
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE ANNEXING AND ZONING THE PROPERTY
LOCATED AT 15537 E. TWOMBLY ROAD, OGLE COUNTY, ILLINOIS
PROPERTY IDENTIFICATION NUMBER 25-18-100-005**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

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DON BURKE
City Council

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: July 8, 2019**

**AN ORDINANCE ANNEXING AND ZONING THE PROPERTY
LOCATED AT 15537 E. TWOMBLY ROAD, OGLE COUNTY, ILLINOIS
PROPERTY IDENTIFICATION NUMBER 25-18-100-005**

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 July 8, 2019, by the adoption of Ordinance ____, the City of Rochelle (“City”) entered into an Annexation Agreement (“Agreement”) for the property located at 15537 E. Twombly Road, Ogle County, Illinois with Property Identification Number (“PIN”) 25-18-100-005 (hereinafter “Property”), further described in Exhibit A; and

WHEREAS, said Agreement approved by Ordinance ____ provides for annexation of the Property to the City; and

WHEREAS, a request has been made by Rochelle Solar, LLC, a Delaware limited liability company to annex into the City and zone the property RD Zoning upon annexation of the Property into the City, and

WHEREAS, following due and proper publication of notice, the Plan Commission held a public hearing on July 1, 2019, where it considered the zoning of the Property upon annexation to the City to provide for RD Zoning for 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 Property be zoned RD Zoning upon annexation; 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, on or before December 31, 2019.

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, on or before December 31, 2019.

SECTION FIVE: Upon annexation, the Property shall be automatically zoned RD Zoning in accordance with the annexation agreement approved on July 8, 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 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 8th day of July, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 8th day of July, 2019.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

LEGAL DESCRIPTION

PARCEL: 25-18-100-005

PART OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION 18; THENCE NORTH 89 DEGREES 32 MINUTES 21 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER, A DISTANCE OF 417.42 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT OF LAND; THENCE SOUTH 0 DEGREES 15 MINUTES 55 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER, A DISTANCE OF 417.42 FEET; THENCE 89 DEGREES 32 MINUTES 21 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER, A DISTANCE OF 402.42 FEET TO A POINT 15 FEET EAST OF, AS MEASURED PERPENDICULAR TO THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER; THENCE SOUTH 0 DEGREES 15 MINUTES 55 SECONDS EAST PARALLEL WITH SAID WEST LINE, A DISTANCE OF 2206.17 FEET TO THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER; THENCE NORTH 89 DEGREES 45 MINUTES 31 SECONDS EAST ALONG SAID SOUTH LINE AND THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18, A DISTANCE OF 1707.48 FEET TO THE EAST LINE OF THE WEST 13 1/3 RODS OF SAID NORTHEAST QUARTER; THENCE NORTH 0 DEGREES 03 MINUTES 19 SECONDS WEST ALONG SAID EAST LINE AND PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1604.33 FEET; THENCE SOUTH 89 DEGREES 32 MINUTES 21 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION 18, A DISTANCE OF 340.00 FEET; THENCE NORTH 0 DEGREES 03 MINUTES 19 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1026.00 FEET TO THE NORTH LINE OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION 18, SAID POINT BEING 119.99 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHWEST FRACTIONAL QUARTER; THENCE SOUTH 89 DEGREES 32 MINUTES 21 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF 974.71 FEET TO THE POINT OF BEGINNING, CONTAINING 91.40 ACRES, MORE OR LESS, ALL SITUATED IN THE TOWNSHIP OF DEMENT, THE COUNTY OF OGLE, AND THE STATE OF ILLINOIS.

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 15537 E. TWOMBLY ROAD, OGLE COUNTY, ILLINOIS PROPERTY IDENTIFICATION NUMBER 25-18-100-005” 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