
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE ANNEXING AND ZONING THE PROPERTY LOCATED AT OR
AROUND 17196-17498 LINCOLN HWY. RT. 38, DEMENT TOWNSHIP, OGLE
COUNTY, ILLINOIS PROPERTY IDENTIFICATION NUMBER 25-16-300-003**

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

CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____
Date Passed: June 24, 2019

**AN ORDINANCE ANNEXING AND ZONING THE PROPERTY LOCATED AT OR
AROUND 17196-17498 LINCOLN HWY. RT. 38, DEMENT TOWNSHIP, OGLE
COUNTY, ILLINOIS PROPERTY IDENTIFICATION NUMBER 25-16-300-003**

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, on June 24, 2019, by the adoption of Ordinance _____, the City of Rochelle (“City”) entered into an annexation agreement for the property located at or around 17196-17498 Lincoln Highway, Route 38, Dement Township, Ogle County, Illinois with Property Identification Number (“PIN”) 25-16-300-003 (hereinafter “Property”); and

WHEREAS, the annexation agreement approved by Ordinance _____ provides for annexation of the Property to the City; and

WHEREAS, a request has been made by Pilot Travel Centers LLC, a Delaware limited liability company to annex into the City and zone the developed portion of the property B-2 Commercial Highway District Zoning of the Property and RD Zoning for the undeveloped portion of the Property, and

WHEREAS, following due and proper publication of notice, the Plan Commission held a public hearing on June 3, 2019, where it considered the zoning of the Property upon annexation to the City to provide for B-2 Commercial Highway District Zoning for the developed portion of the Property and RD Zoning for the undeveloped portion of the Property upon the annexation to the City; and

WHEREAS, the Property is contiguous to the City limits; and

WHEREAS, there are no electors residing within the Property; and

WHEREAS, all petitions, documents, agreements, notices, and other necessary legal requirements are in full compliance with the Illinois Municipal Code 65 ILCS 5/7-1-1; and

WHEREAS, the Mayor and City Council have determined that it is in the best interest of the City and its residents that the Property be annexed into the corporate limits of the City and that the developed portion of the Property be zoned B-2 Commercial Highway District Zoning and RD Zoning for the undeveloped portion of the Property; and

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

SECTION ONE: The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section One.

SECTION TWO: Pursuant to Section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8, the Property legally described in Exhibit A is hereby annexed to the City of Rochelle, Ogle County, Illinois.

SECTION THREE: The City Manager and City Clerk are hereby authorized to execute the Plat of Annexation for the Property.

SECTION FOUR: The City Clerk shall be and is hereby authorized and directed to cause a certified copy of this Ordinance and the Plat of Annexation to be recorded in the Office of the Ogle County Recorder.

SECTION FIVE: Upon annexation, the portion of the Property to be developed shall be automatically zoned B-2 Commercial Highway District Zoning and RD Zoning for the undeveloped portion of the Property in accordance with the annexation agreement approved on June 24, 2019, by the adoption of Ordinance ____ and the Director of the Community Development Department shall cause the Zoning District Map of the City of Rochelle to be amended to place the Property in the B-2 Commercial Highway District Zoning and RD District Zoning.

SECTION SIX: 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 SEVEN: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed Ordinance in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION EIGHT: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION NINE: 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 24th day of June, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 24th day of June, 2019.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

PILOT ANNEXATION EAST LEGAL DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 16 AND PART OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE SOUTH 89 DEGREES 35 MINUTES 22 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 567.62 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 14 SECONDS WEST, A DISTANCE OF 64.56 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF A PUBLIC ROAD DESIGNATED ILLINOIS ROUTE 38; THENCE NORTH 80 DEGREES 42 MINUTES 13 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 76.12 FEET; THENCE NORTH 86 DEGREES 49 MINUTES 33 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 926.94 FEET; THENCE SOUTH 89 DEGREES 27 MINUTES 21 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 184.17 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND: THENCE NORTH 00 DEGREES 08 MINUTES 53 SECONDS WEST, A DISTANCE OF 2362.93 FEET; THENCE NORTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 209.50 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE SOUTH 89 DEGREES 31 MINUTES 13 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF 988.18 FEET; THENCE SOUTH 44 DEGREES 41 MINUTES 10 SECONDS WEST, A DISTANCE OF 44.23 FEET; THENCE SOUTH 00 DEGREES 08 MINUTES 53 SECONDS EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2469.39 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 38; THENCE SOUTH 87 DEGREES 41 MINUTES 08 SECONDS EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 205.18 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 21 SECONDS EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 665.85 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN THE TOWNSHIP OF DEMENT, THE COUNTY OF OGLE AND THE STATE OF ILLINOIS.

TOGETHER WITH THAT PART OF ILLINOIS ROUTE 38 LYING SOUTHERLY AND ADJOINING THE ABOVE DESCRIBED PROPERTY.

CONTAINING 2,366,540 SQUARE FEET OR 54.328 ACRES MORE OR LESS

P.I.N.: 25-16-300-003

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 ANNEXING AND ZONING THE PROPERTY LOCATED AT OR AROUND 17196-17498 LINCOLN HWY. RT. 38, DEMENT TOWNSHIP, OGLE COUNTY, ILLINOIS PROPERTY IDENTIFICATION NUMBER 25-16-300-003” which was adopted by the Mayor and City Council of the City of Rochelle on June 24, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 24th day of June, 2019.

CITY CLERK