

**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE APPROVING A THIRD AMENDMENT TO AN  
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ROCHELLE  
AND THE FLAGG-ROCHELLE COMMUNITY PARK DISTRICT  
(ROCHELLE GOLF COURSE PROPERTY)**

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**CHET OLSON, Mayor**  
**SUE MESSER, City Clerk**

**TOM McDERMOTT**  
**BIL HAYES**  
**DON BURKE**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN BEARROWS**  
**City Council**

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Law Offices of Peterson, Johnson, & Murray—Chicago, City Attorneys  
200 W. Adams, Ste. 2125, Chicago, IL 60606

**CITY OF ROCHELLE  
Ogle County, Illinois**

**ORDINANCE NO. \_\_\_\_  
Date Passed: December 10, 2018**

**AN ORDINANCE APPROVING A THIRD AMENDMENT TO AN  
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ROCHELLE  
AND THE FLAGG-ROCHELLE COMMUNITY PARK DISTRICT  
(ROCHELLE GOLF COURSE PROPERTY)**

**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**, the parties entered into an Intergovernmental Agreement dated March 20, 2013 ("Agreement"), relating to the acquisition and leasing of certain real estate located within the City and the Park District, improved with a golf course, restaurant and ancillary facilities, consisting generally of approximately 74.285 acres ("Property"); and

**WHEREAS**, the Property was subsequently subdivided into a restaurant 12 parcel consisting of 1.524 acres legally described as shown in Exhibit A ("Restaurant Parcel") and a golf course parcel consisting of the remainder of the Property ("Golf Course Parcel"); and

**WHEREAS**, the parties subsequently entered into a First Amendment to the Agreement, dated March 15, 2016, relating to their joint operation of the golf course (but not the restaurant) located on the Property; and

**WHEREAS**, the parties subsequently entered into a Second Amendment to the Agreement, dated June 27, 2016, amending Section 5 entitled “Sale of Restaurant; Joint Operation of Golf Course”; and

**WHEREAS**, the parties wish to further amend the Agreement to provide for the sale by the Park District to the City of the Park District's interest in the Restaurant Parcel, and to further provide for their continued joint operation of the golf course located on the Golf Course Parcel for the 2017 through 2023 golf seasons, and to grant to the City the right and authority to make certain agreements with a purchaser of the Restaurant Parcel; and

**WHEREAS**, the Mayor and City Council have determined that it is in the best interest of the City of Rochelle that the City enter into this Third Amendment to an Intergovernmental Agreement Between The City Of Rochelle And The Flagg-Rochelle Community Park District (Rochelle Golf Course Property); and

**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 Third Amendment to an Intergovernmental Agreement Between The City Of Rochelle And The Flagg-Rochelle Community Park District (Rochelle Golf Course Property); and (Exhibit “A”) located in Ogle County, Illinois, is approved.

**Section 2.** The City Manager is authorized to execute the Third Amendment to an Intergovernmental Agreement Between The City Of Rochelle And The Flagg-Rochelle Community Park District (Rochelle Golf Course Property) on behalf of the City.

**Section 3.** This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED THIS 10<sup>th</sup> day of December, 2018.

AYES:

NAYS:

ABSENT:

APPROVED THIS 10<sup>th</sup> day of December, 2018.

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MAYOR

ATTEST:

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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 A THIRD AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ROCHELLE AND THE FLAGG-ROCHELLE COMMUNITY PARK DISTRICT (ROCHELLE GOLF COURSE PROPERTY)” which was adopted by the Mayor and City Council of the City of Rochelle on December 10, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 10th day of December, 2018.