
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL FROM
AMERITRACK RAIL SERVICES FOR AT-GRADE CROSSING REPLACEMENTS**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN GRUBEN
ROSAELIA ARTEAGA
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Law Offices of Peterson, Johnson, & Murray—Chicago, City Attorneys
200 W. Adams, Ste. 2125, Chicago, IL 60606

ORDINANCE NO: _____

Date Passed: July 25, 2022

**AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL FROM
AMERITRACK RAIL SERVICES FOR AT-GRADE CROSSING REPLACEMENTS**

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 provision 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 regulation 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 permit. A local ordinance may impose more rigorous or definite regulation 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, the City of Rochelle operates a railroad through the Economic Development Office, one of its departments; and

WHEREAS, the at-grade rail crossings at Caron Road north of Steam Plant Road and at Steam Plant Road west of Caron Road are 17 years old, are beginning to deteriorate, and need to be replaced; and

WHEREAS, on May 18, 2022 the City issued a Request for Proposals for the at-grade rail crossings replacement at Caron Road north of Steam Plant Road and at Steam Plant Road west of Caron Road (“the RFP”) and also published the RFP in the Rochelle News Leader on June 29, 2022, and

WHEREAS, the RFP was also made available through QuestCDN.com and the officers of Fehr Graham, and

WHEREAS, in accordance with the RFP, on July 12, 2022 the City received and properly opened three (3) sealed proposals (see Exhibit 1 attached hereto); and

WHEREAS, after analysis of the proposals submitted, the City’s staff and professional engineers has concluded that the proposal submitted by Ameritrack Rail Services, in the amount of \$587,388.00 meets the City’s specifications pursuant to the RFP and is most advantageous to the City; and

WHEREAS, the Mayor and City Council finds that it is in the best interest of the City and its residents to accept and approve the proposal of Ameritrack Rail Services, in the amount of

\$587,388.00, for the at-grade rail crossings replacement at Caron Road north of Steam Plant Road and at Steam Plant Road west of Caron Road; and

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

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: The Mayor and City Council hereby accept and approve proposal of Ameritrack Rail Services, in the amount of \$587,388.00, for the at-grade rail crossings replacement at Caron Road north of Steam Plant Road and at Steam Plant Road west of Caron Road, and authorize the City Manager to execute any and all necessary agreements to memorialize the terms of said proposal (attached hereto as Exhibit 1) in a form to be reviewed 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 AND APPROVED this 8th day of August, 2022.

AYES:

NAYS:

ABSENT:

ATTEST:

City Clerk

Mayor

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 ACCEPTING AND APPROVING THE PROPOSAL FROM AMERITRACK RAIL SERVICES FOR AT-GRADE CROSSING REPLACEMENTS” which was adopted by the Mayor and City Council of the City of Rochelle on August 8, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 8th day of August, 2022.

CITY CLERK