of property as measured off of the west property line of the subject property (hereinafter the "Easement Property"); and

WHEREAS, to effectuate this grant of easement, Grantor and the Village of Melrose Park desire to enter into said Easement Agreement upon the terms and conditions particularly described therein; and

WHEREAS, the President and the Board of Trustees of the Village have 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 Easement Agreement with the Grantor;

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 an Easement Agreement with Grantor and to authorize the execution of said Easement Agreement.

**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 Approval and Execution of Easement Agreement.**

The form, terms, conditions, and provisions of the Easement 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 and Village Attorney; and 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 Easement Agreement and any related exhibits and/or documents attached thereto, whether or not such exhibits and/or documents are attached to this Ordinance; and the Village Clerk is further authorized and directed 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 the Balancing Change Order.

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

**Section 13.00 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 14.00 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 15.00 Superseder.**

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

**Section 16.00 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 17.00 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 Klein, Trustee Lomeli,  
Trustee Mota, Trustee Prignano

NAY VOTES:

ABSTAIN:

ABSENT: Trustee Italia

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

APPROVED:



RONALD M. SERPICO,  
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi,  
Village Clerk

(SEAL)

Recorded in the Municipal Records: September 26, 2005  
Published in pamphlet form: September 27, 2005