
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING THE EASTERN GATEWAY TAX INCREMENT
FINANCING REDEVELOPMENT PLAN AND PROJECT**

JOHN BEARROWS, Mayor
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City Council

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1301 W. 22nd Street – Ste. 500 Oak Brook, Illinois 60523

ORDINANCE NO: _____

Date Passed:

**AN ORDINANCE APPROVING THE EASTERN GATEWAY TAX INCREMENT
FINANCING REDEVELOPMENT PLAN AND PROJECT**

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, the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4.1 *et seq.*), as supplemented and amended (the “Act”), authorizes any municipality within the State of Illinois to designate a “redevelopment project area” with respect to any area which is not less in the aggregate than 1½ acres and in respect to which such municipality has made a finding that there exist conditions which cause such area to be classified as an “industrial park conservation area” or a “blighted area” or a “conservation area”, or a combination of both “blighted areas” and “conservation areas”, as all such quoted terms are defined in the Act; and

WHEREAS, the City of Rochelle, Ogle County, Illinois (the “Municipality”) is a “municipality” within the meaning of the Act; and

WHEREAS, the Corporate Authorities have determined that in order to promote and protect the health, safety, morals, and welfare of the public, adverse conditions in the City which require conservation measures in order to encourage redevelopment of the City must be undertaken and restore and enhance the tax base of the City and the Taxing Districts; and

WHEREAS, pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.* (the “TIF Act”), the Corporate Authorities are empowered to undertake the development and redevelopment of a designated area within its municipal boundaries in which conditions permit such area to be classified as a “blighted area” or a “conservation area” as defined in Section 11-74.4-3(a) of the TIF Act; and

WHEREAS, pursuant to the TIF Act, the City now desires to develop and redevelop approximately 82 acres in area (including rights-of-way) located on Illinois Route 38, from approximately Caron Road on the west to Dement Road on the east, as shown on Exhibit B, as the Eastern Gateway Redevelopment Plan and Project Area (the “Proposed Area”); and

WHEREAS, Teska Associates, Inc., has prepared proposed redevelopment Plan and Project for the Proposed Area (the “Plan” and “Project”); as well as an Eligibility Study pursuant to the TIF Act (see Exhibit C, Eastern Gateway Redevelopment Project Area Plan and Program); and

WHEREAS, the Proposed Area qualifies as a "redevelopment project area" under Section 11-74.4-3 of the TIF Act; and

WHEREAS, the City has made available for public inspection the Eastern Gateway Tax Increment Financing Plan and Project; and

WHEREAS, the Plan and Project sets forth in writing the plans to be undertaken to accomplish the objectives of the City and includes estimated redevelopment project costs proposed for the Proposed Area, evidence indicating that the Proposed Area on the whole has not been subject to growth and development through investment by private enterprise, an assessment of the financial impact of the Proposed Area on or any increased demand for services from any taxing district affected by the Plan and any program to address such financial impact or increased demand, the sources of funds to pay costs, the nature and term of the obligations to be issued, the most recent equalized assessed valuation of the Proposed Area, an estimate as to the equalized assessed valuation after redevelopment, the general land uses to apply in the Proposed Area, and a commitment to fair employment practices and an affirmative action plan, and the Plan and Project accordingly complies in all respects with the requirements of the TIF Act; and

WHEREAS, the City established and gave public notice of an “interested persons registry” for the Proposed Area in compliance with the requirements of the TIF Act; and

WHEREAS, on August 7, 2024, notice of availability of the Plan and Project Report was sent to residential addresses within seven hundred and fifty (750) feet of the proposed area and anyone on the interested parties registry, all in compliance with the TIF act; and

WHEREAS, the City convened a Joint Review Board meeting on August 19, 2024 at 10:00 a.m. at the City Hall, 420 North 6th St, Rochelle, Illinois as required by and in all respects in compliance with the provisions of the TIF Act; and

WHEREAS, on August 19, 2024 the Joint Review Board met and reviewed the public record, planning documents, and a form of proposed ordinance approving the Plan and Project; and

WHEREAS, the Joint Review Board adopted a recommendation August 19, 2024 to proceed to implement the Plan and Project and to designate the Proposed Area as a redevelopment project area under the TIF Act; and

