

=====

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

ORDINANCE NO. 974

**AN ORDINANCE AUTHORIZING AND APPROVING A LEASE
FOR A TELECOMMUNICATIONS TOWER BETWEEN THE
VILLAGE OF MELROSE PARK AND UNITED STATES
CELLULAR OPERATING COMPANY OF CHICAGO, LLP 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 8TH DAY OF MAY 2006

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

Board Of Trustees

**JOHN S. CONTEDECA
CATHLEEN COSSIDENT ITALIA
THOMAS KLEIN
RUBEN LOMELI
ARTURO J. MOTA
ANTHONY J. PRIGNANO**

=====

**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 9th day of MAY 2006**

ORDINANCE NO. 974

AN ORDINANCE AUTHORIZING AND APPROVING A LEASE FOR A TELECOMMUNICATIONS TOWER BETWEEN THE VILLAGE OF MELROSE PARK AND UNITED STATES CELLULAR OPERATING COMPANY OF CHICAGO, LLC FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

* * * * *

WHEREAS, the Village of Melrose Park, Cook County, 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 now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the Village President, the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005 and the Village Board of Trustees, the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "T.K." Klein, Ruben Lomeli, Trustee Arturo J. Mota and Anthony J. Prignano, having taken office on May 2, 2005, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, United States Cellular Operating Company of Chicago, LLC (hereinafter “US Cellular”) wishes to lease a certain parcel of real property owned by the Village and located at 2300 Main Street (hereinafter the “Property”). The Property is more specifically identified in the Ground Lease (hereinafter the “Lease”), a copy of which is attached hereto as Exhibit A; and

WHEREAS, US Cellular wishes to erect a Telecommunications Tower upon the Property; and

WHEREAS, the Village of Melrose Park a body politic and corporate duly organized and existing as a political subdivision, of the State of Illinois, is authorized by the laws of the State of Illinois to lease property for the benefit of its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the term of said Lease does not exceed ninety-nine (99) years; and

WHEREAS, the negotiations between the Village of Melrose Park and US Cellular have produced terms and conditions of an Agreement acceptable and beneficial to the Village; and

WHEREAS, in order to Lease said real estate, the Village wishes to enter into a Lease with US Cellular; and

WHEREAS, the President and the Board of Trustees (the "Village Board") of the Village of Melrose Park, County of Cook, State of Illinois, have heretofore determined and do hereby determine that it is in the best interest of the Village and its inhabitants to enter into the Lease with US Cellular; and

NOW THEREFORE, BE IT ORDAINED by the Village President and the Board of Trustees of the Village of Melrose Park, Cook County Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

The President and Board of Trustees of the Village (the "Village Board") hereby find that all of the recitals hereinbefore stated as contained in the preambles to this

Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of the Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this ordinance is to approve and authorize the entry into a Lease with US Cellular, for Village real estate, said real estate to be used for a Telecommunications Tower.

Section 03. Invocation of Authority.

This ordinance is enacted pursuant to the authority granted to this 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 GROUND LEASE.**

Section 10.00 Approval and Execution of Documents.

The form, terms and provisions of the Agreement are hereby approved in substantially the same form as attached hereto as Exhibit A, with such insertions, omissions and changes as shall be approved by the Village President, Village Attorney or other members of the governing body of the Village executing the same, the execution of such documents being conclusive evidence of such approval; and the Village President is hereby authorized and directed to execute, and the Village Clerk is hereby authorized and

directed to attest and countersign, the Agreement and any related exhibits attached thereto, the Village Clerk is also authorized to affix the seal of the Village to such documents.

Section 11.00 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 to 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 intent of this ordinance.

**ARTICLE III.
SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 12.00 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 13.00 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 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 Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

Section 14.00 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

Section 15.00 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.

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

\ \ \

Section 16.00 Effective date

This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Italia, Trustee Klein,
Trustee Lomeli, Trustee Mota

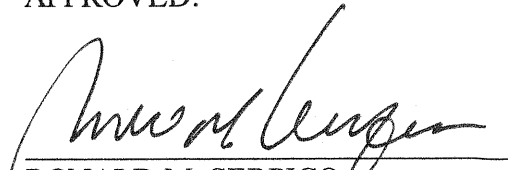
NAY VOTES:

ABSTAIN:

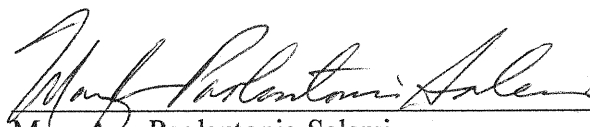
ABSENT: Trustee Prignano

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS
EIGHTH DAY OF MAY, 2006 A.D.

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: May 8, 2006
Published in pamphlet form: May 9, 2006