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

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

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**AN ORDINANCE APPROVING AND ACCEPTING A FINAL PLAT OF ANNEXATION  
OF ROCHELLE SOLAR LLC**

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

**ORDINANCE NO. \_\_\_\_\_**  
**Date Passed: April 26, 2021**

**AN ORDINANCE APPROVING AND ACCEPTING A FINAL PLAT OF ANNEXATION  
OF ROCHELLE SOLAR LLC**

**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**, on April 19, 2021, the Planning and Zoning Commission heard testimony on Petition #PZC-3-21 submitted by Rochelle Solar LLC, a Delaware limited liability company (“Petitioner”), relative to a request to approve a Final Plat of Annexation (“Plat”), attached hereto as Exhibit A; and

**WHEREAS**, Petitioner is the legal owner of certain real property that is the subject of said Plat, located at the Southeast corner of Twombly Road and North Caron Road, Dement Township, Ogle County, Illinois (“Subject Property”), a true and correct copy of which is attached hereto and made a part hereof as Exhibit B; and

**WHEREAS**, the Subject Property is contiguous to the City limits and there are no electors residing within the Subject Property; and

**WHEREAS**, after hearing testimony on the Petition, the Planning and Zoning Commission found that said Plat met the requisite standards enumerated in the Rochelle Municipal Code for the granting of Final Plat of Annexation and adopted the written factual justifications submitted by the Petitioner; and

**WHEREAS**, the Planning and Zoning Commission voted 5-0 to recommend approval of said Plat to the Mayor and City Council of the City; and

**WHEREAS**, the Mayor and City Council of the City have considered said Plat; and

**WHEREAS**, it has been determined by the Mayor and City Council of the City of Rochelle that it is in the best interest of the City and its residents to adopt the findings and recommendations of the Planning and Zoning Commission and to approve said Plat; 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 following Plat of Annexation consisting of approximately 91.42 acres, more or less, shall be and is hereby approved:

(See Plat of Annexation attached hereto as Exhibit A)

(Located at or near the Southeast corner of Twombly Road and North Caron Road, Dement Township, Ogle County, Illinois)

(See Legal Description of the Subject Property as Exhibit B)

**SECTION THREE.** That the Mayor and City Council of the City of Rochelle hereby approve and accept said Plat, attached hereto as Exhibit A, and all necessary City Officials are hereby authorized to execute said Plat prior to the final recording, subject to review and revision as to form by the City Attorney and City staff.

**SECTION FOUR:** The City Clerk shall be and is hereby authorized and directed to cause a certified copy of this Ordinance with the attached Exhibit A, to be recorded in the Office of the Ogle County Recorder.

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

**SECTION EIGHT:** 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 26<sup>th</sup> day of April, 2021.

AYES:

NAYS:

ABSENT:

APPROVED THIS 26<sup>th</sup> day of April, 2021.

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MAYOR

ATTEST:

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CITY CLERK



**EXHIBIT B**

**LEGAL DESCRIPTION**

**PARCEL: 25-18-100-005**

PART OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION 18; THENCE NORTH 88 DEGREES 10 MINUTES 52 SECONDS EAST (GRID BEARING BASED ON THE ILLINOIS WEST STATE PLANE COORDINATE SYSTEM) ALONG THE NORTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER, A DISTANCE OF 417.42 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT OF LAND; THENCE SOUTH 01 DEGREES 37 MINUTES 09 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER, A DISTANCE OF 417.42 FEET; THENCE SOUTH 88 DEGREES 10 MINUTES 52 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER, A DISTANCE OF 402.42 FEET TO A POINT 15 FEET EAST OF, AS MEASURED PERPENDICULAR TO THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER; THENCE SOUTH 01 DEGREES 37 MINUTES 09 SECONDS EAST PARALLEL WITH SAID WEST LINE, A DISTANCE OF 2206.17 FEET TO THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER; THENCE NORTH 88 DEGREES 24 MINUTES 32 SECONDS EAST ALONG SAID SOUTH LINE AND THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18, A DISTANCE OF 1682.48 FEET TO A POINT, SAID POINT BEING 25.00 FEET WEST FROM THE EAST LINE OF THE WEST 13 1/3 RODS OF SAID NORTHEAST QUARTER; THENCE NORTH 01 DEGREES 24 MINUTES 33 SECONDS WEST, PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1604.20 FEET; THENCE SOUTH 88 DEGREES 10 MINUTES 56 SECONDS WEST, A DISTANCE OF 275.00 FEET; THENCE NORTH 01 DEGREES 24 MINUTES 33 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1026.02 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION 18, SAID POINT BEING 79.99 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHWEST FRACTIONAL QUARTER; AND THENCE SOUTH 88 DEGREES 10 MINUTES 52 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF 1014.71 FEET TO THE POINT OF BEGINNING, CONTAINING 91.42 ACRES, MORE OR LESS, ALL SITUATED IN THE TOWNSHIP OF DEMENT, THE COUNTY OF OGLE, AND THE STATE OF ILLINOIS.

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF OGLE         )        SS.

CERTIFICATE

I, Sue Messer, 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 AND ACCEPTING A FINAL PLAT OF ANNEXATION OF ROCHELLE SOLAR LLC” which was adopted by the Mayor and City Council of the City of Rochelle on April 26, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 26<sup>th</sup> day of April, 2021.

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CITY CLERK