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

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**RESOLUTION**  
**NO. \_\_\_\_\_**

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**RESOLUTION AUTHORIZING THE EXECUTION OF A DEFERMENT AGREEMENT  
WITH PIPE 77, LLC**

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

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

**City Council**

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Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125 Chicago, IL 60606

**RESOLUTION AUTHORIZING THE EXECUTION OF A DEFERMENT AGREEMENT  
WITH PIPE 77, LLC  
November 9, 2020**

**RESOLUTION NO. \_\_\_\_\_**

**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**, Pipe 77, LLC, an Illinois limited liability company, is the owner of a parcel of land located at 1320 N. 7<sup>th</sup> Street, Rochelle, Illinois and Petitioner filed a petition to subdivide (“Hartnett Subdivision”) the parcel into two smaller parcels; and

**WHEREAS**, after the subdivision, Lot 1 of the subdivided property will no longer connected to water and sewer; and

**WHEREAS**, the provisions of the City Code which governs the subdivision, redevelopment, and use of the Property include Sections 98-103(b)(3) and 98-153(d) of the Rochelle Municipal Code, requiring Pipe 77, LLC to extend the water main and sewer main to the property line of the premises to be served, and Section 86-52, requiring Pipe 77, LLC to post certain security for the construction of public improvements; and

**WHEREAS**, in lieu of immediately extending the water main and sewer main to the property line of the premises to be served or posting the required security for the construction of the public improvements, the City and Pipe 77, LLC have proposed an Agreement to Defer Utility Extension, which is attached hereto as Exhibit 1; and

**WHEREAS**, the Mayor and City Council finds that it is in the best interest of the City and its residents for the City of Rochelle to enter into an Agreement to Defer Utility Extension with Pipe 77, LLC.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCHELLE, ILLINOIS** as follows:

SECTION ONE. The foregoing Recitals are not mere preparatory language, but are hereby incorporated in this Section 1 as if said Recitals were fully set forth.

SECTION TWO. The City Manager is authorized to execute an Agreement to Defer Utility Extension with Pipe 77, LLC, in a form substantially similar to Exhibit 1, attached hereto, subject to review and revision as to form by the City Attorney.

SECTION THREE. The provisions of this Resolution are severable and if any court of competent jurisdiction shall declare any portion of this Resolution to be invalid or unenforceable, said decision shall not affect any portion of this Resolution, other than the part declared invalid or unenforceable. This City Council hereby declares that it would have enacted this Resolution even with the invalid or unenforceable portion deleted.

SECTION FOUR. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

SECTION FIVE. That any resolution or motion in conflict with this Resolution is hereby repealed insofar as it conflicts with this Resolution.

PASSED THIS 9th day of November, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 9th day of November, 2020.

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MAYOR

ATTEST:

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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 Resolution No. \_\_\_\_\_, “RESOLUTION AUTHORIZING THE EXECUTION OF A DEFERMENT AGREEMENT WITH PIPE 77, LLC” 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.

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CITY CLERK