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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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

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**AN ORDINANCE APPROVING THE PRELIMINARY AND  
FINAL PLAT OF HP ROCHELLE REAL ESTATE LLC**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125 Chicago, IL 60606

CITY OF ROCHELLE  
Ogle County, Illinois

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

**AN ORDINANCE APPROVING THE PRELIMINARY AND  
FINAL PLAT OF HP ROCHELLE REAL ESTATE LLC**

**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**, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

**WHEREAS**, pursuant to the City of Rochelle Zoning Ordinance, HP Rochelle Real Estate LLC, an Illinois limited liability company, initiated a petition to divide land legally described in Exhibit “A” into a one lot subdivision based on the proposed Preliminary Plat, Exhibit “B”, and Final Plat, Exhibit “C” known as HP Rochelle Real Estate LLC Subdivision; and

**WHEREAS**, the petition for the Preliminary Plat and Final Plat was reviewed by the Planning and Zoning Commission at their meeting of September 10, 2018 and the Planning and Zoning Commission, by a vote of 4-0, recommended that Council approve the Preliminary Plat and Final Plat of Subdivision for HP Rochelle Real Estate LLC Subdivision; and

**WHEREAS**, the petition is contingent upon staff approval, off street parking, storm water detention, and a guarantee of completion of public improvements; and

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

Section 1. That City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

Section 2. The Preliminary Plat, Exhibit “B”, and Final Plat, Exhibit “C” for HP Rochelle Real Estate LLC Subdivision are hereby approved subject to: (i) final site engineering, landscaping, building plan approvals, storm water detention, and a guarantee of completion of public improvements and (ii) City staff approval in regards to engineering, utilities, building, site plan, storm water detention, and a guarantee of completion of public improvements.

Section 3. The City Clerk shall publish this Ordinance in pamphlet form.

Section 4. This ordinance shall become effective after its passage, approval and publication as provided by law and shall modify any inconsistent provisions in the municipal code prior to this date.

PASSED AND APPROVED this 13<sup>th</sup> day of May, 2019.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent/Abstain: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attested: \_\_\_\_\_  
City Clerk

**EXHIBIT A**  
**(Legal Description)**

**PARCEL:** 24-13-177-006, 24-13-177-007

**DESCRIPTION:**

Lots One and Two of FLAGG ROAD COMMONS SUBDIVISION, being a part of the Northeast Quarter of Section 13, Township 40 North, Range 1 East of the Third Principal Meridian, County of Ogle, City of Rochelle, State of Illinois, as recorded in the Ogle County Recorder's Office.

**EXHIBIT B**  
**(Preliminary Plat)**

**EXHIBIT C**  
**(Final Plat)**

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 THE PRELIMINARY AND FINAL PLAT OF HP ROCHELLE REAL ESTATE LLC” which was adopted by the Mayor and City Council of the City of Rochelle on \_\_\_\_\_, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
CITY CLERK