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

**ORDINANCE NO. 1345**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN  
AGREEMENT CONCERNING A CELL TOWER RIDER, 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 14<sup>TH</sup> DAY OF DECEMBER 2009**

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

**Board Of Trustees**

- CATHLEEN COSSIDENT ITALIA**
- ANTHONY J. PRIGNANO**
- ARTURO J. MOTA**
- MARY RAMIREZ TACONI**
- JAIME ANGUIANO**
- ANTHONY N. ABRUZZO**

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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 15<sup>TH</sup> day of DECEMBER 2009**

**ORDINANCE NO. 1345**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT CONCERNING A CELL TOWER RIDER, 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 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, and the Board of Trustees of the Village (the “Village Board”), the Honorable Cathleen Cossident Italia, Anthony J. Prignano, Arturo J. Mota, Mary Ramirez Taconi, Jaime Anguiano and Anthony N. Abruzzo, having taken office on April 30, 2009, constitute the duly elected, qualified and acting officials of the Village; and

**WHEREAS**, the Village and Melrose Park Venture L.L.C. (“MPV”) have a lease (the “Lease”) for the surface of the First Avenue and North Avenue Water Tower (the “Property”); and

**WHEREAS**, the Village and MPV wish to sublease a portion of the Property to Clearwire US LLC (“Clearwire”), as depicted on Exhibit “A,” by entering into a rider with Clearwire (the “Rider”), attached hereto and incorporated herein as Exhibit “B,”

pursuant to the terms of the sublease, incorporated herein by reference and modified by the terms of the Rider, which fully authorizes the sublease of the Property; and

**WHEREAS**, the President is authorized to enter into and the Village Attorney (the "Attorney") is authorized to revise agreements for the Village making such insertions, omissions and changes as shall be approved by the President and the Attorney; 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 President or his designee to enter into and approve the Rider whereby the Village and MPV will agree to sublease a portion of the Property to Clearwire and to further authorize the President or his designee to take any and all steps necessary 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.  
AUTHORIZATION TO ENTER INTO THE RIDER**

**Section 10.00 Authorization.**

The Village Board hereby approves the Rider and authorizes and directs the President or his designee to enter into and execute the Rider in accordance with its terms, or any modification thereof, with such insertions, omissions and changes as shall be approved by the President and the Attorney, and the Village Board further authorizes the President or his designee to execute any and all additional documentation that may be necessary to carry out the intent of this Ordinance. The Village Board hereby authorizes and directs the Village to undertake all steps necessary to carry out the intent of this Ordinance, including the expenditure of all necessary funds.

The Village Clerk is hereby authorized and directed to attest to and countersign any documentation that 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 Village Clerk or her designee shall take all other actions required by law in connection with the transaction contemplated hereunder.

The Village Board hereby authorizes the officers, employees and/or agents of the Village to take any and 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. The Village Board hereby ratifies any and all previous action taken to effectuate the intent of this Ordinance.

**Sections 11.00 – 15.00 Reserved.**

**ARTICLE III.  
HEADINGS, SAVINGS CLAUSES,  
PUBLICATION, EFFECTIVE DATE**

**Section 16.00 Headings.**

The headings for the articles, sections, paragraphs and subparagraphs 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 provision 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, subparagraph, 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, subparagraph, 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, subparagraph, 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 Prignano, Trustee Mota,  
Trustee Taconi, Trustee Anguiano, Trustee Abruzzo

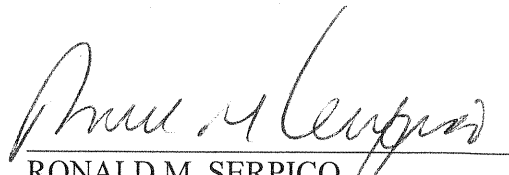
NAY VOTES:

ABSTAIN:


ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE  
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS  
FOURTEENTH DAY OF DECEMBER, 2009, A.D.

APPROVED:

  
RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: December 14, 2009  
Published in Pamphlet Form: December 15, 2009