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

**ORDINANCE NO. 1071**

**AN ORDINANCE AUTHORIZING AND APPROVING A CERTAIN  
RIGHT-OF-WAY VACATION AND RESERVATION OF  
EASEMENT AGREEMENT, 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 9<sup>TH</sup> DAY OF JULY 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 10<sup>TH</sup> day of JULY 2007**

**ORDINANCE NO. 1071**

**AN ORDINANCE AUTHORIZING AND APPROVING A CERTAIN RIGHT-OF-WAY VACATION AND RESERVATION OF EASEMENT AGREEMENT, 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 "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, Thomas "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 owns certain real estate located within the Village, which is legally described on Exhibit A (the "Right-of-Ways"), attached hereto and incorporated herein; and

**WHEREAS**, the Right-of-Ways traverse through and are contiguous with and/or adjacent to certain real property owned by Westlake Community Hospital ("Westlake"), which makes it difficult for Westlake to maximize its campus layout and efficiency; and

**WHEREAS**, by the Village's vacation of the Right-of-Ways, and dedication of the same to Westlake, Westlake would be able to take certain steps to improve the character and overall quality of its area and the area surrounding the Right-of-Ways; and

**WHEREAS**, the vacation of the Right-of-Ways will also serve to relieve the public from some of the further burden and responsibility of maintaining the same; and

**WHEREAS**, various subterranean utilities are located under the Right-of-Ways (the "Utilities"); and

**WHEREAS**, the Village wishes to vacate the Right-of-Ways and dedicate the same to Westlake and to reserve to the Village and for the benefit of the public a permanent nonexclusive easement for the construction, maintenance, inspection, repair and replacement of the Utilities and appurtenances thereto over, across and within the Right-of-Ways (the "Easement") and to continue to provide snow removal services for the Rights-of-Way as if the Rights-of-Way were public streets, all in accordance with the terms set forth in that certain term sheet (the "Term Sheet"), attached hereto and incorporated herein as Exhibit "B"; and

**WHEREAS**, a plat of vacation for the Right-of-Ways to be vacated was prepared by Christopher B. Burke, Ltd., Engineering, an Illinois Professional Land Surveyor, of Rosemont, Illinois, and is dated June 27, 2007 (the "Plat of Vacation"), attached hereto and incorporated herein as Exhibit "C"; and

**WHEREAS**, pursuant to Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1), whenever the corporate authorities of any municipality determine that the public interest will be subserved by vacating any street or alley, they may vacate that street or alley by an ordinance; and

**WHEREAS**, the President and the Village Board find that it is in the best interests of the public and the Village to vacate the Right-of-Ways and to execute, enter into and approve an agreement governing the aforesaid vacation and reservation and in accordance with the Term Sheet (the “Agreement”); and

**WHEREAS**, pursuant to the Agreement, Westlake shall make payment to the Village of One Hundred Dollars (\$100.00) and repave the Right-of-Ways as consideration for the vacation and dedication of the entire Right-of-Ways to Westlake; and

**WHEREAS**, the President or his designee is authorized to enter into and the Village Attorney (the “Attorney”) is authorized to prepare and revise all necessary agreements for the Village, including the Agreement, and to make such insertions, omissions and changes as shall be approved by the President and the Attorney and to otherwise take all steps necessary to effectuate the terms and intent of this Ordinance; 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 authorize the President or his designee to

vacate the Right-of-Ways, as depicted and described in the Plat of Vacation, and to enter into the Agreement in accordance with the Term Sheet or its terms and to authorize and direct the President or his designee to execute all necessary documents and perform all necessary acts 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.

**Sections 05.-09. Reserved.**

**ARTICLE II.  
VACATION**

**Section 10.00. Vacation and Dedication of Street.**

The Right-of-Ways are hereby vacated and dedicated to Westlake. The Right-of-Ways herein vacated are designated as "herein vacated" on the Plat of Vacation.

**ARTICLE III.  
EASEMENTS**

**Section 11.00. Grant of Easements to the Village.**

The Easement is hereby reserved for and granted to the Village, its successors and assigns, and to those public utility companies ("Companies") operating under franchise from the Village, their successors and assigns, in, upon, across, over, under, and through the area designated "*hereby vacated*" on the Plat of Vacation. The Easement shall be for,

without limitation, constructing, installing, maintaining, operating, relocating, renewing, inspecting, replacing, repairing, enlarging, and cleaning electrical, gas, water, telephone, cable, and/or all other utility lines or appurtenances thereto, sanitary sewers, storm sewers, water mains, and any and all manholes, hydrants, pipes, connections, catch basins, buffalo boxes, and, any such other installations as may be required to furnish any public utility, and such appurtenances and additions thereto as the Village and the Companies may deem necessary, together with the right of access across the vacated area for the necessary workmen and equipment to do any or all of the above work. The right is also hereby granted to the Village and Companies to cut down, trim, or remove any trees, shrubs, or other plants that interfere with the operation of or access to said sewers, or utility installations, in, on, across, under, above, or through the Easement.

**ARTICLE IV.  
AUTHORITY**

**Section 12.00. Authorization to Execute.**

The President or his designee is hereby authorized and directed to execute the Plat of Vacation and any related exhibits attached thereto and the Clerk, if necessary, is hereby authorized and directed to attest to and countersign the Plat of Vacation and/or any such documents as may be required to effectuate the purpose of this Ordinance and to affix the seal of the Village to any such document(s). The President or his designee is authorized and directed to execute, enter into and approve the Agreement in accordance with the Term Sheet, with such insertions, omissions and changes as shall be approved by the President or his designee and the Attorney and to execute and approve any other documents deemed necessary to effectuate the intent of this Ordinance, which have the effect of providing the Easement, whether or not such other documents are attached

hereto. Any and all previous acts taken to effectuate the intent of this Ordinance are hereby ratified. 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 13.00 Authorization to Record.**

The Clerk is hereby authorized and directed to file a true and correct copy of this Ordinance, together with the Plat of Vacation, in the Office of the Recorder of Deeds of Cook County, Illinois.

**Section 14.00 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 vacation and agreement contemplated herein.

**Section 15.00 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.

**ARTICLE IV.  
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  
NINTH OF JULY, 2007, A.D.

APPROVED:

  
RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
Maty Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: July 9, 2007  
Published in Pamphlet Form: July 10, 2007