

**ORDINANCE NO. \_\_\_\_\_**

**Date Passed: April 8, 2013**

**AN ORDINANCE APPROVING AMENDMENT TO RESTATED HOST AGREEMENT  
FOR THE OPERATION AND DEVELOPMENT OF ROCHELLE MUNICIPAL  
LANDFILL #2 (MULFORD ROAD CONSTRUCTION)**

**WHEREAS**, the City of Rochelle is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and

**WHEREAS**, the City (as Owner) and Rochelle Waste Disposal, LLC (as Operator), have heretofore entered into a Restated Host Agreement for the operation and development of Rochelle Municipal Landfill #2; and

**WHEREAS**, by ordinance adopted on April 8, 2008, the City Council approved certain amendments to the Restated Host Agreement, including an amendment to Section 3.12 consisting of a new Section 3.12(c), which provided that the Operator would complete construction of improvements to Mulford Road in two stages, as follows (1) from Route 38 to the existing landfill entrance; and (2) from the existing landfill entrance to Creston Road; and

**WHEREAS**, the City and the Operator have agreed that, in light of the intended relocation of the existing entrance to a point farther south, it would be reasonable to amend Section 3.12(c) to provide that the first stage of construction would be from Route 38 to the Union Pacific Railroad Tracks, and that the second stage would be from the Union Pacific Railroad tracks to Creston Road, to specify deadlines for completion, and to provide further that the Operator would be responsible for maintenance of that portion of Mulford Road from the Union Pacific Railroad tracks south to the existing entrance, a distance of approximately 200 feet, until completion of the entire project; and

**WHEREAS**, a draft of the proposed amendment to the Restated Host Agreement, incorporating the foregoing changes, has been presented to the City Council for approval and is attached hereto as **Exhibit A**;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS**, as follows:

1. The Amendment to the Restatement of Host Agreement for Operation/Development of City of Rochelle Landfill #2 (Mulford Road Improvements), in the form attached to this Ordinance as **Exhibit A**, is hereby approved.
2. The City Manager is hereby authorized to execute and deliver said Amendment on behalf of the City and the City Council.

This ordinance shall become effective after its passage and approval.

PASSED AND APPROVED this 8<sup>th</sup> day of April, 2013.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstain: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attested: \_\_\_\_\_  
City Clerk