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

**ORDINANCE NO. 1047**

**AN ORDINANCE AWARDED A CONTRACT FOR SILVER  
CREEK STREAMBANK STABILIZATION AND RESTORATION  
MEASURES, 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 14<sup>TH</sup> DAY OF MAY 2007**

**RONALD M. SERPICO, Village President  
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

**Board Of Trustees**

**JOHN S. CONTEDEUCA  
CATHLEEN COSSIDENT ITALIA  
THOMAS KLEIN  
ARTURO J. MOTA  
ANTHONY J. PRIGNANO  
MARY RAMIREZ TACONI**

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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 15<sup>TH</sup> day of MAY 2007**

**ORDINANCE NO. 1047**

**AN ORDINANCE AWARDDING A CONTRACT FOR SILVER CREEK STREAMBANK STABILIZATION AND RESTORATION MEASURES, 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 "President"), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005, and the Board of Trustees of the Village (the "Village Board"), the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "T.K." Klein, Arturo J. Mota, Anthony J. Prignano and Mary Ramirez Taconi having taken office on May 14, 2007, constitute the duly elected, qualified and acting officials of the Village; and

**WHEREAS**, the Village Board has determined that streambank stabilization and restoration measures need to be performed on an area of Silver Creek generally bounded by North 9<sup>th</sup> Avenue, Andy Drive, North 5<sup>th</sup> Avenue, and Winston Drive in the Village (the "Project"); and

**WHEREAS**, the Project is to be funded in part by state grants provided through the Illinois Environmental Protection Agency; and

**WHEREAS**, the Village seeks to award a contract (the "Contract") to be based

on certain terms and conditions attached hereto as Exhibit "A" (the "Terms and Conditions") to a qualified bidder for it to perform the work to complete the Project; and

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

**WHEREAS**, the professional engineer authorized by the Village to review the submitted bids has submitted to the Village a letter of recommendation attached hereto as Exhibit "B" (the "Recommendation"); and

**WHEREAS**, the Recommendation identified a particular bidder determined to be qualified to perform the work to complete the Project as specified in the Terms and Conditions, namely, Conservation Land Stewardship, Inc. (the "Contractor"); and

**WHEREAS**, the Contractor is qualified to perform the type and scale of the work described in the Terms and Conditions; and

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

**WHEREAS**, the Contractor has agreed to perform the work to complete the Project as specified in the Terms and Conditions; and

**WHEREAS**, the Village has previously appropriated, allocated or budgeted sufficient funds for the Contractor to perform the work to complete the Project as specified in the Terms and Conditions, 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 Terms and Conditions; 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 Village Board 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 award the Contract to the Contractor for performance of the Project, to authorize and direct the President or his designee to draft and execute all necessary documents, provide for the expenditure of all necessary funds, 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.  
AWARD OF CONTRACT**

**Section 05. Approval and Execution of Documents.**

That the Village does hereby award the Contract to the Contractor for performance of the Project, which is hereby approved and based on the Terms and Conditions, with such insertions, omissions and changes as shall be drafted and approved by the President, Village Attorney, and/or his/their designee(s). The President, Village Attorney, and/or his/their designee(s), as may be required, are hereby authorized and directed to draft, execute and complete the Contract and any other documents deemed necessary, including approving the expenditure of all necessary funds up to the bid amount as set forth in the Terms and Conditions, to effectuate the intent of this Ordinance, whether or not such other documents are attached hereto. The Village 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.

**Section 06. 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 and approving the expenditure of all necessary funds to complete the Project.

**Section 07. 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 08. – 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 Village Board 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, Trustee Taconi

NAY VOTES:

ABSTAIN:

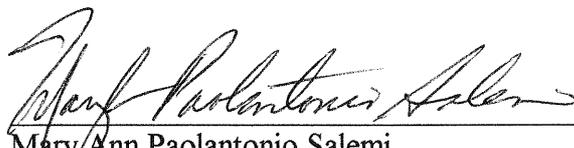
ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE  
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS  
FOURTEENTH OF MAY, 2007, A.D.

APPROVED:

  
RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: May 14, 2007  
Published in Pamphlet Form: May 15, 2007