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

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

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**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 25-16-300-006**

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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  
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 25-16-300-006**

**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”) 25-16-300-006 (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 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 A

### PILOT ANNEXATION WEST LEGAL DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 16 AND 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 850.02 FEET; THENCE NORTH 87 DEGREES 41 MINUTES 08 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 205.18 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUING NORTH 87 DEGREES 41 MINUTES 08 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 295.44 FEET TO THE EASTERLY RIGHT-OF-WAY OF A PUBLIC ROAD DESIGNATED INTERSTATE ROUTE 39 (U.S. ROUTE 51); THENCE NORTH 48 DEGREES 37 MINUTES 55 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 172.83 FEET; THENCE NORTH 4 DEGREES 16 MINUTES 33 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 151.82 FEET; THENCE NORTH 29 DEGREES 48 MINUTES 20 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 242.40 FEET; THENCE NORTH 51 DEGREES 51 MINUTES 08 SECONDS EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 334.86 FEET; THENCE NORTH 36 DEGREES 02 MINUTES 19 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 282.47 FEET; THENCE NORTH 11 DEGREES 10 MINUTES 23 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 282.54 FEET; THENCE NORTH 00 DEGREES 55 MINUTES 28 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 937.28 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 32 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 353.12 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE NORTH 89 DEGREES 27 MINUTES 16 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 1029.40 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE NORTH 89 DEGREES 31 MINUTES 13 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 51.54 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 POINT OF BEGINNING, ALL SITUATED IN THE TOWNSHIP OF DEMENT, THE COUNTY OF OGLE AND THE STATE OF ILLINOIS. COUNTY OF OGLE COUNTY, ILLINOIS.

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

CONTAINING 2,269,504 SQUARE FEET OR 52.101 ACRES MORE OR LESS

P.I.N.: 25-17-400-006

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 25-16-300-006” 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