

ORDINANCE NO. _____

Date Passed: _____

**AN ORDINANCE AUTHORIZING
THE ACQUISITION OF THE PROPERTY COMMONLY KNOWN AS 122 SOUTH 9TH
STREET BY DEED IN LIEU OF FORECLOSURE**

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, Cheryl Barnes, an individual, is the owner of record (“Owner”) of the property commonly known as 122 South 9th Street, Rochelle, Illinois, P.I.N. 24-25-102-009 (hereinafter “Property”) and legally described as follows:

LOT FOUR (4) IN BLOCK TWO (2) IN BRAIDEN’S SECOND ADDITION TO THE CITY OF ROCHELLE, IN OGLE COUNTY, ILLINOIS; SITUATED IN THE TOWNSHIP OF FLAGG, COUNTY OF OGLE AND STATE OF ILLINOIS;

WHEREAS, the City has a municipal lien against the Property, which lien is of record with the Ogle County Recorder of Deeds having been recorded June 2, 2016 as Document Number 201602906; and

WHEREAS, the Owner has indicated a desire to convey the Property to the City via deed in lieu of foreclosure and the City desires to accept a Deed from the Owner for the Property and pay to owner a one-time lump-sum payment of \$500.00; and

WHEREAS, general taxes and assessments for the years 2015, 2016 and 2017 are tax liens on the Property pursuant to the Illinois Property Tax Code, but pursuant to Section 21-95 of the Property Tax Code, 35 ILCS 200/21-95, when a municipality acquires property by a deed in lieu of foreclosure of a lien, all due or unpaid property taxes and existing liens for unpaid property taxes imposed or pending under any law or ordinance of the State of Illinois or any of its political subdivisions become null and void; and

WHEREAS, the Mayor and the City Council have determined that it is advisable to acquire the Property by deed in lieu of foreclosure in order to minimize its blighting influence, to avoid the expense of a costly and lengthy foreclosure process, and allow to property to be put to a productive use, and that the Property is being acquired for a public purpose.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Rochelle, as follows:

Section 1. Recitals Incorporated. The foregoing recitals are incorporated into this Section 1 by reference as though fully set forth herein.

Section 2. Acquisition of Property. The Mayor and the City Council of the City of Rochelle hereby determine that it is in the best interests of the City to acquire a Deed for the Property via deed in lieu of foreclosure for public purposes as may be determined.

Section 3. Execution of Documents. The City Manager is hereby authorized and directed to execute any and all documents advisable or necessary to effectuate acquisition of the Property via deed in lieu of foreclosure.

Section 4. Severability and Repeal of Inconsistent Ordinances. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance. All ordinances, resolutions or orders or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED AND APPROVED this ____ day of _____ 2017.

Ayes: _____ Nays: _____ Abstain: _____

Mayor

ATTEST:

City Clerk