

ORDINANCE NO. _____

Date Passed: _____, 2017

**AN ORDINANCE AMENDING ORDINANCE NO. 16-4575 FOR THE TRANSFER OF
PROPERTY PURSUANT TO THE
ILLINOIS LOCAL GOVERNMENT PROPERTY TRANSFER ACT
(OLD LINCOLN SCHOOL PROPERTY)**

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, on June 13, 2016, the City Council adopted Ordinance 16-4575 authorizing and directing the City Manager to execute an Intergovernmental Agreement with Rochelle Community Consolidated School District #231 (“School District”) providing for the conveyance of School District property known as the old Lincoln School located at 108 South Main Street (“School Property”) to the City and to take all steps necessary to consummate the conveyance of the School Property to the City pursuant to the Intergovernmental Agreement; and

WHEREAS, a legal description of the School Property was attached as Exhibit A to Ordinance 16-4575 and a copy of the Intergovernmental Agreement was attached as Exhibit B to Ordinance 16-4575; and

WHEREAS, after the adoption of Ordinance 16-4575, the parties executed the Intergovernmental Agreement and a Warranty Deed was recorded conveying the School Property described in Ordinance 16-4575 to the City; and

WHEREAS, subsequently, it was discovered that a portion of the old Lincoln School property was not included in the legal description of the property conveyed. Specifically, there are four parcels along Washington Street (“Four Parcels”) that the parties intended to include in the conveyance which were inadvertently omitted from Exhibit A of Ordinance 16-4575. The omitted Four Parcels are legally described as:

Lots Three (3), Four (4), Five (5), and Six (6) of H.W. Atwater’s Subdivision of the West Half (1/2) of Lot Two (2) of the Assessor’s Subdivision of the Northwest Quarter (1/4) of Section 25, in Township 40 North, Range 1 East of the Third Principal Meridian, in the City of Rochelle, also known as Atwater’s Addition to the City of Rochelle, in Ogle County, Illinois; situated in the Township of Flagg, County of Ogle and State of Illinois; and

WHEREAS, the School District and the City agree that the Four Parcels were to be included in the Intergovernmental Agreement and no dispute exists as to the facts regarding the intent of the parties to convey said parcels; and

WHEREAS, it is necessary and appropriate to amend Ordinance 16-4575 to authorize the proper conveyance of the additional Four Parcels of the old Lincoln School property to the

City.

NOW, THEREFORE, be it ordained by the corporate authorities of the City of Rochelle, Ogle County, Illinois, as follows:

Section 1. That the recitals set forth above are adopted and incorporated herein.

Section 2. The City Council and Mayor, as the corporate authorities of the City hereby declare that it is necessary and convenient for the City to use, occupy, or improve the property for a public purpose.

Section 3. Ordinance No. 16-4575 is hereby amended to authorize the conveyance of the additional Four Parcels along Washington Street, being part of the old Lincoln School property, and legally described as:

Lots Three (3), Four (4), Five (5), and Six (6) of H.W. Atwater's Subdivision of the West Half (1/2) of Lot Two (2) of the Assessor's Subdivision of the Northwest Quarter (1/4) of Section 25, in Township 40 North, Range 1 East of the Third Principal Meridian, in the City of Rochelle, also known as Atwater's Addition to the City of Rochelle, in Ogle County, Illinois; situated in the Township of Flagg, County of Ogle and State of Illinois

to the City of Rochelle and upon approval by the Board of Education of the School District, the City Manager is authorized and directed to execute documents as may be necessary effectuate said conveyance.

Section 4. All provisions of Ordinance No. 16-4575 not inconsistent with this amendment remain as previously adopted.

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

PASSED this _____ day of _____, 2017.

AYES: _____ NAYS: _____ ABSTAIN: _____

APPROVED this _____ day of _____, 2017.

Mayor

ATTEST:

City Clerk