
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT WITH
KENNAY FARMS, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY

CHET OLSON, Mayor
SUE MESSER, City Clerk

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**AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT WITH
KENNAY FARMS, LLC, 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, KENNAY FARMS DISTILLING, LLC, an Illinois limited liability company is the owner of certain real property located within the corporate limits of City consisting of the following four (4) separate tax parcels (the “Subject Property”): PINs 24-24-339-003, 24-24-339-024, 24-24-339-025 and 24-24-339-001 (collectively, the Rickhouse site).

WHEREAS, in furtherance of the development of the Subject Property, Kennay Farms Distilling, LLC proposes to complete the development of the Rickhouse site, which is the bottling and barrel storage facility for the distillery located on the former HUB Theatre site, including but not limited to those costs and development of the Rickhouse; 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 Kennay Farms Distilling, LLC 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 Kennay Farms Distilling, LLC 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 Kennay Farms Distilling, LLC, 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 14th day of January, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 14th day of January, 2019.

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 KENNAY FARMS, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY” which was adopted by the Mayor and City Council of the City of Rochelle on January 14, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 14th day of January, 2019.

CITY CLERK