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VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1338

AN ORDINANCE REGARDING THE JURISDICTION OF A
CERTAIN PORTION OF 25TH AVENUE, 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 23RD DAY OF NOVEMBER 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 24TH day of NOVEMBER 2009

ORDINANCE NO. 1338

AN ORDINANCE REGARDING THE JURISDICTION OF A CERTAIN PORTION OF 25TH AVENUE, 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 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, since 1873 the Village, by virtue of the dedication of land set forth in the Melrose Subdivision, document #102939, has been the owner of that portion of the highway commonly known as 25th Avenue (the “Property”), which is legally described in Exhibit “A,” attached hereto and incorporated herein; and

WHEREAS, the Property currently rests within the corporate limits of the Village; and

WHEREAS, the Village and Village of Bellwood (“Bellwood”) with the State of Illinois (the “State”), have commenced an intergovernmental project which, in part, will alleviate traffic congestion on 25th Avenue north of the corporate limits of the Village (the “Project”); and

WHEREAS, intergovernmental cooperation is permitted and encouraged by the laws of the State of Illinois; and

WHEREAS, Section 7-1-24 of the Illinois Municipal Code (65 ILCS 5/7-1-24) authorizes the Village to consent by ordinance to the disconnection of property, contingent upon the annexation of that property to a contiguous municipality; and

WHEREAS, the Village and Bellwood have decided that it is in the best interests of their residents and necessary to ensure the proper completion of the Project to amend the corporate limits of the Village and Bellwood such that at the consummation of such amendment the Property will lie in the corporate limits of Bellwood (the “Amendment”) and **WHEREAS**, the Village and Bellwood have negotiated an intergovernmental agreement (the “Agreement”), attached hereto and incorporated herein as Exhibit “B,” which provides for the Amendment; 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 Agreement wherein the Village and Bellwood amend the boundaries of the Village and Bellwood and further authorize the President or his designee to take any and all steps necessary to disconnect the Property from the Village and 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 AGREEMENT**

Section 10.00 Authorization.

The Village Board hereby approves the Agreement and authorizes and directs the

President or his designee to enter into and approve the Agreement in accordance with its terms, or any modification thereof. The Village Board authorizes and directs the President or his designee to divest jurisdiction over the Property, contingent upon the annexation of the same into Bellwood and other contingencies set forth herein or the exhibits hereto, and to execute the Agreement, 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 file for recordation, (as needed), an accurate depiction of the Property along with a certified copy of this Ordinance with the Cook County Recorder of Deeds and 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 including the attached (as Exhibit C) Disconnection/Annexation Petition (the "Petition") as is deemed necessary. The Petition is incorporated herein by this reference. 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 including the contingent disconnection of the Property 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 Abruzzo

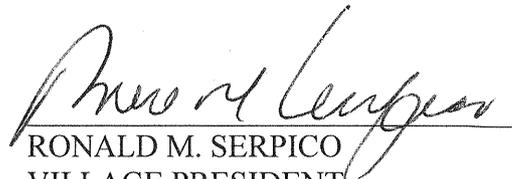
NAY VOTES:

ABSTAIN:

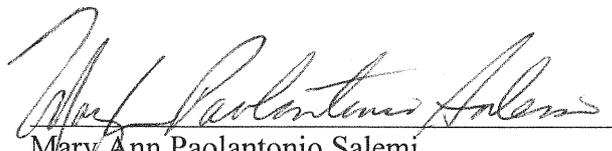
ABSENT: Trustee Anguiano

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

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: November 23, 2009
Published in Pamphlet Form: November 24, 2009