

---

---

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

---

---

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

---

---

**AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT WITH ERRETT  
WAREHOUSING, LLC, SERIES KYTE, AN ILLINOIS LIMITED LIABILITY  
COMPANY**

---

---

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

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

---

---

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
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. \_\_\_\_\_**

**AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT WITH  
ERRETT WAREHOUSING, LLC, SERIES KYTE, AN ILLINOIS LIMITED LIABILITY  
COMPANY**

**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**, ERRETT WAREHOUSING, LLC, SERIES KYTE, an Illinois limited liability company (“Developer”) is the owner of certain real property located within the corporate limits of City, which real property is commonly known as the former PBM property, generally located at 115 5<sup>th</sup> Avenue, and identified as PIN 24-24-408-010 (the “Subject Property”); and

**WHEREAS**, in furtherance of the redevelopment of the Subject Property, Developer proposes to (i) repair the existing roof on the primary building located on the Subject Property, (ii) install a new roof on the approximately 8,400 square feet building located on the north side of the Subject Property, and (iii) clear and dispose of the non-attached concrete and precast materials located in the large parking area (the “Project”), all in accordance with the Legal Requirements (as hereafter defined); and

**WHEREAS**, Developer has advised City that, but for the financial assistance of City, Developer is unable to complete the Project; and

**WHEREAS**, the Project is consistent with the Redevelopment Plan and is located within the Redevelopment Project Area; and

**WHEREAS**, City is authorized under the TIF Act to enter into redevelopment agreements and to reimburse developers who incur redevelopment project costs authorized by a redevelopment agreement; and

**WHEREAS**, in order to induce Developer to undertake the Project, the Corporate Authorities have determined that it is in the best interests of City and the health, safety, morals and welfare of the residents and taxpayers of City to reimburse Developer for a portion of the Redevelopment Project Costs incurred in furtherance of the Project as permitted by the TIF Act; and, in order to induce Developer to undertake the Project, the Corporate Authorities have determined that it is in the best interests of City and the health, safety, morals and welfare of the residents and taxpayers of City to reimburse Developer for a portion of the Redevelopment Project Costs incurred in furtherance of the Project as permitted by the TIF Act; 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 a Redevelopment Agreement with Errett Warehousing, LLC, Series Kyte, an Illinois Limited Liability Company, 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 10th day of December, 2018.

AYES:

NAYS:

ABSENT:

APPROVED THIS 10th day of December, 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 A REDEVELOPMENT AGREEMENT WITH ERRETT WAREHOUSING, LLC, SERIES KYTE, AN ILLINOIS LIMITED LIABILITY COMPANY”** 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 10<sup>th</sup> day of December, 2018.

\_\_\_\_\_  
CITY CLERK