

=====

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

ORDINANCE NO. 1083

**AN ORDINANCE AUTHORIZING AND APPROVING THE
EXECUTION OF AN ANNEXATION AGREEMENT WITH
ALBERTO CULVER USA, INC., AND 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 27TH 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**

=====

**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 28TH day of AUGUST 2007**

ORDINANCE NO. 1083

AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH ALBERTO CULVER USA, INC., AND THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

* * * * *

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, there exists certain territory (the "Territory"), as legally described in Exhibit A, attached hereto and incorporated herein by reference, that is located in unincorporated Cook County, Illinois; and

WHEREAS, the Territory is in the close vicinity of the headquarters of Alberto Culver USA, Inc. ("Alberto Culver"), which is located at the address commonly known as 2525 West Armitage Avenue, Melrose Park, Illinois; and

WHEREAS, Alberto Culver has outgrown its current property and, therefore, desires to have the Territory annexed into the Village for the purpose of providing parking to its employees; and

WHEREAS, Alberto Culver employs a number of Village residents, and without the aforementioned annexation may be forced to relocate its business to another municipality; and

WHEREAS, Alberto Culver increases the real estate tax revenue base for the Village; and

WHEREAS, there is parking congestion within the Village and using the Territory for parking would alleviate the current parking problem generally and allow for the use of other parking spaces in the general vicinity of the Territory; and

WHEREAS, pursuant to Section 11-15.1-1, *et seq.*, of the Illinois Municipal Code (65 ILCS 5/11-15.1-1, *et seq.*), the corporate authorities of any municipality may enter into an annexation agreement with one or more of the owners of record of land in unincorporated territory; and

WHEREAS, Alberto Culver is the record owner of the Territory; and

WHEREAS, Alberto Culver desires to enter into an annexation agreement (the "Agreement") in substantially the same form as attached hereto and incorporated herein as Exhibit B, regarding the development and use of the Territory; and

WHEREAS, Alberto Culver is ready, willing and able to enter into the Agreement and to perform the obligations as required therein; and

WHEREAS, pursuant to Section 11-15.1-3 of the Illinois Municipal Code (65 ILCS 5/11-15.1-3), notice of a public hearing was duly published in a newspaper of general circulation

published in the Village not less than fifteen (15) days nor more than thirty (30) days prior to the date of the hearing; and

WHEREAS, a public hearing was held in the Village pursuant to said statute on or about August 13, 2007; and

WHEREAS, the President and the Village Board (collectively, the “Corporate Authorities”) find that it is in the best interests of the Village and necessary for the effective administration of government that the Village execute, enter into and approve an agreement with terms substantially the same as the terms of the Agreement; and

WHEREAS, based on the foregoing, the Corporate Authorities have determined that it is advisable, necessary and in the best interests of the Village and its residents to enter into the Agreement; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Melrose Park, Cook County, 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 and approve the Agreement with Alberto Culver and to take all steps necessary to carry out the intention of this Ordinance and the terms of the Agreement and to ratify any steps taken to effectuate that goal.

Section 03. Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to this 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**

Section 10.00. Authorization.

That the Village Board hereby authorizes and directs the President or his designee and the Village Attorney to enter into and approve the Agreement in accordance with its terms, or any modification thereof, and to ratify any and all previous action taken to effectuate the intent of this Ordinance. The Village Board further authorizes and directs the President to execute the Agreement, with such insertions, omissions and changes as shall be approved by the President and the Village Attorney. The Village Clerk is hereby authorized and directed to attest to and countersign and/or record the Agreement and any such other documentation as may be necessary to carry out and effectuate the purpose of this Ordinance. The Village Clerk is also authorized and directed to affix the Seal of the Village to such documentation as is necessary. That the Corporate Authorities hereby authorize the officers, employees and/or agents of the Village to take all action necessary or reasonably required to carry out, give effect to and consummate the intent of this Ordinance and to take all action necessary in conformity therewith.

Section 11.00 - Section 15.00. Reserved.

**ARTICLE III.
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 Repeal of Prior Ordinances.

All prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

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.

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

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

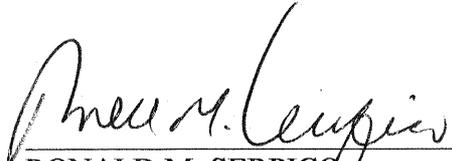
NAY VOTES:

ABSTAIN:

ABSENT:

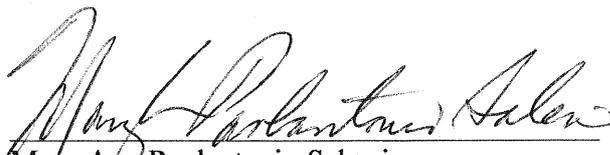
SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWENTY-
SEVENTH DAY OF AUGUST, 2007 A.D.

APPROVED:



RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: August 27, 2007
Published in pamphlet form: August 28, 2007