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

**ORDINANCE NO. 1077**

**AN ORDINANCE AUTHORIZING AND APPROVING A CERTAIN  
CHANGE ORDER IN CONNECTION WITH THE SILVER CREEK  
STREAMBANK STABILIZATION PROJECT, 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 13<sup>TH</sup> DAY OF AUGUST 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 14<sup>TH</sup> day of AUGUST 2007**

**ORDINANCE NO. 1077**

**AN ORDINANCE AUTHORIZING AND APPROVING A CERTAIN CHANGE ORDER IN CONNECTION WITH THE SILVER CREEK STREAMBANK STABILIZATION PROJECT, 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 "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, Thomas "TK" 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 President and the Village Board (collectively, the "Corporate Authorities") approved a contract (the "Contract") with Conservation Land Stewardship, Inc., ("CLS") to perform streambank stabilization and restoration measures on an area of Silver Creek within the Village generally bounded by North 9th Avenue, Andy Drive, North 5th Avenue, and Winston Drive (the "Project"); and

**WHEREAS**, a certain balancing change in the Contract, specifically an increase in the amount of Two Thousand and Nine Hundred Ninety-Two and No/100 Dollars (\$2,992.00) is required due to unforeseen events and contingencies that were discovered during the Project, as

specifically set forth in change order document CLS Invoice No. 2986 dated July 25, 2007 (“Change Order”), attached hereto and made a part hereof by this reference as Exhibit A; and

**WHEREAS**, the Change Order specifically includes a recommendation for approval by the consulting engineer namely, EHE Engineering (“EHE”); and

**WHEREAS**, a request for payment (the “Request for Payment”) has been made by CLS in the amount of One Hundred Ninety Three Thousand, Three Hundred Ninety Seven and No/100 Dollars (\$193,397.00) (CLS Invoice No. 2972 dated July 13, 2007 (\$173,065.00), CLS Invoice No. 2973 dated July 13, 2007 (\$17,340.00), and Change Order) pursuant to the Contract for services rendered. The Request for Payment and a letter from EHE recommending approval of the Request for Payment are attached hereto and made a part hereof by this reference as Exhibit B; and

**WHEREAS**, based on the information contained in EHE’s recommendations, the Corporate Authorities have heretofore determined and do hereby determine that the Change Order was unforeseeable at the time the transaction was finalized; and

**WHEREAS**, due to EHE’s recommendations and in accordance with Section 33E-9 of the Illinois Criminal Code of 1961 (720 ILCS 5/33E-9), the Corporate Authorities have heretofore determined and do hereby determine that: (a) the circumstances necessitating the changes set forth in the Change Order were not reasonably foreseeable at the time that the proposal was prepared and accepted or at the time that the Contract was executed; (b) the changes were germane to the proposal as accepted and the Contract as executed; and (c) effectuating the terms of the Change Order is in the best interests of the Village and is authorized by law; and

**WHEREAS**, the Corporate Authorities, based on the aforesaid recommendations, have heretofore determined and do hereby determine that approval of the 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 are in accordance with the proposal and 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 and approve the 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  
CHANGE ORDER AND REQUEST FOR PAYMENT**

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

That the 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 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 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 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 Prignano, Trustee Taconi

NAY VOTES:

ABSTAIN:

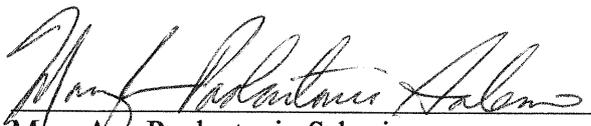
ABSENT: Trustee Mota

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

APPROVED:

  
RONALD M. SERPICO,  
VILLAGE PRESIDENT

ATTEST:

  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: August 13, 2007  
Published in pamphlet form: August 14, 2007