
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING AN AGREEMENT TO PURCHASE CERTAIN REAL
ESTATE LOCATED AT 417-421 N. 6TH STREET, ROCHELLE, ILLINOIS**

CHET OLSON, Mayor
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JOHN BEARROWS
City Council

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WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (Village of Wauconda v. Hutton, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, the City of Rochelle, County of Ogle, State of Illinois, a non-home rule unit of government, has the power to set policies and procedures for its employees and

WHEREAS, previously the City has formed the Downtown Tax Increment Financing (“TIF”) area for the redevelopment of the City’s downtown; and

WHEREAS, pursuant to 65 ILCS 5/11-74.4-4 of the Tax Increment Allocation Redevelopment Act (“TIF Act”), the City made public disclosure of the terms of the disposition and all bids and proposals in response to the City’s request to sell certain real estate in the TIF area;

WHEREAS, the City is the owner of certain real estate located at 417-421 N. 6th Street, Rochelle, Illinois, which includes and adjacent parking lot (“Property”) in the TIF area; and

WHEREAS, Kennay Farms Distilling, LLC, is interested in purchasing and redeveloping the Property; and

WHEREAS, in order to facilitate the redevelopment of the downtown area, it is necessary to sell the Property to Kennay Farms Distilling, LLC; and

WHEREAS, the City published notice pursuant to 65 ILCS 5/11-74.4-4 of the TIF Act requesting proposals for the purchase and development of the Property and publicly opened all received bids on June 15, 2018; and

WHEREAS, it has been determined the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to enter into an agreement to sell the Property to Kenny Farms Distilling, LLC; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:

SECTION ONE: That City hereby incorporates all of the recitals above into this Resolution as if fully set forth herein.

SECTION TWO: The City hereby authorizes the City Manager to execute the Purchase and Sales Agreement to Purchase Real Estate for the property located at 417-421 N. 6th Street, Rochelle, Illinois, including the adjacent parking loc, attached hereto as Exhibit 1, subject to final review and revision by the City Attorney.

SECTION THREE: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS ____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE APPROVING AN AGREEMENT TO PURCHASE CERTAIN REAL ESTATE LOCATED AT 417-421 N. 6TH STREET, ROCHELLE, ILLINOIS” which was adopted by the Mayor and City Council of the City of Rochelle on _____, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this _____ day of _____, 2018.

CITY CLERK