

THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING A FIRST AMENDMENT TO ANNEXATION
AGREEMENT BETWEEN HUB CITY DEVELOPMENT LLC, AN ILLINOIS LIMITED
LIABILITY COMPANY AND THE CITY OF ROCHELLE**

CHET OLSON, Mayor
BRUCE McKINNEY, City Clerk

TOM McDERMOTT
BIL HAYES
DON BURKE
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN BEARROWS
City Council

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Law Offices of Peterson, Johnson, & Murray—Chicago, City Attorneys
200 W. Adams, Ste. 2125, Chicago, IL 60606

**CITY OF ROCHELLE
Ogle County, Illinois**

**ORDINANCE NO. ____
Date Passed: August 13, 2018**

**AN ORDINANCE APPROVING A FIRST AMENDMENT TO ANNEXATION
AGREEMENT BETWEEN HUB CITY DEVELOPMENT LLC, AN ILLINOIS LIMITED
LIABILITY COMPANY AND THE CITY OF ROCHELLE**

WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, pursuant to the provisions of the Illinois Municipal Code, 65 ILCS 5/11-15.1-1, the City is empowered to enter into Annexation Agreements with the owners of record of unincorporated territory; and

WHEREAS, the City and Hub City, previously entered into an Annexation Agreement dated June 14, 2010, relating to certain property with PIN 24-36-251-006 consisting of 48.01 acres located on the north side of Steward Road, starting 1200 feet east of US Route 251 and ending 294 feet west of Main Street in Flagg Township, Ogle County, Illinois (“Subject Property”), as hereinafter defined, which was recorded as Document No. 201001006239 in the Office of the Ogle County Recorder on August 16, 2010 (“Annexation Agreement”); and

WHEREAS, the real estate encompassing the Subject Property, as hereinafter defined, was subsequently annexed into the City and zoned I-2 General Industrial; and

WHEREAS, the Hub City has sought the subdivision into two lots and an outlet as depicted in Exhibit 1 to the First Amendment to the Annexation Agreement and the Subject Property was previously rezoned to B-2 zoning under the City’s applicable zoning codes; and

WHEREAS, the parties wish to amend both the Annexation Agreement pursuant to the requirements of Section 45 in certain particulars, as set forth in this Amendment; and

WHEREAS, upon proper notice a public hearing was held on the proposed Annexation Agreement Amendment on December 10, 2018;

WHEREAS, the Mayor and City Council have determined that it is in the best interest of the City of Rochelle that the City enter into this First Amendment to the Annexation Agreement; and

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

Section 1. The proposed First Amendment to the Annexation Agreement between Hub City Development, LLC, an Illinois Limited Liability Company and the City of Rochelle for property (Exhibit “A”) located in Ogle County, Illinois, is approved.

Section 2. The City Manager is authorized to execute the First Amendment to the Annexation Agreement on behalf of the City and to thereafter record it in the office of the Ogle County Recorder.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED THIS 10th day of Deceber, 2018.

AYES:

NAYS:

ABSENT:

APPROVED THIS 10th day of December, 2018.

ATTEST:

MAYOR

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE APPROVING A FIRST AMENDMENT TO ANNEXATION AGREEMENT BETWEEN HUB CITY DEVELOPMENT LLC, AN ILLINOIS LIMITED LIABILITY COMPANY AND THE CITY OF ROCHELLE” which was adopted by the Mayor and City Council of the City of Rochelle on December, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 10h day of December, 2018.