
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT
TO THE ASSET PURCHASE AGREEMENT BETWEEN THE CITY OF ROCHELLE
AND COMMONWEALTH EDISON COMPANY, AN ILLINOIS CORPORATION**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

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

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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A RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE ASSET PURCHASE AGREEMENT BETWEEN THE CITY OF ROCHELLE AND COMMONWEALTH EDISON COMPANY, AN ILLINOIS CORPORATION

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 (“City”), 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, the City of Rochelle (“City”) has previously passed Ordinance 18-4833 authorizing its entry into an Asset Purchase Agreement (“Agreement”) with NextEra Energy Transmission Mid-Atlantic, LLC; and

WHEREAS, the City of Rochelle (“City”) has previously passed Resolution 19-27 authorizing its entry into a First Amendment to Asset Purchase Agreement (“First Amendment”) with NextEra Energy Transmission Mid-Atlantic, Inc., a successor to NextEra Energy Transmission Mid-Atlantic, LLC (“Nextera”); and

WHEREAS, On December 9, 2019 the City approved the assignment of the Agreement and all rights therein from NextEra Energy Transmission MidAtlantic, Inc. to Commonwealth Edison Company, an Illinois corporation;

WHEREAS, the City and to Commonwealth Edison Company seek to enter into a Second Amendment to the Agreement (“Second Amendment”) that shall amend certain terms and conditions of said Agreement, further described in the attached Exhibit 1; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to approve said Second Amendment; and

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:

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

SECTION TWO: The Mayor and City Council of the City of Rochelle hereby approve said Second Amendment substantially in the form, attached hereto as Exhibit 1, and made a part hereof, and the City Manager is hereby authorized to execute said Second Amendment, subject to review and revision as to form by the City Attorney and conditioned upon the execution of the Assignment and Assumption of Asset Purchase Agreement by NextEra Energy Transmission MidAtlantic, Inc. and Commonwealth Edison Company.

SECTION THREE: If any provision of this Resolution or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Resolution are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Resolution will govern.

SECTION FIVE: The City Clerk shall publish this Resolution in pamphlet form.

SECTION SIX: This Resolution 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 _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ day of _____, 2019.

MAYOR

ATTEST:

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 Resolution No. _____, “A RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE ASSET PURCHASE AGREEMENT BETWEEN THE CITY OF ROCHELLE AND COMMONWEALTH EDISON COMPANY, AN ILLINOIS CORPORATION,” 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