
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT BETWEEN
ROCHELLE SOLAR, LLC, A DELAWARE LIMITED LIABILITY COMPANY
AND THE CITY OF ROCHELLE**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN GRUBEN
DON BURKE
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: July 8, 2019**

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT BETWEEN
ROCHELLE SOLAR, LLC, A DELAWARE LIMITED LIABILITY COMPANY
AND THE CITY OF ROCHELLE**

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 the provisions of the Illinois Municipal Code, 65 ILCS 5/11-15.1-1, the City of Rochelle (“City”) is empowered to enter into Annexation Agreements with the owners of record of unincorporated territory; and

WHEREAS, the City and Rochelle Solar LLC (“Rochelle Solar”), a Delaware limited liability company desire to enter into an Annexation Agreement (“Agreement”), further described in the attached Exhibit A, pertaining to Rochelle Solar’s legal ownership of certain real property located at 15537 E. Twombly Road, Ogle County, Illinois (“Subject Property”); and

WHEREAS, Rochelle Solar has initiated a petition to annex and rezone the Subject Property which is approximately 91.40 acres; and

WHEREAS, upon proper notice a public hearing was held to discuss said Agreement on July 1, 2019; and

WHEREAS, the Mayor and City Council of the City of Rochelle have determined that it is in the best interest of the City and its residents to enter into said Agreement; 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: That the Mayor and City Council of the City of Rochelle hereby approve said Agreement with Rochelle Solar substantially in form, attached hereto as Exhibit A, and the City Manager is hereby authorized to execute said Agreement, subject to review and revision as to form by the City Attorney.

SECTION THREE: 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 FOUR: 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 FIVE: 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 SIX: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SEVEN: 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 8th day of July, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 8th day of July, 2019.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A
Annexation Agreement

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 ROCHELLE SOLAR, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND THE CITY OF ROCHELLE” which was adopted by the Mayor and City Council of the City of Rochelle on July 8, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 8th day of July, 2019.

CITY CLERK