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

ORDINANCE NO. 1041

**AN ORDINANCE AUTHORIZING AND APPROVING A CERTAIN
CONTRACT FOR J.E.M. MORRIS CONSTRUCTION, INC. FOR
SERVICES RELATED TO IMPROVEMENTS TO THE RALPH
"BABE" SERPICO MEMORIAL FIELD, 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 26TH DAY OF MARCH 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 27TH day of MARCH 2007**

ORDINANCE NO. 1041

AN ORDINANCE AUTHORIZING AND APPROVING A CERTAIN CONTRACT FOR J.E.M. MORRIS CONSTRUCTION, INC. FOR SERVICES RELATED TO IMPROVEMENTS TO THE RALPH "BABE" SERPICO MEMORIAL FIELD, FOR 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 operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions 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 "TK" 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 recently approved the construction of improvements to the Ralph "Babe" Serpico Memorial Field, located at 1000 North 25th Avenue in the Village (the "Field Complex Project"), particularly to the playing surface of its multi-purpose activities field; and

WHEREAS, as part of the improvements, certain construction work must be performed by a general contractor; and

WHEREAS, the Village seeks to award a contract (the "Contract"), attached hereto as Exhibit "A", which shall be based on certain contract terms and conditions to a qualified bidder for it to perform the work to complete the Field Complex Project; and

WHEREAS, pursuant to the Illinois Compiled Statutes and the Village of Melrose Park Municipal Code, the Village advertised for bids for the Field Complex Project and received bids from multiple prospective bidders; and

WHEREAS, J.E.M. Morris Construction, Inc. (the "Contractor") has been determined to be qualified to perform the work specified in the Contract; and

WHEREAS, the Village has determined that the Contractor is the lowest responsible bidder for the Field Complex Project and, as such, wishes to enter into the Contract with one Contractor for it to perform the work for the Field Complex Project; and

WHEREAS, the Contractor has successfully performed similar work for the Village in the past; and

WHEREAS, the Contractor has agreed to perform the work described in the Contract; and

WHEREAS, the Village has previously appropriated, allocated or budgeted sufficient funds for the Contractor to perform the work as described in the Contract, the funds are readily available, and the Village intends to use the aforementioned funds to pay for the services and materials to be provided as described in the Contract; 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 the President or his designee to enter into the Contract whereby the Contractor will perform certain construction services related to the Field Complex Project in accordance with the terms of the Contract, and to authorize and direct the President to execute all necessary documents and perform all necessary services to effectuate the intent of this Ordinance.

Section 03. Invocation of Authority.

This Ordinance is adopted 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.

**ARTICLE II.
AUTHORIZATION AND APPROVAL**

Section 05. Authorization of Contract.

The Corporate Authorities hereby approve the Contract in substantially the same form as attached hereto, authorize and direct the President or his designee to execute the

Contract, and authorize and direct the expenditure of all funds related thereto or resulting therefrom.

Section 06. Approval and Execution of Documents.

The Contract is hereby approved in substantially the same form as attached hereto and made a part hereof as Exhibit "A" with such insertions, omissions and changes as shall be approved by the President and the Village Attorney. The President or his designee is hereby authorized and directed to complete and execute the Contract and any other documents deemed necessary to effectuate the intent of this Ordinance, whether or not such other documents are attached hereto. The Clerk is hereby authorized and directed to attest to, countersign and affix the seal of the Village to all such documents as are deemed necessary to effectuate the intent of this Ordinance.

Section 07. Other Actions Authorized.

The officers and employees of the Village shall take all actions necessary or reasonably required to carry out and give effect to the intent of this Ordinance and otherwise to consummate the transactions contemplated hereby, and shall take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein.

Section 08. Acts of Village Officials.

That all past, present and future acts and doings of the officials of the Village that are in conformity with the purpose and intent of this Ordinance are hereby, in all respects, ratified, approved, authorized and confirmed.

Section 09. – Section 15.00 Reserved.

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

Section 16.00 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 17.00 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 18.00 Superseder.

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

Section 19.00 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 20.00 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 Mota, Trustee Prignano

NAY VOTES:

ABSTAIN:

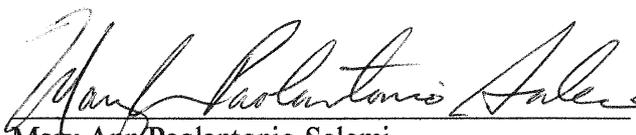
ABSENT: Trustee Lomeli

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 MARCH, 2007, A.D.

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: March 26, 2007
Published in Pamphlet Form: March 27, 2007