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

**ORDINANCE NO. 965**

**AN ORDINANCE AUTHORIZING AND APPROVING A LEASE  
FOR A TELECOMMUNICATIONS TOWER BETWEEN THE  
VILLAGE OF MELROSE PARK AND T-MOBILE CENTRAL 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 27<sup>TH</sup> DAY OF MARCH 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 28<sup>th</sup> day of MARCH 2006**

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**AN ORDINANCE AUTHORIZING AND APPROVING A LEASE FOR A TELECOMMUNICATIONS TOWER BETWEEN THE VILLAGE OF MELROSE PARK AND T-MOBILE CENTRAL LLC FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

\* \* \* \* \*

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, T-Mobile Central, LLC (hereinafter "T-Mobile") wishes to lease a certain parcel of real property owned by the Village and located at 1002 North 27<sup>th</sup> Avenue (hereinafter the "Property"). The Property is more specifically identified in the Site Lease with Option, a copy of which is attached hereto as Exhibit A; and

WHEREAS, T-Mobile wishes to erect a Telecommunications Tower upon the Property; and

WHEREAS, the Village of Melrose Park a body politic and corporate duly organized and existing as a political subdivision, of the State of Illinois, is authorized by the laws of the State of Illinois to lease property for the benefit of its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the term of said Lease does not exceed ninety-nine (99) years; and

WHEREAS, the negotiations between the Village of Melrose Park and T-Mobile have produced terms and conditions of an Agreement acceptable and beneficial to the Village; and

WHEREAS, in order to Lease said real estate, the Village wishes to enter into a Site Lease with Option with T-Mobile; and

WHEREAS, the President and the Board of Trustees (the "Village Board") of the Village of Melrose Park, County of Cook, State of Illinois, have heretofore determined and do hereby determine that it is in the best interest of the Village and its inhabitants to enter into a Site Lease with Option with T-Mobile; and

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 approve and authorize the entry into a Site Lease with Option with T-Mobile, for Village real estate, said real estate to be used for a Telecommunications Tower..

**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 SITE LEASE WITH OPTION.**

**Section 10.00 Approval and Execution of Documents.**

The form, terms and provisions of the Agreement 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, 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 Agreement and any related exhibits attached

thereto, the Village Clerk is also authorized to affix the seal of the Village to such documents.

**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 documents required to be delivered in connection with the intent of this ordinance.

**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



**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

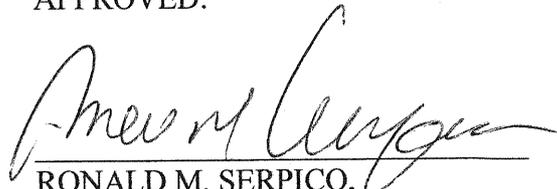
NAY VOTES:

ABSTAIN:

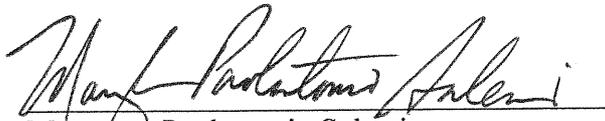
ABSENT:

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 MARCH, 2006 A.D.

APPROVED:

  
RONALD M. SERPICO,  
VILLAGE PRESIDENT

ATTEST:

  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

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