

THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

AN ORDINANCE APPROVING A TRANSFEREE ASSUMPTION AGREEMENT

CHET OLSON, Mayor
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City Council

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**CITY OF ROCHELLE
Ogle County, Illinois**

**ORDINANCE NO. ____
Date Passed: August 13, 2018**

AN ORDINANCE APPROVING A TRANSFEREE ASSUMPTION AGREEMENT

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, pursuant to the provisions of the Illinois Municipal Code, 65 ILCS 5/11-15.1-1, the City is empowered to enter into Annexation Agreements with the owners of record of unincorporated territory; and

WHEREAS, The City previously approved an entered into an Annexation and Development Agreement with Amcore Investment Group, N.A. dated March 25, 2005, and recorded in the Office of the Ogle County Recorder on April 26, 2005, as Document No. 0504032 (collectively, the “Annexation Agreement”);

WHEREAS, on November 10, 2009, the City entered into a Transferee Assumption Agreement with Arlo Investments, LLC, an Illinois Limited Liability Company, for said Annexation Agreement, which would convey all of the rights and obligations under the Annexation Agreement to Arlo Investments, LLC;

WHEREAS, on December 12, 2018, Arlo Investments entered into a Purchase and Sales Agreement with Fresh Furrow, LLC for the purchase of property that is, in part, the subject of the Annexation Agreement;

WHEREAS, as a condition to the conveyance of the Property by the Fresh Furrow, LLC, the City requires that Fresh Furrow, LLC agrees to comply with all the terms, requirements, and obligations relating to the property as set forth in the Annexation Agreement; 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 Transferee Assumption Agreement with Fresh Furrow, LLC; 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 Transferee Assumption Agreement attached hereto as Exhibit 1 is approved.

Section 2. The City Manager is authorized to execute the Transferee Assumption Agreement on behalf of the City and to thereafter record it in the office of the Ogle County Recorder.

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 28th day of January, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 28th 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 TRANSFEREE ASSUMPTION AGREEMENT” which was adopted by the Mayor and City Council of the City of Rochelle on January 28, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 28th day of January, 2019.