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VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1134

AN ORDINANCE AUTHORIZING AND APPROVING
ACQUISITION OF REAL PROPERTY BY NEGOTIATION OF
CONDEMNATION, 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 10TH DAY OF DECEMBER 2007

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

Board Of Trustees

JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
ARTURO J. MOTA
ANTHONY J. PRIGNANO
MARY RAMIREZ TACONI

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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 11TH day of DECEMBER 2007

ORDINANCE NO. 1134

AN ORDINANCE AUTHORIZING AND APPROVING THE ACQUISITION OF REAL PROPERTY BY NEGOTIATION OR CONDEMNATION 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 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 “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005, and the Board of Trustees of the Village (the “Village Board”), the Honorable John S. Conteduca, Cathleen Cossident Italia, Arturo J. Mota, Anthony J. Prignano and Mary Ramirez Taconi, having taken office on May 14, 2007, 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 to acquire certain real property located at the address commonly known as 819 N. Broadway, Melrose Park, Illinois 60160, and legally described in Exhibit A, attached hereto and incorporated herein by reference, (the “Subject Property”) by either negotiation or condemnation; and

WHEREAS, pursuant to the provisions of Section 2-3-8 of the Illinois Municipal Code (65 ILCS 5/2-3-8 (Ill. Gen. Assembly 2006)), villages incorporated under said Code may acquire and hold real and personal property for corporate purposes; and

WHEREAS, pursuant to the provisions of Section 11-61-3 of the Illinois Municipal Code (65 ILCS 5/11-61-3), the Corporate Authorities have the express authority to purchase real property for public purposes pursuant to contracts that provide for the consideration for such purchase to be paid in installments during a period of time not to exceed twenty (20) years; and

WHEREAS, pursuant to Section 11-61-1 of the Illinois Municipal Code (65 ILCS 5/11-61-1), the Corporate Authorities of the Village may exercise the right of eminent domain by condemnation proceedings in conformity with the provisions of the Constitution and statutes of the State of Illinois for the acquisition of property useful, advantageous or desirable for municipal purposes or public welfare; and

WHEREAS, the Village desires to provide a safe and harmonious environment for its residents and visitors and seeks to obtain and attain the goal of expansion of building facilities; and

WHEREAS, the Corporate Authorities find that it is useful, advantageous, desirable, necessary and in the public interest and welfare of the Village and its residents to acquire the Subject Property by negotiation or condemnation to fulfill the Village's said goal; and

WHEREAS, in accordance with the property ownership disclosure requirements imposed on units of local government as set forth in Section 3.1 of the Public Officer Prohibited Activities Act (50 ILCS 105/3.1 *et seq*), the Village has obtained a tract search identifying the record title holder(s) of the Subject Property, a copy of said tract search being attached hereto and incorporated herein as Exhibit A; and

WHEREAS, based on the foregoing, the Corporate Authorities have determined that the Village, the Village Attorney and/or their respective designee(s) are hereby authorized to undertake the good faith negotiations of the Subject Property and to take all necessary actions collateral thereto including, but not limited to, determining a valuation of the Subject Property that the Village believes will represent a fair amount to be offered to the owner(s) of the Subject Property; and

WHEREAS, if the Village's bona fide attempt to negotiate the acquisition of the Subject Property is unsuccessful, the Corporate Authorities hereby authorize and direct the Corporate Authorities, the Village Attorney and/or their respective designee(s) to initiate and institute a condemnation action to acquire the Subject Property; and

WHEREAS, to increase the Village's visible police presence and to provide a satellite police station, which will be for the public use, the Corporate Authorities deem it advisable and necessary for the safety and welfare of the residents of the Village to authorize the acquisition of the Subject Property by negotiation or condemnation; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Melrose Park, the 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.

That the Corporate Authorities have determined that it is necessary and desirable that the Subject Property be acquired in fee simple by the Village for one or more of the purposes set forth herein.

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**

Section 05. Authorization.

That the Corporate Authorities hereby authorize the President, the Village Attorney and/or their respective designee(s) to negotiate the acquisition of the Subject Property based on the appraisal information and other relevant applicable factors in accordance with the Village Board's directions, and if the Village is unable to agree with the owner(s) of the Subject Property concerning the just compensation thereof, the President, the Village Attorney and/or their respective designee(s) are hereby authorized to take the necessary steps to acquire title to the Subject Property. The Corporate Authorities hereby authorize and direct the President or his designee(s) to execute any applicable document, with such insertions, omissions and changes as shall be approved by the President and the Village Attorney. The Village Clerk is hereby

authorized and directed to attest to and countersign and/or record the documents and any such other documentation as 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 as is deemed necessary. The Village Clerk is further authorized and directed to cause a certified copy of this Ordinance, together with any corresponding agreements or documents, to be recorded with the Cook County Recorder of Deeds and filed with the Clerk of Cook County, Illinois, if required by law. The Corporate Authorities hereby authorize the officers, employees and/or agents of the Village to take all actions necessary or reasonably required to carry out, give effect to and consummate the intent of this Ordinance and to take all action necessary in conformity therewith.

Section 11.00 – Section 15.00 Reserved.

**ARTICLE III.
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 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 Repeal of Prior Ordinances.

All prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

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 Conteduca, Trustee Italia, Trustee Mota,
Trustee Prignano, Trustee Taconi


NAY VOTES:

ABSTAIN:

ABSENT:

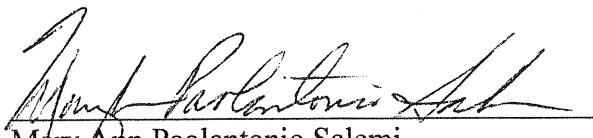
SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TENTH OF DECEMBER, 2007 A.D.

APPROVED:



RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: December 10, 2007
Published in pamphlet form: December 11, 2007