

ORDINANCE NO. _____
Date Passed: September 14, 2015

**ORDINANCE APPROVING AGREEMENT TO
DEFER UTILITIES EXTENSION (Hayden Unit 1)**

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, Sections 98-103(b)(3) and 98-153(d) of the Municipal Code of the City require developers to extend water main and sewer main to the property line of the premises to be served, and Section 86-52 requires developers to post security for the construction of public improvements, including water and sewer; and

WHEREAS, Haywell, LLC ("Haywell") is the owner of Lot 1 in Hayden Addition Unit 1, a 1.67-acre tract which is improved with self-storage units ("Property"), and which includes frontage of 305 feet along 20th Street containing easements for utilities, water and gas ("Frontage"); and

WHEREAS, the present use of the Property does not require water or sewer, and the adjacent properties to the north and south have not yet been developed; and

WHEREAS, the developer has requested that the City defer the developer's obligation to extend water and sewer along the Frontage until such time as the City requires it for future development, and that the City waive the developer's obligation to maintain security for its deferred obligation in light of the uncertainty as to when the extension of water and sewer along the Frontage will be needed; and

WHEREAS, the developer and the City staff have approved an agreement in the form presented to the City Council, incorporating the foregoing agreements, and other agreements intended to protect the City in the event of a default by the developer, including recordation of the agreement, a provision that the agreement shall run with the land and be binding on successors or transferees, and a provision for the City to recover interest and attorney's fees in the event of a lawsuit; and

WHEREAS, the City Council finds that the agreement, as presented, is fair to the developer and to the City, and should be approved;

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

1. The Agreement to Defer Utilities Extension, as presented to the City Council, is hereby approved, and the City Manager is authorized and directed to sign it and to arrange for its recording 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 14th day of September, 2015.

Ayes: _____ Nays: _____ Abstain: _____

Mayor

Attested: _____
City Clerk

