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

ORDINANCE NO. 1296

**AN ORDINANCE AUTHORIZING AND APPROVING A
CONTRACT FOR SERVICES IN CONNECTION WITH THE 2009
SIDEWALK MAINTENANCE PROJECT, 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 13TH DAY OF JULY 2009

**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 14TH day of JULY 2009**

ORDINANCE NO. 1296

AN ORDINANCE AUTHORIZING AND APPROVING A CONTRACT FOR SERVICES IN CONNECTION WITH THE 2009 SIDEWALK MAINTENANCE PROJECT, 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, and the Board of Trustees of the Village (the “Village Board”), the Honorable Cathleen Cossident Italia, Arturo J. Mota, Anthony J. Prignano, 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”) find that it is advisable, necessary and in the best interests of the Village and its residents for the Village to perform construction and general maintenance work related to the 2009 General Maintenance Sidewalk Program (MFT Section No. 09-000000-01-GM) involving undertaking construction and repair work on various sidewalks in the Village (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 five (5) companies; and

WHEREAS, the Village Engineer has recommended that the lowest responsible bidder, Kings Point General Cement, Inc. (the “Contractor”), be selected for the Project, as summarized in the Village Engineer’s recommendation letter attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, the Village has determined that the Contractor is the lowest responsible bidder for the Project; and

WHEREAS, the Contractor 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 the Contractor, to

authorize the President or his designee to enter into the Contract whereby the Contractor will perform services related to the Project, and to authorize and direct the President to execute all necessary documents and perform all necessary acts 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 the Contractor, 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, employees and/or agents 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 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 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, 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 Italia, Trustee Mota, Trustee Taconi,
Trustee Anguiano, Trustee Abruzzo

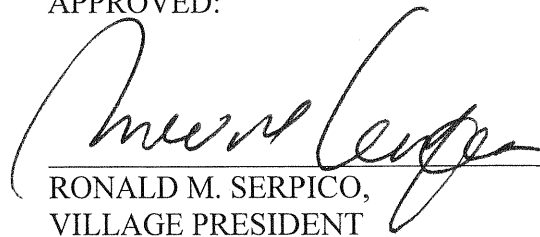
NAY VOTES:

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 THIRTEENTH DAY OF JULY, 2009, A.D.

APPROVED:


RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: July 13, 2009

Published in pamphlet form: July 14, 2009