

ORDINANCE NO. _____
Date Passed: September 10, 2012

**AN ORDINANCE APPROVING FOURTH
AMENDMENT TO ANNEXATION AGREEMENT
(Creekside f/k/a King's Crossing)**

WHEREAS, the City of Rochelle is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and

WHEREAS, pursuant to the provisions of the Illinois Municipal Code, 65 ILCS 5/11-15.1-1 *et seq.*, the City is empowered to enter into annexation agreements with the owners of record of unincorporated territory; and

WHEREAS, the City has heretofore entered into an Annexation Agreement with Wyndham Foxford, LLC, for 494 acres located on Flagg Road generally north and west of Rochelle Township High School, which Agreement was recorded on May 9, 2006, as Document Number 0605710, in the Office of the Ogle County, Illinois, Recorder; and

WHEREAS, the Annexation Agreement was amended by an Amendment to Annexation Agreement dated June 1, 2009, which was recorded as Document No. 201001002089 in the Office of the Ogle County Recorder on March 22, 2010; and

WHEREAS, the Annexation Agreement was further amended by a Second Amendment to Annexation Agreement dated October 26, 2009, which was recorded as Document No. 201001002091 in the Office of the Ogle County Recorder on March 22, 2010; and

WHEREAS, the Annexation Agreement was further amended by a Third Amendment to Annexation Agreement dated January 23, 2012, which was recorded as Document No. 201201201865 in the Office of the Ogle County Recorder on March 13, 2012; and

WHEREAS, Creekside Land Holdings, LLC, is the successor in interest to Wyndham Foxford, LLC, under the Annexation Agreement, as amended; and

WHEREAS, Rochelle Community Consolidated School District #231 is the purchaser of a portion of the acreage subject to the Annexation Agreement, as amended, upon which the school district is building an elementary school (School District Property); and

WHEREAS, the parties wish to enter into this Fourth Amendment for the purpose of setting forth agreements reached between them with respect to certain obligations under the Annexation Agreement, as amended, and under the Municipal Code of the City of Rochelle, related to the construction of water mains on the School District Property; and

WHEREAS, a public hearing regarding the proposed Fourth Amendment to Annexation Agreement was duly held, upon proper notice, on September 10, 2012; and

WHEREAS, the City Manager has recommended approval of the Fourth Amendment to Annexation Agreement, and the City Council finds that the Fourth Amendment to Annexation Agreement is in the best interests of the City and should be approved; and

WHEREAS, the City Council, by a favorable vote of at least two-thirds (2/3), has authorized the execution and delivery of the Fourth Amendment to Annexation Agreement as presented to Council; and

WHEREAS, all other legal requirements have been met;

NOW THEREFORE, BE IT ORDAINED THAT

1. The proposed Fourth Amendment to Annexation Agreement between the City of Rochelle, Creekside Land Holdings, LLC, and Rochelle Community Consolidated School District #231, for the School District Property located on Flagg Road generally north and west of Rochelle Township High School is approved.

2. The City Manager is authorized to execute the Fourth Amendment to Annexation Agreement on behalf of the City, and to thereafter record it among the public records in the Office of the Ogle County Recorder.

This ordinance shall become effective after its passage, approval and publication as provided by law

PASSED AND APPROVED this 10th day of September, 2012.

Ayes: _____ Nays: _____ Abstain: _____

Mayor

Attested: _____
City Clerk