
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING THE PRELIMINARY AND
FINAL PLAT OF SUBDIVISION FOR THE HARTNETT SUBDIVISION**

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

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**AN ORDINANCE APPROVING THE PRELIMINARY AND
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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, Pipe 77, LLC (“Petitioner”), is the owner of a parcel of land located at 1320 N. 7th Street, Rochelle, Illinois and Petitioner filed a petition (PZC-10-20) to subdivide (“Hartnett Subdivision”) the parcel into two smaller parcels; and

WHEREAS, the purpose of the subdivision is to allow for separate ownership of the two parcels of land after the subdivision was completed; and

WHEREAS, pursuant to the City of Rochelle Zoning Ordinance, the Petitioner, initiated a petition to divide land legally described in Exhibit “A” into a one lot subdivision based on the proposed Preliminary Plat, Exhibit “B”, and Final Plat, Exhibit “C” known as the Hartnett Subdivision; and

WHEREAS, the petition for the Preliminary Plat and Final Plat was reviewed by the Planning and Zoning Commission at their meeting of November 2, 2020 and the Planning and Zoning Commission, by a vote of 7-0, recommended that Council approve the Preliminary Plat and Final Plat of Subdivision for the Hartnett Subdivision; and

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

Section 1. That City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

Section 2. The Preliminary Plat, Exhibit “B”, and Final Plat, Exhibit “C” for the Hartnett Subdivision are hereby approved.

Section 3. The City Clerk shall publish this Ordinance in pamphlet form.

Section 4. This ordinance shall become effective after its passage, approval and publication as provided by law and shall modify any inconsistent provisions in the municipal code prior to this date.

PASSED AND APPROVED this 9th day of November, 2020.

Ayes: _____ Nays: _____ Absent/Abstain: _____

Mayor

Attested: _____
City Clerk

EXHIBIT A
(Legal Description)

PARCEL: Formerly part of 24-13-326-003

DESCRIPTION:

Parcel 1:

A Tract of land located in a part of the Southwest Quarter (1/4) of Section 13, Township 40 North, Range 1 East of the Third Principal Meridian, bounded and described as follows: Commencing at the Northwest Corner of the Southwest Quarter (1/4) of said Section 13; thence Easterly on the North line of said Southwest Quarter (1/4), 1258.0 feet; thence Southerly at an angle of 87 degrees 32 minutes measured counterclockwise from the last described course, 385.25 feet; thence Southerly at an angle of 179 degrees 59 minutes 58 seconds measured clockwise from the last described course, a distance of 209.49 feet, to the Point of Beginning of the hereinafter described tract of land; thence Northeasterly at an angle of 87 degrees 23 minutes 52 seconds measured clockwise from the last described course, a distance of 360.06 feet to a point in the center line of a public highway designated S.B.I. Route 70 (U.S Route 51) at an angle of 87 degrees 23 minutes 52 seconds measured counterclockwise from the last described course, a distance of 150.15 feet to a point; thence Southwesterly at an angle of 92 degrees 36 minutes 10 seconds measured counterclockwise from the last described course, a distance of 150.15 feet to the Point of Beginning; all situated in the City of Rochelle, Township of Flag, County of Ogle and State of Illinois.

Parcel 2:

A Tract of land located in part of the Southwest Quarter (1/4) of Section 13, Township 40 North, Range 1 East of the Third Principal Meridian, bounded and described as follows: Commencing at the Northwest corner of the Southwest Quarter (1/4) of said Section 13; thence Easterly on the North line of said Southwest Quarter (1/4), 1258.0 feet; thence Southerly at an angle of 87 degrees 32 minutes measured counterclockwise from the last described course, 385.25 feet, thence Southerly at an angle of 179 degrees 59 minutes 58 seconds measured clockwise from the last described course, a distance of 209.46 feet, to the Point of Beginning of the hereinafter described tract of land; thence Northerly along the last described course, a distance of 59.49 feet; thence Easterly at an angle of 89 degrees 59 minutes 58 seconds measured counterclockwise from the last described course; a distance of 360.00 feet to a point in the centerline of a public highway designated S.B.I Route 70 (U.S. Route 51), at an angle of 90 degrees 00 minutes 00 seconds, measured counterclockwise from the last described course, a distance of 43.12 feet; thence Southwesterly at an angle of 92 degrees 36 minutes 10 seconds measured counterclockwise from the last described course, a distance of 360.06 feet, to the Point of Beginning; situated in the Township of Flag, 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 APPROVING THE PRELIMINARY AND FINAL PLAT OF SUBDIVISION FOR THE HARTNETT SUBDIVISION” which was adopted by the Mayor and City Council of the City of Rochelle on November 9, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 9th day of November, 2020.

CITY CLERK