
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH
COMMONWEALTH EDISON COMPANY**

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City Council

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200 W. Adams, Ste. 2125, Chicago, IL 60606

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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, County of Ogle, State of Illinois, a non-home rule unit of government, has the power to purchase land; and

WHEREAS, the City has previously purchased approximately 16.53 acres of land near Ritchie Court and Ritchie Road, Rochelle, Illinois for the installation of an electrical distribution substation; and

WHEREAS, the City subdivided the parcel into three separate lots and has determined that Lot 1 of the subdivided parcel is no longer necessary for the operation of the electrical utility and is found to be surplus property by the City Council; and

WHEREAS, the Commonwealth Edison Company is the transmission owner for the transmission infrastructure that provides electricity to the City’s electrical distribution system; and

WHEREAS, Lot 1 is zoned for industrial use in the I-2 General Industrial Zoning District; and

WHEREAS, the City has negotiated a Purchase and Sale Agreement with Commonwealth Edison Company, for the purchase of Lot 1, which consists of 5.697 acres, of which approximately 1.697 will consist of utility easements retained by the City for the City’s utilities, leaving approximately 4 acres of remaining usable land for Lot 1; and

WHEREAS, the City has obtained an appraisal and the sales price is equal to eighty (80%) percent of appraised value of the land on a per acre basis as required by 65 ILCS 5/11-76-4.1; and

WHEREAS, the City Council finds it to be in the best interests of its citizens and residents to enter into this Purchase and Sale Agreement (substantially in the form attached as Exhibit 1)

with Commonwealth Edison Company, including all ancillary agreements required to effect the purpose of the agreement; and

NOW, THEREFORE, BE IT RESOLVED 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 Resolution as if fully set forth herein.

SECTION TWO: The City hereby authorizes the City Manager to execute the Purchase and Sale Agreement with Commonwealth Edison Company and all ancillary agreements, in substantially the same form as attached hereto as Exhibit 1, subject to final review by the City Attorney, and authorizes the sale of said property in the amount of One Hundred Thirty Nine Thousand Three Hundred Eighty-Three and No/100 Dollars (\$139,383.00). Further, the City Manager is authorized to purchase the Progressive Park Transmission Easement (as defined in the Purchase and Sale Agreement) in an amount not to exceed Six Thousand Six Hundred Sixty-Six and 67/100 dollars.

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 ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance 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 Ordinance 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 26th day of April, 2021.

AYES:

NAYS:

ABSENT:

APPROVED THIS 26th day of April, 2021

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 APPROVING A PURCHASE AND SALE AGREEMENT WITH COMMONWEALTH EDISON COMPANY” which was adopted by the Mayor and City Council of the City of Rochelle on April 26, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 26th day of April, 2021.

CITY CLERK