
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING AN AMENDED EASEMENT AGREEMENT WITH
MECEN, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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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, Artists’ Gardens, LLC operates a business at 407 Lincoln Highway, Rochelle, Illinois; and

WHEREAS, Mecen, LLC owns the property located at 407 Lincoln Highway, Rochelle, in which Artists’ Gardens, LLC conducts its business; and

WHEREAS, Artists’ Gardens, LLC has expanded and renovated the property at 407 Lincoln Highway to include a deck, stairs and accessibility ramp to the southeast portion of the property; and

WHEREAS, the City of Rochelle owns the lot immediately adjacent to the south of 407 Lincoln Highway, Rochelle, Illinois; and

WHEREAS, on December 9, 2019 the City of Rochelle and MECEN, LLC entered into an Easement Agreement for a Deck and Stairway pursuant to Ordinance No. 19-5085, which was recorded under Document Number 201907313 with the Ogle County Recorder; and

WHEREAS, MECEN, LLC requires an amendment to the prior easement agreement to accommodate certain American with Disabilities Act (“ADA”) improvements, including an accessibility ramp; and

WHEREAS, Mecen, LLC will need an amended easement in order to construct the improvements to 407 Lincoln Highway, including the accessibility ramp; and

WHEREAS, the City Council finds it to be in the best interests of its citizens and residents to enter into this Amended Easement Agreement as part of the improvements and to foster business growth in the downtown area of the City.

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 Ordinance as if fully set forth herein.

SECTION TWO: The City hereby authorizes the City Manager to execute the Amended Easement Agreement with Mecen, LLC, an Illinois Limited Liability Company for the payment of one (\$1.00) Dollar, 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 12th day of October, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 12th day of October, 2020.

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 AN AMENDED EASEMENT AGREEMENT WITH MECEN, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY” which was adopted by the Mayor and City Council of the City of Rochelle on October 12, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 12th day of October, 2020.

CITY CLERK