
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT
BETWEEN THE CITY OF ROCHELLE AND ROCHELLE TOWNSHIP
HIGH SCHOOL DISTRICT NO. 212**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN GRUBEN
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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BETWEEN THE CITY OF ROCHELLE AND ROCHELLE TOWNSHIP
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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, pursuant to 65 ILCS 5/11-15.1-1 in conjunction with 65 ILCS 5/11-7-1-14, the City may enter into an annexation agreement with a school district pertaining to certain real property which shall be valid for a period of twenty (20) years; and

WHEREAS, the City desires to enter into an Annexation Agreement (“Agreement”) with Rochelle Township High School District No. 212 (“District No. 212”) pertaining to certain real property commonly located at 1382-1384 N. 8th Street, Rochelle, Illinois 61068 (“Subject Property; and

WHEREAS, on May 28, 2019, the Planning and Zoning Commission (“PZC”) of the City held a public hearing on the said Agreement; and

WHEREAS, at said public hearing, the PZC unanimously voted to recommend approval of said Agreement to the Mayor and City Council of the City; and

WHEREAS, the PZC has filed its report of findings and recommendations regarding the said Agreement with this Mayor and City Council, and this City Council has duly considered said report, findings, and recommendations; and

WHEREAS, the Corporate Authorities of the City of Rochelle have determined that it is in the best interests of City its resident to approve said Agreement with District No. 212; 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 Ordinance as if fully set forth herein.

SECTION TWO: The Corporate Authorities of the City of Rochelle, pursuant to the authority granted unto them by the TIF Act, hereby authorizes the City Manager to execute said Agreement and any other documents necessary to memorialize the Agreement with District No. 212, further described in the attached Exhibit 1, 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 28th day of May, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 28th day of May, 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 AN ANNEXATION AGREEMENT BETWEEN THE CITY OF ROCHELLE AND ROCHELLE TOWNSHIP HIGH SCHOOL DISTRICT NO. 212” which was adopted by the Mayor and City Council of the City of Rochelle on May 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 May, 2019.

CITY CLERK