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

ORDINANCE NO. 1085

**AN ORDINANCE REZONING CERTAIN TERRITORY 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 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**

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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 28TH day of AUGUST 2007**

ORDINANCE NO. 1085

AN ORDINANCE REZONING CERTAIN TERRITORY 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 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 the Village and is owned by Alberto Culver USA, Inc. (“Alberto Culver”); and

WHEREAS, the Territory is in the close vicinity of the Alberto Culver headquarters, located at 2525 West Armitage Avenue in the Village; and

WHEREAS, pursuant to Section 11-15.1-1 of the Illinois Municipal Code (65 ILCS 5/11-15.1-1), and with proper notice and legal authority, the Village entered into an annexation agreement (the “Agreement”), attached hereto and incorporated herein as Exhibit B, with Alberto Culver regarding the development and use of the Territory; and

WHEREAS, the Territory is currently zoned as an “A” Residence District; and

WHEREAS, the President and the Village Board (collectively, the “Corporate Authorities”) pursuant to the Agreement, have determined that it would be in the best interests of the Village and its residents to rezone the Territory as a “G” Industrial District; and

WHEREAS, pursuant to Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14), legal notice for a public hearing regarding the Village’s intention to rezone the Territory was published; and

WHEREAS, at the request of Alberto Culver, the Planning/Zoning Board of Appeals of the Village (the “PZBA”) held a public hearing wherein the PZBA solicited public comment regarding whether there existed a need for the Village to rezone the Territory to a “G” Industrial District; and

WHEREAS, said public hearing was convened, pursuant to duly published notice thereof, and was in all respects in accordance with applicable laws; and

WHEREAS, after thoughtful discussion and due deliberation, the PZBA made certain findings of fact including, but not limited to, recommending that the Village Board rezone the Territory from an “A” Residence District to a “G” Industrial District; and

WHEREAS, the Corporate Authorities hereby approve and adopt the findings and recommendations PZBA’s and, by this reference, do hereby incorporate such findings and recommendations as if fully set forth herein; and

WHEREAS, the Corporate Authorities have determined that it is both advisable and in the best interest of the Village and its residents to adopt this Ordinance which, among other things, provides for the rezoning of the Territory from an “A” Residence District to a “G” Industrial District; and

WHEREAS, based on the foregoing, the Corporate Authorities have determined that it is advisable, necessary and in the best interests of the Town and its residents to rezone of the Territory from an “A” Residence District to a “G” Industrial District and authorize the publication of the zoning map, which map shall show the abovementioned rezoning of the Territory, no later than March 31, 2008; 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.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of the Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to rezone the Territory from an “A” Residence District to a “G” Industrial District, direct the publication of the Village’s zoning map, and to take all steps necessary to carry out the intention of this Ordinance and 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 Corporate Authorities, subject to and following execution of that certain annexation agreement between the Village and record owner of the Territory Alberto-Culver USA, Inc., and subject to and following annexation of the Territory, do hereby rezone the Territory from an "A" Residence District to a "G" Industrial District. That the Corporate Authorities further authorize the Village Clerk or her designee to cause the publication of the Village's zoning map, showing the Territory zoned as a "G" Industrial District, by no later March 31, 2008. That the Village Board hereby authorizes and directs the President or his designee and the Village Attorney to enter into and approve any documentation and to ratify any and all previous action taken to effectuate the intent of this Ordinance. The Village Clerk is hereby authorized and directed to attest to and countersign and/or record any such 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 deemed 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 carryout, give effect to and consummate the intent of this Ordinance and to take all action necessary in conformity therewith.

Section 11.00 – 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.

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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:

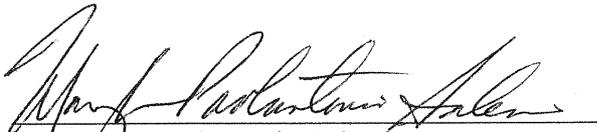
ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS 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