

---

---

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

---

---

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

---

---

**AN ORDINANCE AUTHORIZING THE PAYMENT FOR CERTAIN  
EASEMENT RIGHTS AND PRIVILEGES TO RANDY AND DEBORAH  
EISELE PERTAINING TO THE MAINTENANCE OF CERTAIN  
OVERHEAD UTILITIES BY ROCHELLE MUNICIPAL UTILITIES**

---

---

**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  
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125, Chicago, IL 60606

**CITY OF ROCHELLE**  
Ogle County, Illinois

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

**AN ORDINANCE AUTHORIZING THE PAYMENT FOR CERTAIN  
EASEMENT RIGHTS AND PRIVILEGES TO RANDY AND DEBORAH  
EISELE PERTAINING TO THE MAINTENANCE OF CERTAIN  
OVERHEAD UTILITIES BY ROCHELLE MUNICIPAL UTILITIES**

**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 (“City”), 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 City of Rochelle (“City”) pursuant to Section 5/11-76.1-1 of the Illinois Municipal Code (65 ILCS 5/11-76.1-1) is empowered to purchase real property for public purposes upon the affirmative vote of two-thirds of its City Council; and

**WHEREAS**, the City is the owner and operator of the Rochelle Municipality Utilities (“RMU”), which operates various powerlines and utilities; and

**WHEREAS**, the City has determined that it is necessary to record its easement rights and privileges associated with the RMU’s operation of the various powerlines and utilities; and

**WHEREAS**, Randy and Deborah Eisele own the Property that the City’s easement rights and privileges are located upon; and

**WHEREAS**, the City has negotiated in good faith a reasonable offer to purchase its easement rights and privileges across said Property in an amount not greater than \$2,480.00.00 pursuant to a Utility Easement Agreement (“Agreement”) attached hereto as Exhibit 1; and

**WHEREAS**, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to enter in said Agreement; and

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

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

SECTION TWO: The City hereby authorizes the City Manager to execute said Agreement with Randy and Deborah Eisele in substantially the same form as attached hereto as Exhibit 1 and authorizes payment to Randy and Deborah Eisele in an amount not to exceed \$2,480.00, subject to review and revision as to form 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 \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 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 AUTHORIZING THE PAYMENT FOR CERTAIN EASEMENT RIGHTS AND PRIVILEGES TO RANDY AND DEBORAH EISELE PERTAINING TO THE MAINTENANCE OF CERTAIN OVERHEAD UTILITIES BY ROCHELLE MUNICIPAL UTILITIES,” which was adopted by the Mayor and City Council of the City of Rochelle on \_\_\_\_\_, 2019.

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

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