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

ORDINANCE NO. 1273

AN ORDINANCE APPROVING A GRANT RECIPIENT AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY FOR THE SILVER CREEK STABILIZATION PROJECT, 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 11TH DAY OF MAY 2009

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

Board Of Trustees

**CATHLEEN COSSIDENT ITALIA
ARTURO J. MOTA
ANTHONY J. PRIGNANO
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 12TH day of MAY 2009**

ORDINANCE NO. 1273

AN ORDINANCE APPROVING A GRANT RECIPIENT AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY FOR THE SILVER CREEK STREAMBANK STABILIZATION PROJECT, 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, and the Board of Trustees of the Village (the “Village Board”), the Honorable Cathleen Cossident Italia, Arturo J. Mota, Anthony J. Prignano, 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 commenced a project to perform certain streambank stabilization and restoration measures on Silver Creek in the Village (the “Project”), the first phase of which commenced in 2006, and the second phase of which commenced in 2008; and

WHEREAS, the Village now seeks to embark upon the third phase of the Project (“Phase Three”); and

WHEREAS, the estimated cost of Phase Three totals Four Hundred One Thousand, One Hundred Seventy and No/100 U.S. Dollars (\$401,170.00), and the estimated timeframe for

completion of Phase Three is July 15, 2011; and

WHEREAS, the Village, by and through its engineer, E. Hancock Engineering Co. (the “Village Engineer”), earlier applied for grant assistance funding from the Illinois Environmental Protection Agency (“ILEPA”) to assist in paying for fifty percent (50%) of Phase Three; and

WHEREAS, on or about April 30, 2009, the Village did earn ILEPA approval to be a grant recipient; and

WHEREAS, in order to obtain the funds and implement Phase Three, the Village is required to enter into a Financial Assistance Agreement with the ILEPA, (the “Agreement”), a copy of which is attached hereto and incorporated herein as Exhibit “A”; 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 proceed with Phase Three and to approve and enter into the Agreement; 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, approve and execute an agreement with the ILPEA in a form similar to the Agreement and to authorize the Village to take all steps necessary to carry out the intention of this Ordinance,

including the expenditure of all necessary and related funds to implement Phase Three.

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.
APPROVAL OF AGREEMENT FOR ILEPA GRANT FUNDING**

Section 10.00 Authorization.

That the Village Board hereby approves the Agreement and authorizes and directs the President or his designee to enter into, approve and execute an agreement with the ILEPA in a form substantially similar to the Agreement, with such insertions, omissions and changes as shall be approved by the President, the Village Attorney and/or the Village Engineer.

That the Village Board hereby authorizes and directs the Village to undertake all steps necessary to carry out the intention of this Ordinance, including the expenditure of all necessary and related funds to implement Phase Three.

That the Village Clerk is hereby authorized and directed to attest to and countersign the aforesaid Agreement and any such other documentation as may be necessary to carry out and effectuate the purpose of this Ordinance, and is further authorized and directed to affix the Seal of the Village to such documentation as is necessary.

That the Village Board hereby authorizes 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.

That 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 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, 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 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, 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 Mota, Trustee Prignano,
Trustee Taconi, Trustee Anguiano, Trustee Abruzzo

NAY VOTES:

ABSTAIN:

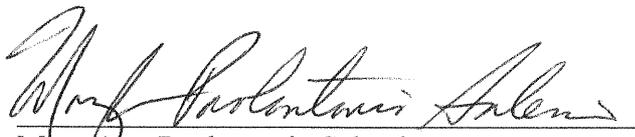
ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS ELEVENTH DAY
OF MAY, 2009.

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: May 11, 2009
Published in Pamphlet Form: May 12, 2009