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VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1199

AN ORDINANCE AUTHORIZING AND APPROVING A
CONTRACT FOR SERVICES IN CONNECTION WITH THE 2008
MFT PAVING PROGRAM, 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 23RD DAY OF JUNE 2008

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
JAIME ANGUIANO

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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 JUNE 2008

ORDINANCE NO. 1199

AN ORDINANCE AUTHORIZING AND APPROVING A CONTRACT FOR SERVICES IN CONNECTION WITH THE 2008 MFT PAVING PROGRAM, 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 “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, and the Honorable Jaime Anguiano, having taken office on March 10, 2008, 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 undertake the 2008 MFT Paving Program, MFT Section No. 08-00109-00-RS (the “Project”); and

WHEREAS, the Village, in order to find a contractor to perform the work related to the Project, advertised for bids and received bids from four (4) companies; and

WHEREAS, the Village Engineer has recommended that the lowest responsible bidder J.A. Johnson Paving Company be selected for the Project, as summarized in its recommendation letter attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, the Village has determined that J.A. Johnson Paving Company is the lowest responsible bidder for the Project; and

WHEREAS, J.A. Johnson Paving Company has agreed to perform the work as more particularly described in the contract (the “Contract”), a copy of which is attached hereto and incorporated herein by reference as Exhibit “B”; and

WHEREAS, the Village has previously appropriated, allocated or budgeted sufficient funds for the Project, the funds are readily available, and the Village intends to use the aforementioned funds to pay for the services and materials to be provided as described in the Contract; 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 Project to J.A. Johnson Paving Company, to authorize the President or his designee to enter into the Contract whereby J.A.

Johnson Paving Company will perform services related to the Project, to authorize and direct the President to execute all necessary documents, and perform all necessary services 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 to J.A. Johnson Paving Company, approve the Contract in substantially the same form as attached hereto, authorize and direct the President or his designee to execute the Contract, and authorize and direct the expenditure of all costs related thereto or resulting therefrom.

Section 10.01. Approval and Execution of Documents.

The Contract is hereby approved in substantially the same form as attached hereto and made a part hereof as Exhibit “B” with such insertions, omissions and changes as shall be approved by the President and the Village Attorney. 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.

Section 10.02. Other Actions Authorized.

The officers and employees 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 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 Corporate Authorities 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 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 Conteduca, Trustee Italia, Trustee Taconi,
Trustee Anguiano

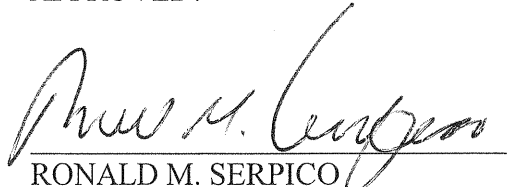
NAY VOTES:

ABSTAIN:

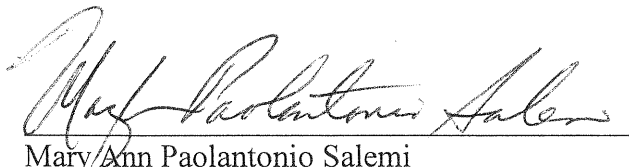
ABSENT: Trustee Mota, Trustee Prignano

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWENTY-THIRD
OF JUNE, 2008, A.D.

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: June 23, 2008
Published in Pamphlet Form: June 24, 2008