

ORDINANCE NO. _____

Date Passed: April 27, 2015

**AN ORDINANCE APPROVING AMENDED
AND RESTATED ANNEXATION AGREEMENT
(Creekside f/k/a King's Crossing)**

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, pursuant to the provisions of the Illinois Municipal Code, 65 ILCS 5/11-15.1-1 *et seq.*, the City is empowered to enter into annexation agreements with the owners of record of unincorporated territory; and

WHEREAS, the City has heretofore entered into an Annexation Agreement with Wyndham Foxford, LLC, for 494 acres located on Flagg Road generally north and west of Rochelle Township High School, which Agreement was recorded on May 9, 2006, as Document Number 0605710, in the Office of the Ogle County, Illinois, Recorder; and

WHEREAS, the Annexation Agreement was amended by an Amendment to Annexation Agreement dated June 1, 2009, which was recorded as Document No. 201001002089 in the Office of the Ogle County Recorder on March 22, 2010; and

WHEREAS, the Annexation Agreement was further amended by a Second Amendment to Annexation Agreement dated October 26, 2009, which was recorded as Document No. 201001002091 in the Office of the Ogle County Recorder on March 22, 2010; and

WHEREAS, the Annexation Agreement was further amended by a Third Amendment to Annexation Agreement dated January 23, 2012, which was recorded as Document No. 201201201865 in the Office of the Ogle County Recorder on March 13, 2012; and

WHEREAS, the Annexation Agreement was further amended by a Fourth Amendment to Annexation Agreement dated September 11, 2012, which was recorded as Document No. 201208611 in the Office of the Ogle County Recorder on October 31, 2012; and

WHEREAS, Creekside Land Holdings, LLC, is the successor in interest to Wyndham Foxford, LLC, under the Annexation Agreement, as amended; and

WHEREAS, the parties wish to enter into an Amended and Restated Annexation Agreement for the purpose of setting forth agreements reached between them with respect to certain obligations under the Annexation Agreement, as amended, and under the Municipal Code of the City of Rochelle, related to the development of approximately 400 acres of land; and

WHEREAS, a public hearing regarding the proposed Amended and Restated Annexation Agreement was duly held, upon proper notice, on April 27, 2015; and

WHEREAS, the City Council finds that the Amended and Restated Annexation Agreement is in the best interests of the City and should be approved; and

WHEREAS, the City Council, by a favorable vote of at least two-thirds (2/3), has authorized the execution and delivery of the Amended and Restated Annexation Agreement as presented to Council; and

WHEREAS, all other legal requirements have been met;

NOW THEREFORE, BE IT ORDAINED THAT

1. The proposed Amended and Restated Annexation Agreement between the City of Rochelle and Creekside Land Holdings, LLC, for the Property located on Flagg Road generally north and west of Rochelle Township High School is approved.

2. The City Manager is authorized to execute the Amended and Restated Annexation Agreement on behalf of the City, and to thereafter record it among the public records in the Office of the Ogle County Recorder.

This ordinance shall become effective after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 27th day of April, 2015.

Ayes: _____ Nays: _____ Abstain: _____

Mayor

Attested: _____
City Clerk