

ORDINANCE

AN ORDINANCE APPROVING A HIGHWAY AUTHORITY AGREEMENT AND AN ENVIRONMENTAL INDEMNITY AGREEMENT BETWEEN SECOND CENTURY ENTERPRISES, INC. AND THE VILLAGE OF OAK PARK FOR THE PROPERTY LOCATED AT 427 MADISON STREET AND AUTHORIZING THEIR EXECUTION

WHEREAS, Second Century Enterprises, Inc. ("Owner") is the record title owner of a parcel of real property commonly known as 427 Madison Street, Oak Park, Illinois ("Property"); and

WHEREAS, as a result of a release at the Property, soil impacts have occurred beneath the Property and the adjacent alley right-of-way thereto ("Right-of-Way"); and

WHEREAS, the Owner has initiated a corrective action program, in cooperation with the Illinois Environmental Protection Agency ("IEPA"), to remediate the contaminated soil impacts beneath the Property and the adjacent right-of-way; and

WHEREAS, to complete the corrective action program in compliance with IEPA regulations, the Owner has requested that the Village enter into a Highway Authority Agreement, attached hereto and incorporated herein by reference, to limit access to soil within the Right-of-Way; and

WHEREAS, the Board of Trustees has determined that it will serve and be in the best interest of the Village to enter into the Highway Authority Agreement.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein in this Section 1 as though fully set forth.

Section 2. Approval of Highway Authority Agreement. The Highway Authority Agreement between the Owner and the Village is hereby approved in substantially the form attached.

Section 3. Execution of Highway Authority Agreement. The Village Manager is authorized and directed to execute the Highway Authority Agreement on behalf of the Village and any and all other documents necessary to effectuate the purposes of the Agreement.

Section 4. Approval of Environmental Indemnity Agreement. The Environmental Indemnity Agreement between the Owner and the Village is hereby approved in substantially the form attached.

Section 5. Execution of Environmental Indemnity Agreement. The Village Manager is authorized and directed to execute the Environmental Indemnity Agreement on behalf of the Village and any and all other documents necessary to effectuate the purposes of the Agreement.

Section 6. Severability and Repeal of Inconsistent Ordinances, Resolutions and Motions. If any section, paragraph, clause or provisions of this Resolution shall be invalid, said invalidity shall not affect any other provision of this Resolution. All ordinances, resolutions or adopted motions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this 17th day of April, 2017, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Barber				
Trustee Brewer				
Trustee Button Ott				
Trustee Lueck				
Trustee Taglia				
Trustee Tucker				

APPROVED this 17th day of April, 2017.

Anan Abu-Taleb, Village President

ATTEST

Teresa Powell, Village Clerk

Published in pamphlet form this 17th day of April, 2017.

Teresa Powell, Village Clerk