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

ORDINANCE NO. 993

**AN ORDINANCE AUTHORIZING AND APPROVING THE
EXECUTION AND DELIVERY OF A CERTAIN AGREEMENT
INCONJUNCTION WITH THE 2006 MFT PAVING PROGRAM
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 10TH DAY OF JULY 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 11TH day of JULY 2006**

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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 requires a contractor to provide certain paving with regard to paving work for the 2006 MFT Paving Program for the Village of Melrose Park; and

WHEREAS, bids were solicited for the paving services on the 2006 MFT Paving Program and J.A. Johnson Paving Company (hereinafter “Johnson”) submitted the lowest responsible bid. A copy of the award of bid is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the Village desires to retain Johnson to provide certain paving services pursuant to the 2006 MFT Paving Program for the Village of Melrose Park; and

WHEREAS, the President and Board of Trustees has determined and does hereby determine that it is advisable and in the best interests of the Village and its residents to retain Johnson to perform certain paving services pursuant to the 2006 MFT Paving Program for the Village of Melrose Park; and

WHEREAS, to accomplish this objective, the Village of Melrose Park and Johnson, desire to enter into a certain Agreement to perform said paving services (hereinafter referred to as the " Johnson Agreement"), a copy of which is attached hereto as Exhibit B and is made a part hereof by this reference; 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 this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to authorize the Village of Melrose Park to enter into a certain agreement with Johnson to provide paving services in conjunction with the 2006 MFT Paving Program for the Village of Melrose Park and to authorize the execution and delivery of said Johnson 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 Authorization for Consideration.

That the President and Board of Trustees of the Village for and in consideration of the services provided and to be provided, pursuant to the Johnson Agreement, do hereby authorize the Village of Melrose Park, by and through its officers, to compensate that professional in the amount set forth in said agreement (Exhibit B) and in conformity with the Johnson Agreement.

Section 11.00 Approval & Adoption of Agreement.

That the form, terms and provisions of the Johnson Agreement, including exhibits and attachments, between the Village and Johnson, in connection with paving services pursuant to the 2006 MFT Paving Program for the Village of Melrose Park, is hereby approved in substantially the same form as attached hereto and made a part hereof, by this reference, as Exhibit B, with such insertions, omissions and changes as shall be approved by the Village President and/or the Village Attorney.

Section 12.00 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 Johnson Agreement and any related exhibits attached thereto, and the Village Clerk, if necessary, is also authorized to affix the seal of the Village to such documents.

Section 13.00 Other Actions Authorized.

The Village President, Village Clerk and other officers, employees and/or agents of the Village are hereby authorized and directed to 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 the Johnson Agreement.

**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, 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, 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
TENTH DAY OF JULY, 2006 A.D.

APPROVED:



RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: July 10, 2006
Published in pamphlet form: July 11, 2006