

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
NIPPON SHARYO MANUFACTURING LLC**

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 owns a short-line railroad;

WHEREAS, the City of Rochelle is in need of additional railroad track to store rail cars, and

WHEREAS, the Nippon Sharyo Manufacturing LLC has additional railroad track for the storage of railroad cars on a temporary basis, and

WHEREAS, the City's Staff has determined that attached Temporary Rail Usage Agreement (attached hereto as Exhibit 1) will provide additional storage capacity that is needed by the City of Rochelle to operate in railroad; and

WHEREAS, the Mayor and City Council finds that it is in the best interest of the City and its residents for the City of Rochelle to execute a Temporary Rail Usage Agreement.

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 authorized to execute a Temporary Rail Usage Agreement with Nippon Sharyo Manufacturing LLC so that the City railroad can store additional railroad cars in a form substantially similar to the Agreement contained in Exhibit 1, attached hereto, subject to final revisions by the City Attorney.

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 That any resolution or motion in conflict with this Resolution is hereby repealed insofar as it conflicts with this Resolution.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 26th day of February, 2018.

ATTEST:

City Clerk

Mayor