

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

**Date Passed: February 12, 2018**

**AN ORDINANCE APPROVING AN EASEMENT FOR WATER SERVICE LINE**

**WHEREAS**, the City of Rochelle, County of Ogle, State of Illinois, a non-home rule unit of government; and

**WHEREAS**, Seldal Properties, LLC, an Illinois limited liability company (“Seldal Properties”) is developing two (2) acres of vacant land located within the corporate boundaries of the City and located on the south side of 7<sup>th</sup> Avenue and pursuant to the Final Plat of said development Seldal Properties has granted the City an exclusive easement over said property for the purpose of installing, constructing, inspecting, operating, draining, replacing, renewing, altering, removing, repairing, cleaning, and maintaining “City Facilities” on or around the property; and

**WHEREAS**, there is an existing water line that services adjacent property owned by Errett Warehousing LLC of Rochelle, Illinois (“Errett Warehousing”) that runs through the property upon which the City has the exclusive easement and said water line was in existence prior to the granting of the exclusive easement to the City; and

**WHEREAS**, Errett Warehousing has requested a non-exclusive, non-permanent easement for the purpose of maintaining the existing water line from the City of Rochelle water main to Errett Warehousing’s adjacent property. A copy of the proposed easement is attached as Exhibit 1; and

**WHEREAS**, Seldal Properties has already agreed to and executed the proposed Easement for Water Service Line granting the easement to Errett Warehousing; and

**WHEREAS**, the City Council finds it to be in the best interests of its citizens and residents to enter into this Easement for Water Service Line subject to certain terms and conditions.

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

**SECTION ONE:** That City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

**SECTION TWO:** The City hereby authorizes the City Manager to execute the Easement for Water Service Line with Seldal Properties, LLC and Errett Warehousing, LLC, in substantially the same form as attached hereto as Exhibit 1.

**SECTION THREE:** All prior Ordinances, Resolutions, or Agreements in conflict or inconsistent herewith are hereby expressly repealed, but only to the extent of such conflict or inconsistency.

**SECTION FOUR:** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS \_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2018.

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Mayor

Attest:

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City Clerk