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

**ORDINANCE NO. 1112**

**AN ORDINANCE AUTHORIZING AND APPROVING THE  
VILLAGE OF MELROSE PARK TAKING CERTAIN STEPS  
REGARDING INFRASTRUCTURE IMPROVEMENTS IN THE  
VICINITY OF 15<sup>TH</sup> AVENUE AND LE MOYNE STREET, 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 22<sup>ND</sup> DAY OF OCTOBER 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 23<sup>RD</sup> day of OCTOBER 2007**

**ORDINANCE NO. 1112**

**AN ORDINANCE AUTHORIZING AND APPROVING THE VILLAGE OF MELROSE PARK TAKING CERTAIN STEPS REGARDING INFRASTRUCTURE IMPROVEMENTS IN THE VICINITY OF 15<sup>th</sup> AVENUE AND LE MOYNE STREET, 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 Codes, 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**, a certain town home development within the Village exists at the approximate location of 15<sup>th</sup> Avenue and Le Moyne Street (the “Townhomes”); and

**WHEREAS**, the sanitary sewer infrastructure system servicing the Townhomes is in a state of disrepair, causing sanitary waste to leak into the Townhomes, causing offal and offensive matters to leak into various Townhomes, causing offensive smells in the

general proximity of the Townhomes, and causing unsanitary living conditions for the residents of the Townhomes; and

**WHEREAS**, the owners of the Townhomes have failed to establish a unit owners association which makes it difficult for the aforementioned sanitation problem to be remedied and thusly, has the inadvertent and undesirable effect of increasing the damage caused by the aforementioned sanitation problem; and

**WHEREAS**, the owners of the Townhomes establishing a unit owners association would serve to mitigate the aforementioned problem by, among other things, providing a central management point of control for the management of the Townhomes in order to abate and prevent similar health and safety issues; and

**WHEREAS**, the Village, further, as a courtesy and not as a general obligation, is able to take certain steps to assist the residents of the Townhomes in mitigating the aforementioned public nuisance and improving the character and overall quality of the residents of the Village especially those residing in the Townhomes; and

**WHEREAS**, the President and the Village Board find that it is in the best interests of the public and the Village to require the residents of the Townhomes to form a central management organization similar to a unit owners association and to otherwise take reasonable steps to assist the residents of the Townhomes in alleviating the abovementioned nuisance and those ills associated therewith; and

**WHEREAS**, the President, or his designee, to effectively manage this problem should be authorized to enter into and the Village Attorney (the "Attorney") should be authorized to prepare and revise, all necessary agreements for the Village, including, without limitation, easement agreements, financing agreements, and construction agreements 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 require the owners of the Townhomes to form a unit owners association akin to a condominium association in accord with the laws of the State of Illinois and to authorize and direct the President or his designee to draft, prepare and 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.  
UNIT OWNERS ASSOCIATION**

**Section 10.00. Established: Unit Owners Association.**

The Village is hereby granted the right to require the owners of the Townhomes to form an unit owners association to establish an internal system of controls for the management of the Townhomes, to establish rules and regulations for the areas and items of common concern of the owners of the Townhomes, and generally to establish requirements for such an association as set forth in the Condominium Property Act (765 ILCS 605/1). Any capitalized terms not otherwise defined in this Ordinance shall adopt the definition ascribed to it in the Illinois Compiled Statutes.

**Section 11.00. Authorization to Execute.**

The President or his designee is hereby authorized and directed to execute all necessary documents and any related exhibits attached thereto and the Clerk, if necessary, is hereby authorized and directed to attest to and countersign the same to affix the seal of the Village to any such document(s) and/or attest, sign, and/or execute any such other documents as may be reasonably required to effectuate the purpose of this Ordinance. Such documents may include (without limitation) financing documents, construction contracts, lien documents, and easement agreements. Any and all previous acts taken to effectuate the intent of this Ordinance are hereby ratified.

**Section 12.00. 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 13.00. 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 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 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 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 Klein, Trustee Mota, Trustee Prignano,  
Trustee Taconi

NAY VOTES:

ABSTAIN:

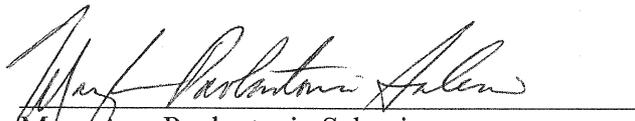
ABSENT: Trustee Conteduca, Trustee Italia

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

APPROVED:

  
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RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
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Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: October 22, 2007  
Published in Pamphlet Form: October 23, 2007