

RESOLUTION NO. 10-2016

A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT TO ENTER INTO A PRELIMINARY ENGINEERING SERVICES AGREEMENT REGARDING THE RESURFACING OR REHABILITATION OF CERTAIN STREETS WITH FRANK NOVOTNY AND ASSOCIATES, INC. FOR THE VILLAGE OF STICKNEY

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the safety of individuals walking and driving within the corporate limits of the Village; and

WHEREAS, in connection with the foregoing, the Village has determined that it is in the best interests of the Village and its residents to make certain resurfacing and rehabilitation improvements to certain sections of East Avenue within the Village (the "Project"); and

WHEREAS, the Project includes, without limitation, hot-mix asphalt surface removal, spot location curb and gutter removal and replacement, frame and grate adjustments, hot-mix asphalt leveling binder and surface course paving, pavement markings and parkway restoration and an appurtenant construction; and

WHEREAS, the Village recognizes the need for a third party to provide certain professional engineering services to the Village in connection with the Project (the "Services"); and

WHEREAS, Motor Fuel Tax funds will be used entirely or in part to finance the Project; and

WHEREAS, Frank Novotny and Associates, Inc. ("Novotny") has provided the Corporate Authorities with an agreement (the "Agreement"), attached hereto and incorporated herein as Exhibit A, which sets forth such terms, covenants and conditions under which Novotny will provide the Services to the Village; and

WHEREAS, the Corporate Authorities find that it is necessary for the health, safety and general welfare of the Village to approve, enter into and execute an agreement with terms substantially the same as the terms of the Agreement; 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;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: RECITALS. The facts and statements contained in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

SECTION 2: PURPOSE. The purpose of this Resolution is to authorize the President or his or her designee to enter into the Agreement whereby Novotny will provide the Services to the Village and to further authorize the President or his or her designee to take all steps necessary to carry out the terms and intent of this Resolution and to ratify any steps taken to effectuate those goals.

SECTION 3: AUTHORIZATION. The Board hereby authorizes and directs the President or his or her designee to authorize, enter into and approve the Agreement in accordance with its terms, or any modifications thereof, and to ratify any and all previous action taken to effectuate the intent of this Resolution. The Board further authorizes and directs the President or his or her designee to execute the Agreement with such insertions, omissions and changes as shall be approved by the President and the Attorney. The Village Clerk is hereby authorized and directed to attest to and countersign the Agreement and any other documentation as may be necessary to carry out and effectuate the purpose of this Resolution. The Village Clerk is also authorized and directed to affix the Seal of the Village to such documentation as is deemed necessary. The officers, agents and/or employees of the Village shall take all action necessary or reasonably required by the Village to carry out, give effect to and consummate the purpose of this Resolution and shall take all action necessary in conformity therewith. To the extent that any requirement of bidding would be applicable, the same is hereby waived.

SECTION 4. HEADINGS. The headings of the articles, sections, paragraphs and subparagraphs of this Resolution are inserted solely for the convenience of reference and form no substantive part of this Resolution nor should they be used in any interpretation or construction of any substantive provision of this Resolution.

SECTION 5. SEVERABILITY. The provisions of this Resolution are hereby declared to be severable and should any provision of this Resolution be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision 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.

SECTION 6. SUPERSEDER. All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION. A full, true and complete copy of this Resolution 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.

SECTION 8. EFFECTIVE DATE. This Resolution shall be effective and in full force immediately upon passage and approval as provided by law.

PASSED this 19 th day of July, 2016.

AYES: Trustee Fuentes, Hrejsa, Lazansky and Savopoulos

NAYS:

ABSENT: Trustees Milenkovic and White

ABSTENTION:

APPROVED by me this 20th day of July, 2016.

Deborah Morelli, President

ATTESTED AND FILED in my

**office this 20th day of
July, 2016.**

Audrey McAdams, Village Clerk

EXHIBIT A