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

**ORDINANCE NO. 1018**

**AN ORDINANCE AUTHORIZING AND APPROVING A CERTAIN  
BALANCING CHANGE ORDER AND A REQUEST FOR  
PAYMENT IN CONNECTION WITH THE 2006 MFT STREET  
PAVING PROGRAM IN 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 22<sup>ND</sup> DAY OF JANUARY 2007**

**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 23<sup>RD</sup> day of JANUARY 2007**

**ORDINANCE NO. 1018**

**AN ORDINANCE AUTHORIZING AND APPROVING A CERTAIN BALANCING CHANGE ORDER AND A REQUEST FOR PAYMENT IN CONNECTION WITH THE 2006 MFT STREET PAVING PROGRAM IN THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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**WHEREAS**, the Village of Melrose Park, County of Cook, 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 “President”), the Village Clerk, the Honorable Mary Ann Paolantonio Salemi (the “Clerk”), and the Board of Trustees of the Village, namely, the Honorable John S. Conteduca, Cathleen Cossident Italia, Thomas Klein, Ruben Lomeli, Arturo J. Mota and Anthony J. Prignano (the “Village Board”), all having taken office on May 2, 2005, constitute the duly elected, qualified and acting officials of the Village (collectively, the President and Village Board constitute the “Corporate Authorities”); and

**WHEREAS**, the Village has previously entered into an agreement with J.A. Johnson Paving Company, located at 1025 East Addison Court, Arlington Heights, Illinois 60005, to furnish labor and materials for work associated with the improvement of municipal streets within the Village (the “Contract”), for a project referred to as the “2006 MFT Paving Program; MFT Section 06-00107-00-RS; EHE No. 600-06-14203” (the “2006 MFT Paving Program”); and

**WHEREAS**, a certain balancing change in the Contract is required due to unforeseen conditions that were discovered during construction efforts of the 2006 MFT Paving Program, as specifically set forth in the balancing change order documents (“Balancing Change Order”), attached hereto and made a part hereof by this reference as Exhibit A; and

**WHEREAS**, Pay Estimate No. 2 and Final (the “Request for Payment”) has been made by J.A. Johnson Paving Company in the amount of Twenty-Four Thousand, Nine Hundred Eighty-Five and 13/100 Dollars (\$24,985.13) pursuant to its Agreement with the Village for municipal streets improvement services rendered. Said Request for Payment is attached hereto and made a part hereof by this reference as Exhibit B; and

**WHEREAS**, the Corporate Authorities have heretofore determined and do hereby determine that the circumstances necessitating the changes in performance were not reasonably foreseeable at the time the Contract was signed; that the change is germane to the original Contract as signed; and that the Balancing Change Order is in the best interests of the Village; and

**WHEREAS**, the Corporate Authorities have heretofore determined and do hereby determine that approval of the Balancing Change Order and the Request for Payment is authorized by law, as well as necessary, advisable and in the best interests 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.**

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Corporate Authorities 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 authorize and approve the Balancing Change Order and the Request for Payment.

**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.  
AUTHORIZATION FOR AND APPROVAL OF  
BALANCING CHANGE ORDER  
AND REQUEST FOR PAYMENT**

**Section 10.00 Authorization for and Approval of Balancing Change Order.**

That the Balancing Change Order is hereby approved as further described herein.

**Section 11.00 Authorization for and Approval of Request for Payment.**

That the Request for Payment is hereby approved as further described herein .

**Section 12.00 Approval and Execution of Documents.**

That the terms and provisions of the Balancing Change Order and Request for Payment are hereby approved, based on the findings enumerated in this Ordinance, including, without limitation, Exhibits A and B, with such insertions, omissions and changes as shall be approved by the President, Village Attorney or other officials of the governing body of the Village executing the same; and the President is hereby authorized and directed to execute, and the Clerk, if necessary, is hereby authorized and directed to attest to and countersign, the Balancing Change Order, the Request for Payment and any related exhibits attached thereto, whether or not such documents are attached to this Ordinance, and the Clerk, if necessary, is also authorized to affix the seal of the Village to such documents.

**Section 13.00 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 and the Request for Payment.

**ARTICLE III.  
HEADINGS, 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, clause, sentence, paragraph, sub-paragraph, section, or part 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 Corporate Authorities that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof 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 its 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  
TWENTY-SECOND DAY OF JANUARY, 2007 A.D.

APPROVED:

  
RONALD M. SERPICO,  
VILLAGE PRESIDENT

ATTEST:

  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: January 22, 2007  
Published in pamphlet form: January 23, 2007