
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FOR THE
EXTENSION OF THE CITY OF ROCHELLE RAILROAD**

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
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CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____
Date Passed: October 28, 2019

**AN ORDINANCE AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FOR THE
EXTENSION OF THE CITY OF ROCHELLE RAILROAD**

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 65 ILCS 5/11-76.1-1 of the Illinois Municipal Code, the Mayor and City Council of City of Rochelle (“Rochelle”) have the power to purchase real property for a public purpose following an affirmative two-thirds vote of its City Council; and

WHEREAS, the City desires to enter into a Purchase and Sale Agreement for Right-of-way (“Agreement”) with Greater Rochelle Economic Development Corporation (“GREDCO”), in an amount not greater than \$348,950.00, attached hereto as Exhibit 1, pertaining to the purchase of 22.99 acres along Steward Road, Dement Township, Ogle County, Illinois (“Subject Property”), legally described in the attached Exhibit 2; and

WHEREAS, said public purpose shall be served by using certain portions of the Subject Property for the extension of the Rochelle Railroad; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to enter into said Agreement with GREDCO pursuant to this Ordinance; 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 Mayor and City Council of the City of Rochelle hereby approve said Agreement with GREDCO, substantially in form, attached hereto as Exhibit 1, in an amount not greater than \$348,950, and the City Manager is hereby authorized to execute said Agreement, subject to review and revision as to form by the City Attorney.

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 28th day of October, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 28th day of October, 2019.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT 1

PURCHASE AND SALE AGREEMENT FOR RIGHT OF WAY

EXHIBIT 2

LEGAL DESCRIPTION OF SUBJECT PROPERTY

PART OF THE SOUTHEAST QUARTER (1/4) OF SECTION 32, AND THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, COUNTY OF OGLE, STATE OF ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 39 AND THE SOUTH LINE OF SAID SOUTHWEST QUARTER (1/4) OF SECTION 33, SAID POINT BEING SOUTH 88 DEGREES 27 MINUTES 11 SECONDS WEST (ASSUMED BEARING), A DISTANCE OF 1160.61 FEET FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER (1/4) OF SAID SECTION 33; THENCE SOUTH 88 DEGREES 27 MINUTES 11 SECONDS WEST ON AND ALONG LAST NAMED LINE, A DISTANCE OF 219.52 FEET; THENCE NORTHWESTERLY ON A CURVED PATH CONCAVE TO THE SOUTHWEST WITH AN ARC LENGTH OF 1074.19 FEET, A RADIUS OF 975.00 FEET, A CHORD BEARING OF NORTH 59 DEGREES 58 MINUTES 40 SECONDS WEST AND A CHORD LENGTH OF 1020.68 FEET; THENCE SOUTH 88 DEGREES 27 MINUTES 36 SECONDS WEST, A DISTANCE OF 289.23 FEET; THENCE SOUTH 41 DEGREES 47 MINUTES 20 SECONDS WEST, A DISTANCE OF 734.61 FEET TO THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 2 EAST OF SAID THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 88 DEGREES 27 MINUTES 21 SECONDS WEST ON AND ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER (1/4) OF SECTION 32, A DISTANCE 338.53 FEET; THENCE NORTH 01 DEGREES 02 MINUTES 30 SECONDS WEST, A DISTANCE OF 734.43 FEET; THENCE NORTH 88 DEGREES 27 MINUTES 36 SECONDS EAST, A DISTANCE OF 990.96 FEET; THENCE NORTH 70 DEGREES 33 MINUTES 36 SECONDS EAST, A DISTANCE OF 763.93 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE OF INTERSTATE 39; THENCE CONTINUING SOUTH 56 DEGREES 46 MINUTES 42 SECONDS EAST, A DISTANCE OF 122.55 FEET; THENCE CONTINUING SOUTH 25 DEGREES 30 MINUTES 06 SECONDS EAST, A DISTANCE OF 870.36 FEET; THENCE CONTINUING SOUTH 23 DEGREES 51 MINUTES 20 SECONDS EAST, A DISTANCE OF 112.13 FEET TO THE POINT OF BEGINNING; SITUATED IN THE TOWNSHIP OF DEMENT, COUNTY OF OGLE AND 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 AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FOR THE EXTENSION OF THE CITY OF ROCHELLE RAILROAD” which was adopted by the Mayor and City Council of the City of Rochelle on October 28, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 28th day of October, 2019.

CITY CLERK