

RESOLUTION NO. _____
Date Passed: _____, 2017

A RESOLUTION AMENDING RESOLUTION NO. R16-09 AUTHORIZING THE SALE OF THE HUB THEATER AND LINCOLN SCHOOL PROPERTIES

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 approved Resolution No. R16-09 authorizing and directing the City Manager to enter into an agreement for the sale of the Hub Theater located at 416 Lincoln Highway (“Hub Theater Property”) and the old Lincoln School Property located at 108 South Main Street (“Old Lincoln School Property”) to Richard R. Kennay and to take all steps necessary and appropriate to consummate the sale.; and

WHEREAS, a legal description of the Hub Theater Property was attached as Exhibit A to Resolution No. R16-09 and a legal description of the Old Lincoln School Property was attached as Exhibit B to Resolution No. R16-09; and

WHEREAS, a copy of the Agreement for Purchase and Sale was attached as Exhibit C to Resolution No. R16-09; and

WHEREAS, after the approval of Resolution No. R16-09, the parties executed the Agreement for Purchase and Sale and a Warranty Deed was recorded conveying the Hub Theater Property and the Old Lincoln School Property described in Resolution No. R16-09 to Richard R. Kennay; 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”) which were inadvertently omitted from the legal description for the Old Lincoln School Property in the Agreement for Purchase and Sale and Resolution R16-09. 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, Richard R. Kennay and the City agree that the Four Parcels were to be included in the Agreement for Purchase and Sale 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 Resolution No. R16-09 to authorize the proper conveyance of the additional Four Parcels of the Old Lincoln School Property to Richard R. Kennay to fulfill the intent of the parties and correct the previous error of

their exclusion from the resolution and conveyance.

NOW, THEREFORE, be it resolved 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 appropriate for the City to convey the additional Four Parcels to Richard R. Kennay as they were intended by all parties to be included in the conveyance approved in Resolution No. 16-09 and that the consideration already tendered and received from Richard R. Kennay contemplated the inclusion of the Four Parcels.

Section 3. Resolution No. R16-09 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 Richard R. Kennay. The City Manager is authorized and directed to execute documents as may be necessary effectuate said conveyance.

Section 4. All provisions of Resolution No. R16-09 not inconsistent with this amendment remain as initially approved.

This resolution 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