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VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1390

AN ORDINANCE AUTHORIZING AND APPROVING CERTAIN
BALANCING CHANGE ORDERS IN CONNECTION WITH
VARIOUS INFRASTRUCTURE PROJECTS, 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. 1390

**AN ORDINANCE AUTHORIZING AND APPROVING CERTAIN
BALANCING CHANGE ORDERS IN CONNECTION WITH VARIOUS
INFRASTRUCTURE PROJECTS, FOR THE VILLAGE OF MELROSE
PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

* * * * *

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 President and the Village Board (collectively, the “Corporate Authorities”) previously approved various contracts (the “Contracts”) with vendors (the “Contractors”), whereby the Contractors performed construction work related to various infrastructure projects in the Village (the “Projects” and individually, a “Project”); and

WHEREAS, in each Project applicable to this Ordinance a variance between the final measurements for materials and services needed for the Project and actual quantities used in the work done for the Project was discovered; and

WHEREAS, to ensure the successful completion of each Project, the work was done as required to complete the Project, which contradicted the specifications set forth on the construction plans for the applicable Project and in the applicable Contract; and

WHEREAS, due to the foregoing, change orders for the Projects (the “Change Orders” and individually, a “Change Order”), as set forth in Group Exhibit “A,” attached hereto and incorporated herein, are required to approve the variances and ratify the work that was done to complete the Projects; and

WHEREAS, more detailed explanations for the Change Orders are set forth in Exhibit “B,” attached hereto and incorporated herein; and

WHEREAS, each Change Order is required due to unforeseen events and contingencies that were discovered in the field during the Projects; and

WHEREAS, because of and in reliance on the “Recommendation” provided by the Village Engineer, and in accordance with Section 33E-9 of the Criminal Code of 1961 (720 ILCS 5/33E-9), the Corporate Authorities have heretofore determined and do hereby determine that: (a) the circumstances necessitating the changes set forth in the Change Orders were not reasonably foreseeable at the time that the Contracts were executed; (b) the changes were germane to the Contracts as executed; and (c) effectuating the terms of the Change Orders is in the best interests of the Village and is authorized by law; and

WHEREAS, due to the findings set forth in the Recommendation, the Corporate Authorities determine that each Change Order is authorized by law, is advisable and in the best interests of the Village and its residents, is necessary for the proper completion of the Projects and is in accordance with the intent of the original construction documents and previous findings of the Village Board and thus, each Change Order should be ratified for approval; and

WHEREAS, based on the aforesaid Recommendation, the Corporate Authorities have heretofore determined and do hereby determine that ratification of the Change Orders is authorized by law, advisable and in the best interests of the Village and its residents and is in accordance with the terms of the Contracts; 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 and approve the Change Orders by ratifying the same.

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 OF THE CHANGE ORDER
AND THE REQUEST FOR PAYMENT**

Section 10.00 Authorization for and Approval of the Change Order.

That each Change Order is hereby ratified and approved as further described herein.

Section 10.01 Approval and Execution of Documents.

That the terms and provisions of each Change Order is hereby approved, based on the findings enumerated in this Ordinance including, without limitation, Group Exhibit "A" and Exhibit "B," with such insertions, omissions and changes as shall be approved by the President, the Village Attorney, or other officials of the governing body of the Village executing the same, and the President is hereby authorized and directed to execute, and the Village Clerk, if necessary, is hereby authorized and directed to attest to and countersign each Change Order and any related documents or exhibits attached thereto, whether or not such documents are attached to this Ordinance, and the Village Clerk, if necessary, is also authorized to affix the Seal of the Village to such documents.

Section 10.02 Other Actions Authorized.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by this Ordinance and shall take all action necessary in conformity therewith including, without limitation, the execution and delivery of any documents required to be delivered in connection with the Change Orders.

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

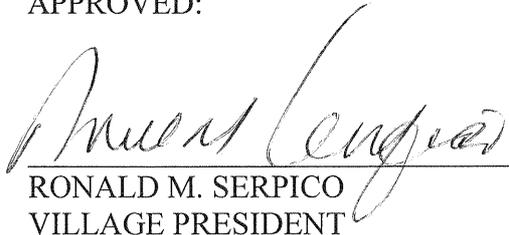
NAY VOTES:

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