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VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1211

AN ORDINANCE AUTHORIZING AND APPROVING THE  
EXECUTION OF A CERTAIN EASEMENT AGREEMENT (2501  
WEST LAKE STREET) PERTAINING TO 25<sup>TH</sup> AVENUE WATER  
MAIN PROJECT, PHASE I, 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 11<sup>TH</sup> DAY OF AUGUST 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 12<sup>TH</sup> day of AUGUST 2008

**ORDINANCE NO. 1211**

**AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF A CERTAIN EASEMENT AGREEMENT (2501 WEST LAKE STREET) PERTAINING TO 25<sup>TH</sup> AVENUE WATER MAIN PROJECT, PHASE I, 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 (the “Village Clerk”), 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 for the Village, as part of the 25th Avenue Water Main Improvement Project Phase I, to construct a new water main generally along the west side of 25<sup>th</sup> Avenue (from a point approximately five hundred feet (500’) south of Lake Street to approximately Walton Street) in the Village and must, therefore, enter into easement agreements with property owners along certain portions of said 25<sup>th</sup> Avenue; and

**WHEREAS**, one of these properties, generally located at 2501 W. Lake Street (at the northwest corner of Lake Street and 25<sup>th</sup> Avenue) in the Village (including PIN 15-04-411-05-0000) (the “Property”), is owned by AGD Investments, LLC, (the “Owner”); and

**WHEREAS**, the Corporate Authorities find that it is advisable, necessary and in the best interests of the Village for the Village to enter into an easement agreement (the “Easement Agreement”) with the Owner for the Village to obtain an easement on the Property for the water main, a similar copy of which agreement is attached hereto and incorporated herein as Exhibit “A”; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and 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 authorize the President or his designee to enter into, approve and execute an agreement with the Owner in a form similar to the Easement Agreement attached hereto.

**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 10.00. Authorization.**

That the Village Board hereby approves the Agreement and authorizes and directs the President or his designee and the Village Attorney to enter into, approve and execute an agreement in a form similar to the Easement Agreement attached hereto, with such insertions, omissions and changes as shall be approved by the President and the Village Attorney.

That the Village Board hereby authorizes and directs the Village to undertake all steps necessary to carry out the intention of this Ordinance, including the expenditure of all necessary funds and the execution or approval of any collateral or related contracts and/or services.

That the Village Clerk is hereby authorized and directed to attest to and countersign the aforesaid agreement and any such other documentation as may be necessary to carry out and effectuate the purpose of this Ordinance, and is further authorized and directed to affix the Seal of the Village to such documentation as is necessary and to record all documents with the Recorder of Deeds of Cook County as is set forth in the Easement Agreement.

That the Village Board hereby authorizes the officers, employees and/or agents of the Village to take all action 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.

That the Village Board hereby ratifies any and all previous action taken to effectuate the

intent of this Ordinance.

**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

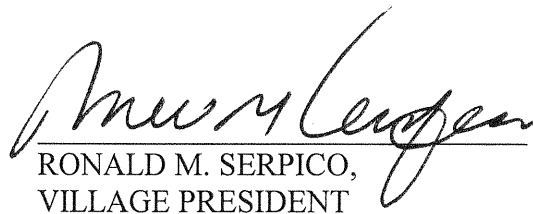
NAY VOTES:

ABSTAIN:

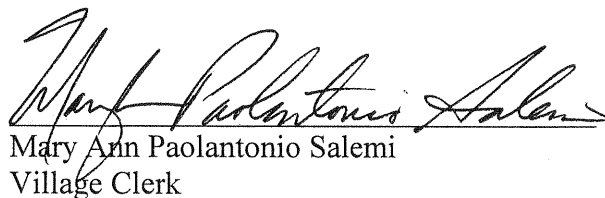
ABSENT: Trustee Anguiano

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE  
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS ELEVENTH DAY  
OF AUGUST, 2008 A.D.

APPROVED:

  
RONALD M. SERPICO,  
VILLAGE PRESIDENT

ATTEST:

  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: August 11, 2008  
Published in pamphlet form: August 12, 2008