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VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1334

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN
REAL PROPERTY COMMONLY KNOWN AS 1014 NORTH 16TH
AVENUE, IN 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 9TH DAY OF NOVEMBER 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 10TH day of NOVEMBER 2009

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AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY COMMONLY KNOWN AS 1014 NORTH 16TH AVENUE, IN 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 Honorable Mary Ann Paolantonio Salemi, and the Board of Trustees of the Village (the “Village Board”), the Honorable Cathleen Cossident Italia, Anthony J. Prignano, Arturo J. Mota, 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, vacant and unsafe buildings often become crime magnets, fire hazards or dumping grounds and can increase blight and decrease investment within a community; and

WHEREAS, local governments spend a disproportionate amount of time and funds securing vacant buildings against criminal activity and cleaning and caring for vacant buildings to prevent a build up of trash, illegal dumping and rodent infestation; and

WHEREAS, the President and the Village Board (collectively, the “Corporate Authorities”) recognize the impact that vacant and unsafe properties have on neighboring properties and desire to help Village residents combat the negative consequences of the same; and

WHEREAS, pursuant to Section 11-31-1(a) of the Illinois Municipal Code (65 ILCS 5/11-31-1(a)), the corporate authorities of each municipality may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the municipality and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings; and

WHEREAS, pursuant to Section 11-61-3 of the Illinois Municipal Code (65 ILCS 5/11-61-3), the corporate authorities of municipalities that have populations of less than one million (1,000,000) inhabitants have the express power to acquire real estate for public purposes through contracts that provide for the consideration for such acquisition to be paid through installments during a period of time not to exceed twenty (20) years; and

WHEREAS, there exists certain real property located at the address commonly known as 1014 North 16th Avenue, Melrose Park, Illinois 60160 (the “Property”), which Property is currently vacant and houses an unsafe structure; and

WHEREAS, the Property has property index numbers of 15-03-429-010-0000 and 15-03-429-011-0000; and

WHEREAS, the Corporate Authorities have determined that it is advisable and necessary for the health, safety and welfare of the residents of the Village to acquire the Property and demolish the structure located thereon; and

WHEREAS, the Corporate Authorities received a Hold Harmless Agreement (the “Agreement”), attached hereto and incorporated herein as Exhibit A, which sets forth the terms under which the Village will acquire the Property; and

WHEREAS, for the public purpose of ensuring the safety of individuals visiting, residing and working in the Village, the Corporate Authorities have determined that it is in the best interests of the Village and its residents to execute the Agreement, acquire the Property and demolish the unsafe structure located thereon; and

WHEREAS, the President is authorized to enter into and the Village Attorney (the “Attorney”) is authorized to revise agreements for the Village making such insertions, omissions and changes as shall be approved by the President and the Attorney; 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 Village Board does 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 and approve the Agreement whereby the Village will acquire the Property and demolish the unsafe structure located thereon and to further authorize the President or his designee to take any and all steps necessary to effectuate the intent of this Ordinance.

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.

Sections 05 -09. Reserved.

**ARTICLE II.
AUTHORIZATION TO ACQUIRE REAL PROPERTY**

Section 10.00 Authorization.

The Village Board hereby approves the Agreement and authorizes and directs the President or his designee to enter into and approve the Agreement in accordance with its terms, or any modification thereof. The Village Board authorizes and directs the President or his designee to acquire the Property and execute the Agreement, with such insertions, omissions and changes as shall be approved by the President and the Attorney, and the Village Board further authorizes the President or his designee to execute any and all additional documentation that may be necessary to carry out the intent of this Ordinance. The Village Board hereby authorizes and directs the Village to undertake all steps necessary to carry out the intent of this Ordinance, including the expenditure of all necessary funds.

The Village Clerk is hereby authorized and directed to attest to and countersign any documentation that 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 or her designee shall take all other actions required by law in connection with the transaction contemplated hereunder.

The Village Board hereby authorizes the officers, employees and/or agents of the Village to take any and 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. The Village Board hereby ratifies any and all previous action taken to effectuate the intent of this Ordinance.

Sections 11.00 – 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 provision 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:

A YE VOTES: Trustee Prignano, Trustee Mota, Trustee Taconi,
Trustee Anguiano, Trustee Abruzzo

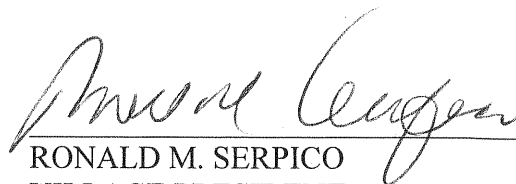
NAY VOTES:

ABSTAIN:


ABSENT: Trustee Italia

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS
NINTH DAY OF NOVEMBER, 2009, A.D.

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: November 9, 2009
Published in Pamphlet Form: November 10, 2009