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

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

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**AN ORDINANCE APPROVING A UTILITY EASEMENT AGREEMENT WITH  
RESIDENTIAL ALTERNATIVES OF ILLINOIS, INC.**

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

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
**DON BURKE**

**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Law Offices of Peterson, Johnson, & Murray—Chicago, City Attorneys  
200 W. Adams, Ste. 2125, Chicago, IL 60606

CITY OF ROCHELLE  
Ogle County, Illinois

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

**AN ORDINANCE APPROVING A UTILITY EASEMENT AGREEMENT WITH  
RESIDENTIAL ALTERNATIVES OF ILLINOIS, INC.**

**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**, Residential Alternatives of Illinois, Inc. has expanded its facilities in Rochelle, Illinois, which requires the installation of a water main and fire hydrant as part of the improvements; and

**WHEREAS**, the City requires a utility easement as part of improvements for the new water main and fire hydrant; and

**WHEREAS**, Residential Alternative of Illinois, Inc. is the owner of one of the parcel necessary for the project, which will continue to be used for the utility easement; and

**WHEREAS**, the City Council finds it to be in the best interests of its citizens and residents to enter into this Utility Easement Agreement as part of the improvements.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS:**

**SECTION ONE:** That City hereby incorporates all of the recitals above into this Resolution as if fully set forth herein.

**SECTION TWO:** The City hereby authorizes the City Manager to execute the Utility Easement Agreement with Residential Alternative of Illinois, Inc. and the payment of Ten (\$10.00)

Dollars, in substantially the same form as attached hereto as Exhibit 1, subject to final review by the City Attorney.

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

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

SECTION SIX: 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 \_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2019.

MAYOR \_\_\_\_\_

ATTEST:

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

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 A UTILITY EASEMENT AGREEMENT WITH RESIDENTIAL ALTERNATIVES OF ILLINOIS, INC.” which was adopted by the Mayor and City Council of the City of Rochelle on \_\_\_\_\_, 2019.

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

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