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

ORDINANCE NO. 1011

**AN ORDINANCE AMENDING A TIERED APPROACH TO
CORRECTIVE ACTION OBJECTIVES AGREEMENT IN
CONNECTION WITH 1500 BROADWAY AVENUE IN THE
VILLAGE OF MELROSE PARK” 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 27TH DAY OF NOVEMBER 2006

**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 28TH day of NOVEMBER 2006**

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AN ORDINANCE AMENDING A TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVES AGREEMENT IN CONNECTION WITH 1500 BROADWAY AVENUE IN 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 "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 "Village Board"), 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, on or about October 28, 2002, the Village enacted Ordinance No. 824, entitled "An Ordinance Authorizing the Execution and Delivery of a Tiered Approach to Corrective Action Objectives Agreement in Connection with 1500 Broadway Avenue in the Village of Melrose Park, County of Cook, State of Illinois" ("Ordinance 824"); and

WHEREAS, Ordinance 824 authorized the Village to execute a Tiered Approach to Corrective Action Objectives Agreement (the "TACO Agreement") between the Village and Shell Oil Products US ("Shell"); and

WHEREAS, Shell is the current owner of 1500 Broadway Avenue, Melrose Park, Illinois (the "Site"); and

WHEREAS, the TACO Agreement, among other things, set forth the requirements for the environmental clean-up of the Site and any rights of way adjacent to the Site; and

WHEREAS, Shell has requested that the TACO Agreement, authorized by Ordinance 824, be revised to include the entire width of the Division Street right of way immediately south of the site and the alley north of the site. The proposed amended boundaries are more specifically identified as in Figure 1. A copy of Figure 1 is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, Edwin Stoelinga, P.E. of Hancock Engineering has reviewed, on behalf of the Village, Shell's request for an amendment to the TACO Agreement and has determined that said amendment would not impact or in any way lessen the degree of protection (environmentally and fiscally), which is afforded to the Village in order to deal with the private contamination of the North Broadway right of way. A copy of Mr. Stoelinga's correspondence is attached hereto as Exhibit B; and

WHEREAS, the President and the Village Board (collectively, the "Corporate Authorities") have determined that amendment of the TACO Agreement between the Village and Shell is advisable and in the best interest of the Village and its residents; and

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

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to amend the TACO Agreement between Shell and the Village to include the entire width of the Division Street right of way in the TACO Agreement.

Section 03. Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to the 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.
AMENDMENT TO TACO AGREEMENT**

Section 10.00 Amendment to Section 185-54 of Ordinance No. 185

That the TACO Agreement, a copy of which is attached hereto as Exhibit C, authorized by Ordinance 824 is hereby amended by increasing the boundaries of the TACO Agreement to include the entire width of the Division Street right of way

immediately south of the site and the alley north of the site. As more fully described in Figure 1 attached hereto and made a part hereof as Exhibit A.

Section 11.00 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 and all documents required to be delivered in connection with the amendment to the TACO Agreement.

**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 provision 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 Village Board that this Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, subparagraph, section or part thereof 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 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

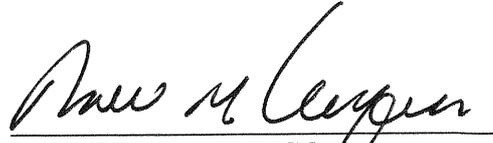
NAY VOTES:

ABSTAIN:

ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS
TWENTY-SEVENTH DAY OF NOVEMBER, 2006 A.D.

APPROVED:


RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: November 27, 2006
Published in pamphlet form: November 28, 2006