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

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

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**AN ORDINANCE APPROVING AND ACCEPTING A FINAL PLAT OF ANNEXATION  
OF PILOT/FLYING J TRUCK CENTER DIVISION**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

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

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
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**CITY OF ROCHELLE**  
**Ogle County, Illinois**

**ORDINANCE NO. \_\_\_\_\_**  
**Date Passed: June 24, 2019**

**AN ORDINANCE APPROVING AND ACCEPTING A FINAL PLAT OF ANNEXATION  
OF PILOT/FLYING J TRUCK CENTER DIVISION**

**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 3, 2019, the Planning and Zoning Commission heard testimony on Petition #PZC-\_\_\_\_ submitted by Pilot Travel Centers LLC, a Delaware limited liability company (“Petitioner”), relative to a request to approve a Final Plat of Annexation of Pilot/Flying J Truck Center Division (“Plat”), attached hereto as Exhibit A; and

**WHEREAS**, Petitioner is the legal owner of certain real property that is the subject of said Plat, located 17196-17498 Lincoln Highway, Route 38, Dement Township, Ogle County, Illinois (“Subject Property”), a true and correct copy of which is attached hereto and made a part hereof as Exhibit B; and

**WHEREAS**, the Subject Property is contiguous to the City limits and there are no electors residing within the Subject Property; and

**WHEREAS**, after hearing testimony on the Petition, the Planning and Zoning Commission found that said Plat met the requisite standards enumerated in the Rochelle Municipal Code for the granting of Final Plat of Annexation and adopted the written factual justifications submitted by the Petitioner; and

**WHEREAS**, the Planning and Zoning Commission voted unanimously to recommend approval of said Plat to the Mayor and City Council of the City; and

**WHEREAS**, the Mayor and City Council of the City have considered said Plat; and

**WHEREAS**, it has been determined by the Mayor and City Council of the City of Rochelle that it is in the best interest of the City and its residents to adopt the findings and recommendations of the Planning and Zoning Commission and to approve said Plat; 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.** The following Plat of Annexation consisting of approximately 54.328 acres, more or less, shall be and is hereby approved:

(See Plat of Annexation attached hereto as Exhibit A)

(Located at or around 17196-17498 Lincoln Highway, Route. 38, Dement Township, Ogle County, Illinois)

(See Legal Description of the Subject Property as Exhibit B)

**SECTION THREE.** That the Mayor and City Council of the City of Rochelle hereby approve and accept said Plat, attached hereto as Exhibit A, and all necessary City Officials are hereby authorized to execute said Plat prior to the final recording, subject to review and revision as to form by the City Attorney and City staff.

**SECTION FOUR:** The City Clerk shall be and is hereby authorized and directed to cause a certified copy of this Ordinance with the attached Exhibit A, to be recorded in the Office of the Ogle County Recorder.

**SECTION FIVE:** 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 SIX:** 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 SEVEN:** The City Clerk shall publish this Ordinance in pamphlet form.

**SECTION EIGHT:** 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 24<sup>th</sup> day of June, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 24<sup>th</sup> day of June, 2019.

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MAYOR

ATTEST:

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CITY CLERK



**EXHIBIT B**

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 APPROVING AND ACCEPTING A FINAL PLAT OF ANNEXATION OF PILOT/FLYING J TRUCK CENTER DIVISION” 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 24<sup>th</sup> day of June, 2019.

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