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

**ORDINANCE NO. 1148**

**AN ORDINANCE APPROVING A FINAL PLANNED UNIT DEVELOPMENT FOR CERTAIN PROPERTY (1600 WEST NORTH AVENUE) IN THE VILLAGE OF MELROSE PARK, 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 25<sup>TH</sup> DAY OF FEBRUARY 2008**

**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 26<sup>TH</sup> day of FEBRUARY 2008**

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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 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, 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 real property (the “Property”) located in the Village, as legally described in Exhibit A, attached hereto and incorporated herein by reference, with the common street address of 1600 West North Avenue in the Village; and

**WHEREAS**, previously, Development Opportunities Group, Inc., (the “Petitioner”), had submitted a petition to the Village seeking certain zoning relief and certain additional land use relief for the Property, specifically, the approval of a preliminary planned unit development (the “Preliminary Plan”) as set forth in Chapter 17 of the Village of Melrose Park Municipal Code (the “Village Code”); and

**WHEREAS**, subsequently, the President and the Village Board (collectively, the “Corporate Authorities”) determined that it is both advisable and in the best interest of the Village and its residents to approve of the Preliminary Plan; and

**WHEREAS**, following the Corporate Authorities’ approval of the Preliminary Plan, the Petitioner submitted a petition (the “Petition”) to the Village seeking the approval of a final planned unit development (the “Final Plan”) as set forth in the Village Code to allow the building of mixed commercial and residential structures on the Property; and

**WHEREAS**, proper legal notice for a public hearing was published in a newspaper of general circulation in the Village, namely, the Chicago Tribune, all in accordance with the state statute and the Village Code; and

**WHEREAS**, on or about January 22, 2008, the Combined Planning/Zoning Board of Appeals of the Village (“PZBA”) convened a public hearing to receive evidence and public comment about the Petition and which was in all respects in accordance with applicable laws; and

**WHEREAS**, at the abovementioned hearing, the Petitioner submitted the Final Plan, attached hereto and incorporated herein as Exhibit B, to the PZBA; and

**WHEREAS**, the PZBA, on or about February 12, 2008, after thoughtful discussion and due deliberation, unanimously voted to recommend approval of the Final Plan; and

**WHEREAS**, the PZBA, on or about February 12, 2008, adopted certain findings of fact (the “Findings of Fact”), a copy of which is attached hereto as Exhibit C, directed to the Corporate Authorities recommending approval of the Final Plan; and

**WHEREAS**, the Corporate Authorities have determined that the Final Plan was designed so that the public health, welfare and safety of the Village and its residents shall be protected and shall not cause substantial injury to the value of other property in the immediate area; and

**WHEREAS**, the Corporate Authorities have further determined that the Final Plan provides for the protection of both the aesthetics and function of the natural environment, including but not limited to, conditions pertaining to flood plains, soil and geographic characteristics, air quality and preservation of vegetation, and provides for the orderly and creative arrangement of all land uses with respect to each other and the entire Village; and

**WHEREAS**, the Corporate Authorities have found and determined that it is both advisable and in the best interest of the Village and its residents to approve the Final Plan; 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 approve the Final Plan 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 Village Board does hereby approve and adopt the Findings of Fact and PZBA recommendations.

That the Village Board does hereby approve the Final Plan pursuant to Chapter 17 of the Village Code to allow the building of commercial and residential structures on the Property.

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 actions taken to effectuate 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.

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 – 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 Mota,  
Trustee Prignano, Trustee Taconi

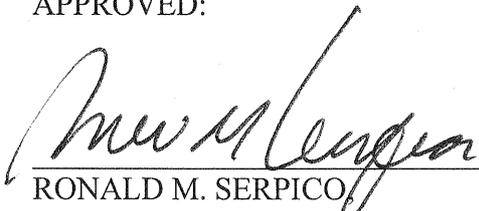
NAY VOTES:

ABSTAIN:

ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE  
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWENTY-FIFTH  
DAY OF FEBRUARY, 2008 A.D.

APPROVED:

  
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RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
\_\_\_\_\_  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: February 25, 2008  
Published in pamphlet form: February 26, 2008