

**RESOLUTION AUTHORIZING THE EXECUTION OF ACCEPTANCE OF A  
FRANCHISE AGREEMENT WITH THE VILLAGE OF HILLCREST**

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, the City of Rochelle is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 511-1, et seq.; and

**WHEREAS**, the City of Rochelle operates an electrical utility through the Rochelle Municipal Utility (RMU), and

**WHEREAS**, the City had entered into a Franchise Agreement with the Village of Hillcrest, which expired in December of 2017; and

**WHEREAS**, the Village of Hillcrest's Board of Trustees approved a Franchise Agreement on December 13, 2017 (attached hereto as Exhibit A), granting the City of Rochelle the authority to operate its electrical transmission facilities within the Village of Hillcrest; and

**WHEREAS**, pursuant to the terms of the Franchise Agreement the City of Rochelle must execute and unconditional written acceptance of Hillcrest's ordinance and place said acceptance on file with the City Clerk for the City of Rochelle; and

**WHEREAS**, the Mayor and City Council finds that it is in the best interest of the City, the RMU, and its residents for the City of Rochelle to execute and file unconditional written acceptance.

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

**Section 1.** The foregoing Recitals are not mere preparatory language, but are hereby incorporated in this Section 1 as if said Recitals were fully set forth.

**Section 2.** The City Manager is hereby authorized to execute and file and unconditional written acceptance of the Village of Hillcrest's Franchise Agreement Ordinance in a form substantially similar to Exhibit B, attached hereto.

**Section 3.** The provisions of this Resolution are severable and if any court of competent jurisdiction shall declare any portion of this Resolution to be invalid or unenforceable, said decision shall not affect any portion of this Resolution, other than the part declared invalid or unenforceable. This City Council hereby declares that it would have enacted this Resolution even with the invalid or unenforceable portion deleted.

**Section 4.** This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

**Section 5.** That any resolution or motion in conflict with this Resolution is hereby repealed insofar as it conflicts with this Resolution.

PASSED AND APPROVED this 8th day of January, 2018.

ATTEST:

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City Clerk

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Mayor