

ORDINANCE NO. _____
Date Passed: July 11, 2011

**AN ORDINANCE APPROVING AN AMENDMENT
TO RIDER TO ANNEXATION AGREEMENT**

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, the City and DP Industrial, LLC, entered into an Annexation Agreement dated July 29, 2003, which was recorded in the office of the Recorder of Ogle County, Illinois, on July 31, 2003, as document number 0313721 (hereinafter referred to as the "Annexation Agreement"); and

WHEREAS, the Annexation Agreement contained a Rider (the "Rider to the Annexation Agreement") governing the rights and obligations of Illinois River Energy, a Delaware limited liability company ("Illinois River Energy") in the event of a real estate exchange between DP Industrial and Illinois River Energy involving property referred to in the Rider to the Annexation Agreement as the "Subject Property"; and

WHEREAS, the property referred to in the Rider to the Annexation Agreement ("Subject Property") consists of 81.087 acres; and

WHEREAS, the Subject Property was subsequently annexed into the City and was zoned I-2; and

WHEREAS, Illinois River Energy is now the owner of all right, title and interest in the Subject Property referred to in the Rider to the Annexation Agreement, which remains subject to the Rider to the Annexation Agreement; and

WHEREAS, the City and Illinois River Energy wish to amend the Rider to the Annexation Agreement in certain particulars, as set forth in the Amendment to Rider to Annexation Agreement presented to the City Council; and

WHEREAS, upon proper notice, the Mayor and City Council held a public hearing on the Amendment to Rider to Annexation Agreement on July 11, 2011; and

WHEREAS, the City Council finds that all legal requirements have been met, and that the Amendment to Rider to Annexation Agreement is in the best interests of the City and should be approved;

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 Amendment to Rider to Annexation Agreement between the City of Rochelle and Illinois River Energy, as presented to the City Council, is hereby approved.

Section 2. The City Manager is authorized to execute the Amendment to Rider to Annexation Agreement, in substantially the same form as presented to the City Council, on behalf of the City and to thereafter record it in the Office of the Ogle County Recorder, at such time as agreement has been reached between Illinois River Energy and the City with regards to an Easement/License Agreement for the extension of the City railroad across a portion of the Subject Property.

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

PASSED AND APPROVED this 11th day of July, 2011.

Ayes: _____ Nays: _____ Abstain: _____

Mayor

Attested: _____
City Clerk