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

**ORDINANCE NO. 1129**

**AN ORDINANCE STRIKING THE RESERVATION OF AN  
EASEMENT FOR A CERTAIN PORTION OF VACATED RIGHT-  
OF-WAY LOCATED GENERALLY EAST OF THE  
INTERSECTION OF AUGUSTA STREET AND 25<sup>TH</sup> AVENUE, 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 10<sup>TH</sup> DAY OF DECEMBER 2007**

**RONALD M. SERPICO, Village President  
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

**Board Of Trustees**

**JOHN S. CONTEDEUCA  
CATHLEEN COSSIDENT ITALIA  
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 11<sup>TH</sup> day of DECEMBER 2007**

**ORDINANCE NO. 1129**

**AN ORDINANCE STRIKING THE RESERVATION OF AN EASEMENT FOR A CERTAIN PORTION OF A VACATED RIGHT-OF-WAY LOCATED GENERALLY EAST OF THE INTERSECTION OF AUGUSTA STREET AND 25TH AVENUE, FOR 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 municipality and unit of local government 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 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, 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 recently passed Ordinance No. 1119, which authorized the vacation of a portion of a certain public right-of-way located within the corporate limits of the Village (the “Property”); and

**WHEREAS**, in connection with Ordinance No. 1119, the Village executed or was going to execute a Right-of-Way Vacation and Easement Agreement (the “Agreement”) wherein the Village reserved an easement to access public utilities located at the Property (the “Easement”);

and

**WHEREAS**, no public utilities are located at the Property and, therefore, the reservation of the Easement was not necessary; and

**WHEREAS**, the President and the Village Board (collectively, the “Corporate Authorities”) have determined that it is necessary, advisable and in the best interests of the Village and its inhabitants to strike the language reserving the Easement from the Agreement; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and the Board of the 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 strike the reservation of the Easement from the Agreement.

**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**

**Section 10.00. Authorization.**

That the Village Board does hereby strike the reservation of the Easement as contained in the Agreement.

That the Village Board hereby authorizes and directs the President or his designee and the Village Attorney to enter into and approve any documentation necessary to effectuate the terms of this Ordinance. All previous acts taken to effect the intent of this Ordinance are hereby ratified. 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. 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.

**Sections 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 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 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.

**Section 20.00 Effective Date.**

This Ordinance shall be in full force and effect following 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 Mota,  
Trustee Prignano, Trustee Taconi

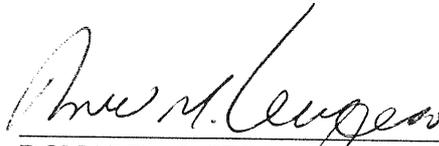
NAY VOTES:

ABSTAIN:

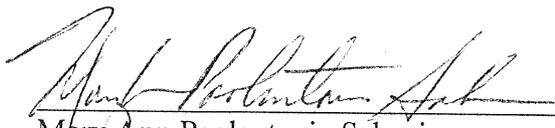
ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TENTH OF DECEMBER, 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: December 10, 2007  
Published in pamphlet form on: December 11, 2007