

ORDINANCE NO. _____
Date Passed: October 24, 2016

**AN ORDINANCE APPROVING ROADWAY DEDICATION AGREEMENT
(CHERRY AVENUE AND FIRST STREET)**

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, by Ordinance #04-3276 dated October 25, 2004, and recorded in the Office of the Recorder, Ogle County, Illinois, on December 16, 2004, as Document Number 200414472, the City vacated a portion of Cherry Avenue and Van Buren (First) Street, City of Rochelle, referred to therein as parcel 1 ("Vacated Roadway"), together with other property referred to therein as parcel 2, and transferred the Vacated Roadway to the developer, Patricia S. Burch; and

WHEREAS, the purpose of said vacation was to accommodate the planned development of developer's adjacent properties to be rail-served properties; and

WHEREAS, the planned development never came to fruition, and the developer now wishes to dedicate the Vacated Roadway back to the City; and

WHEREAS, City staff has negotiated a Roadway Dedication Agreement with the developer, in the form attached hereto as Exhibit A, which includes certain conditions for the City's acceptance of the Vacated Roadway, including the satisfactory construction of roadway improvements, an easement to assist in snow removal, and drainage easements to be used if it becomes necessary to relocate a storm sewer which presently runs beneath a building; and

WHEREAS, the City Council finds that the Roadway Dedication Agreement is in the best interests of 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 Roadway Dedication Agreement is approved, and the City Manager is authorized and directed to execute it on behalf of the City, and to carry out the City's obligations thereunder.
2. Upon completion of the developer's obligations thereunder, the City Council shall accept the dedication of the Vacated Roadway.

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

PASSED AND APPROVED this 24th day of October, 2016.

Ayes: _____ Nays: _____ Abstain: _____

Mayor

Attested: _____
City Clerk

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