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VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1389

AN ORDINANCE AUTHORIZING AND APPROVING A
CONTRACT FOR SERVICES IN CONNECTION WITH THE
SILVER CREEK STREAMBANK STABILIZATION PROJECT,
PHASE 3, 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 24TH DAY OF MAY 2010

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 25TH day of MAY 2010

ORDINANCE NO. 1389

AN ORDINANCE AUTHORIZING AND APPROVING A CONTRACT FOR SERVICES IN CONNECTION WITH THE SILVER CREEK STREAMBANK STABILIZATION PROJECT PHASE 3, 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, (the “Village Clerk”), 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 President and the Village Board (collectively, the “Corporate Authorities”) find that it is advisable, necessary and in the best interests of the Village and its residents for the Village to perform construction work related to the Silver Creek Streambank Stabilization Project, Phase 3 (the “Project”); and

WHEREAS, the Village recognizes the need for a third party to perform the work related to the Project; and

WHEREAS, in order to find a contractor to perform the work related to the Project (the “Services”), the Village advertised for bids and received bids from six (6) companies; and

WHEREAS, the Village Engineer has recommended that the lowest responsible bidder, ENCAP, Inc. (the “Contractor”), be selected to perform the Services as summarized in the Village Engineer’s recommendation letter attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, the Village has determined that the Contractor is the lowest responsible bidder for the Services; and

WHEREAS, the Contractor has agreed to perform the Services as will be more particularly described in the forthcoming contract (the “Contract”); and

WHEREAS, the Village has previously appropriated, allocated or budgeted sufficient funds for the Services, the funds are readily available, and the Village intends to use the aforementioned funds to pay for the services; 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 Corporate Authorities 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 award the bid for the Services to the Contractor, to authorize the President or his designee to enter into the Contract whereby the Contractor will

perform services related to the Project and to authorize and direct the President to execute all necessary documents and perform all necessary acts to effectuate the intent of this Ordinance, including the expenditure of all necessary funds.

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**

Section 10.00. Authorization of Contract.

The Corporate Authorities hereby award the bid for the Services to the Contractor, approve the Village entering into the Contract provided, the Contract contains commercially reasonable terms and it is determined by the President and his designee that the entering of the Contract is in the best interest of the Village.

Section 10.01. Approval and Execution of Documents.

The President or his designee is hereby authorized and directed to complete and execute the Contract 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. The Village

is authorized to allocate and spend all necessary funds to fulfill the requirements of the Contract and of this Ordinance. The Village hereby accepts the withdrawal of any bids so withdrawn by bidders.

Section 10.02. Other Actions Authorized.

The officers, employees and/or agents 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 transactions contemplated hereby, 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 10.03. 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 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 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 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 Prignano, Trustee Mota, Trustee Taconi,
Trustee Anguiano, Trustee Abruzzo

NAY VOTES:

ABSTAIN:

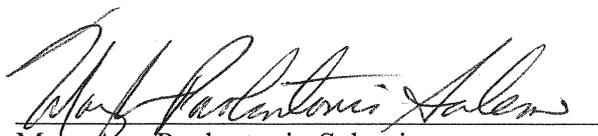
ABSENT: Trustee Italia

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWENTY-
FOURTH DAY OF MAY, 2010, A.D.

APPROVED:


RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: May 24, 2010
Published in pamphlet form: May 25, 2010