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

ORDINANCE NO. 1164

AN ORDINANCE AUTHORIZING AND APPROVING AN AGREEMENT FOR THE PURCHASE OF REAL PROPERTY (811 BROADWAY), 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 10TH DAY OF MARCH 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
JAIME ANGUIANO**

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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 11TH day of MARCH 2008**

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AN ORDINANCE AUTHORIZING AND APPROVING AN AGREEMENT FOR THE PURCHASE OF REAL PROPERTY (811 BROADWAY), IN 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 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 (the “Village Clerk”), 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, and the Honorable Jaime Anguiano, having taken office on March 10, 2008, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, the President and the Village Board (collectively, the “Corporate Authorities”) deem it advisable and necessary for the health and welfare of the residents of the Village to provide for the purchase of certain real property commonly known as 811 Broadway Avenue, Melrose Park, Illinois 60160 (and is legally described in Exhibit A, which is attached hereto and incorporated herein by this reference) (the “Property”); and

WHEREAS, the purchase and acquisition of the Property will be substantially in accord with the terms and conditions set forth on that certain Real Estate Conveyance Agreement, which

is attached hereto and incorporated herein by this reference as Exhibit B (the “Agreement”); and

WHEREAS, the acquisition of the Property will serve the public and corporate purposes of the Village; and

WHEREAS, after due and careful consideration, the Corporate Authorities have concluded that the purchase of the Property would be a significant benefit to the Village’s residents and represents the type of development that would be appropriate to support with certain public revenues; and

WHEREAS, based on the aforementioned findings, the Corporate Authorities have determined that it is necessary for the safety and the welfare of the Village’s residents to purchase the Property and use pre-designated funds to finance the purchase; 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 authorize the purchase of the Property, as more particularly described herein and, further, to authorize the use of Village funds to finance the purchase thereof.

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.
AUTHORIZATION TO ACQUIRE REAL PROPERTY**

Section 10.00 Authorization.

The form, terms and provisions of the Agreement are hereby approved in substantially the same form as attached hereto and are hereby, by this reference, made a part hereof as Exhibit B, with such forthcoming insertions, omissions and changes as shall be approved by counsel for the Village or other members of the Corporate Authorities executing the same, the execution of such documents being conclusive evidence of such approval; and the President of and/or counsel for the Village are hereby authorized and directed to execute, and the Village Clerk is hereby authorized and directed to attest to and countersign the Agreement and any related exhibits necessary to give effect to the purpose and intent of this Ordinance, whether or not such documents are attached hereto; the Village Clerk is also authorized to affix the seal of the Village to such documents as is necessary.

Section 11.00 Other Actions Authorized.

The officers, attorneys, and employees of the Village shall take all action necessary or reasonably required by the Village to carry out, give effect to and consummate the transactions

contemplated thereby and to take all action necessary in conformity herewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement. Any and all actions previously performed by officials and employees of the Village in connection with carrying out and consummating the transactions contemplated by this Ordinance are hereby authorized, approved and ratified by this reference. The actions contemplated hereunder include any and all steps the staff or agents of the Village must take to ensure that funds held in Village accounts are used to finance the purchase of the Property.

Sections 12.00 – 15.00 Reserved.

**ARTICLE III.
HEADINGS, 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 thereof 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 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.

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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 Italia, Trustee Mota, Trustee Prignano,
Trustee Taconi, Trustee Anguiano

NAY VOTES:

ABSTAIN:

ABSENT: Trustee Conteduca

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

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: March 10, 2008
Published in Pamphlet Form: March 11, 2008