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

ORDINANCE NO. 1299

**AN ORDINANCE AUTHORIZING AND APPROVING A
SETTLEMENT AGREEMENT WITH THE VILLAGE OF STONE
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 13TH DAY OF JULY 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 14TH day of JULY 2009**

ORDINANCE NO. 1299

AN ORDINANCE AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT WITH THE VILLAGE OF STONE PARK, 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 “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, beginning in or about 1999, the Village of Stone Park (“Stone Park”) and the Village (the “Parties”) began a joint effort to pursue a public works project for the purpose of installing and/or renovating the traffic medians on or about Illinois Route 64 within the boundaries of each respective municipality (the “Project”); and

WHEREAS, the Village filed a lawsuit against Stone Park in the Circuit Court of Cook County, Illinois as Case Number *06-L-013248*, alleging that Stone Park is liable to Melrose Park for certain costs incurred in connection with the Project; and

WHEREAS, the Parties settled the foregoing matters by entering into a settlement agreement to resolve all claims thereof and pursuant that agreement Stone Park was to pay a sum certain to the Village; and

WHEREAS, Stone Park has failed to pay the Village and the sum and it is now due and owing to the Village; and

WHEREAS, Stone Park claims reimbursement from the Village it made repairs to water main breaks and that Stone Park alleges so owed because the Village has allegedly failed to properly regulate its water distribution system (as more fully explained in Exhibit “A”, attached hereto and incorporated herein); and

WHEREAS, the Parties desire to fully address, resolve and settle any and all claims, disputes, demands or other related issues arising regarding the litigation and the water main breaks and avoid any and all future claims or differences, which might hereafter accrue or arise; and

WHEREAS, the President and the Village Board (collectively, the “Corporate Authorities”) declare it necessary, advisable and in the best interests of the Village and its residents to enter into a settlement agreement with Stone Park (the “Settlement Agreement”), a draft copy of which is attached hereto as Exhibit “B”) to resolve the outstanding issues between the Parties; 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 President and Village Board 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 approve the Settlement Agreement, to authorize the President or his designee to finalize the Settlement Agreement, and to authorize and direct the President to execute the Settlement Agreement and all other necessary related documents and perform all necessary services 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.

Section 05 – Section 09. Reserved.

**ARTICLE II.
AUTHORIZATION AND APPROVAL
OF SETTLEMENT AGREEMENT**

Section 10.00. Approval of Settlement Agreement.

The Corporate Authorities hereby approve the Settlement Agreement; the Corporate Authorities hereby authorize and direct the President, the Village Attorney and/or their designee(s) to finalize the Settlement Agreement as shall be approved by the President and the Village Attorney. The President is then hereby authorized and directed to execute the Settlement Agreement and any other documents deemed necessary to effectuate the intent of this Ordinance, whether or not such other documents are attached hereto. The Village Clerk is hereby authorized

and directed to attest to, countersign and affix the seal of the Village to all such documents as are deemed necessary to effectuate the intent of this Ordinance.

Section 10.01. Other Actions Authorized.

The officers and employees of the Village shall take all actions necessary or reasonably required to carry out and give effect to the intent of this Ordinance and otherwise to consummate the transaction contemplated herein, and shall take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein.

Section 10.02. Acts of Village Officials.

That all past, present, and future acts and doings of the officials of the Village that are in conformity with the purpose and intent of this Ordinance are hereby, in all respects, ratified, approved, authorized and confirmed.

Section 11.00 – Section 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 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 President and 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 Taconi,
Trustee Anguiano, Trustee Abruzzo

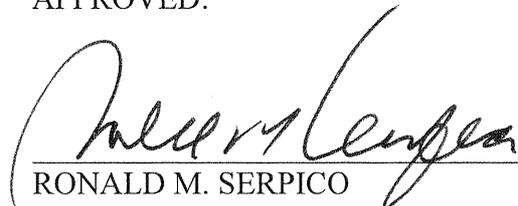
NAY VOTES:

ABSTAIN:

ABSENT: Trustee Prignano

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

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: July 13, 2009
Published in Pamphlet Form: July 14, 2009