WHEREAS, the Joint Review Board based its decision on the basis of the Proposed Area satisfying the eligibility criteria defined in Section 11-74.4-3 of the TIF Act, all as provided in Section 11-74.4-S(b) of the TIF Act; and

WHEREAS, notice of the public hearing was published on August 25, 2024 and September 1, 2024 pursuant to Sections 11-74.4-5 and 11-74.4-6 of the TIF Act; and

WHEREAS, written notice of the public hearing was sent to the Taxing Districts and to the Illinois Department of Commerce and Economic Opportunity of the State of Illinois by certified mail on July 31, 2024 and by certified mail to taxpayers within the Proposed Area on September 9, 2024 pursuant to Sections 11-74.4-5 and 11-74.4-6 of the TIF Act; and

WHEREAS, pursuant to Section 11-74.4-5 of the TIF Act, the City held a Hearing at 6:30 p.m. on Monday, September 23, 2024, at the City Hall, City of Rochelle, 420 N. 6th Street, Rochelle, Illinois ") relative to the Plan and Project and the designation of the Proposed Area as a redevelopment project area; and

WHEREAS, at the Hearing, any interested person or affected Taxing District was permitted to file with the Municipal Clerk written objections and was heard orally in respect to any issues embodied in the notice of said Hearing, and the City heard and determined all protests and objections at the Hearing; and

WHEREAS, the Hearing was adjourned on the 23rd day of September 2024; and

WHEREAS, the Plan and Project set forth the factors which cause the Proposed Area to be a blighted area, and the Corporate Authorities have reviewed the information concerning such factors presented at the Hearing, and have reviewed other factors and are generally informed of the conditions in the Proposed Area which could cause the area to be a "conservation area," as defined in the TIF Act; and

WHEREAS, the Corporate Authorities have reviewed evidence indicating that the Proposed Area on the whole has not been subject to growth and development through investment by private enterprise, and have reviewed the conditions pertaining to lack of private investment in the Proposed Area to determine whether private development would take place in the Proposed Area as a whole without the adoption of the proposed Plan and Project; and

WHEREAS, the Corporate Authorities have reviewed the conditions pertaining to real property in the Proposed Area to determine whether contiguous parcels of real property and improvements thereon in the Proposed Area would be substantially benefitted by the proposed improvements; and

WHEREAS, the Corporate Authorities have made an assessment of any financial impact of the Proposed Area on or any increased demand for services from any Taxing District affected by the Plan and Project and any program to address such financial impact or increased demand; and

WHEREAS, the Corporate Authorities have reviewed the proposed Plan and Project and the existing comprehensive plan for development of the City as a whole, to determine whether the proposed Plan and Project conform to the comprehensive plan of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS, as follows:

Section 1. Findings. The Corporate Authorities hereby make the following findings:

- (a) The Proposed Area is legally described in Exhibit A, attached hereto and incorporated herein. A map showing the street location for the Proposed Area is attached hereto as Exhibit B and incorporated herein.
- (b) Conditions exist which cause the Proposed Area to be subject to designation as a redevelopment project area under the TIF Act and to be classified as a blighted area, as defined in Section 11-74.4-3 of the TIF Act.
- (c) The Proposed Area on the whole has not been subject to growth and development through investment by private enterprise and would not be reasonably anticipated to be developed without the adoption of the Plan and Project.
- (d) The Plan and Project conform to the comprehensive plan for the development of the City as a whole.
- (e) As set forth in the Plan and in the testimony at the public hearing, the estimated date of completion of the Project is December 31, 2047, and the estimated date of the retirement of any obligation incurred to finance redevelopment project costs as defined in the Plan is December 31, 2047.
- (f) The parcels of real property in the Proposed Area are contiguous, and only those contiguous parcels of real property and improvements thereon which will be substantially benefitted by the proposed Project improvements are included in the Proposed Area.

Section 2. Exhibits Incorporated by Reference. The Plan and Project which were the subject matter of the public hearing held on the 23rd day of September, 2024, are hereby adopted and approved. A copy of the Plan and Project is set forth in Exhibit C, attached hereto and incorporated herein.

Section 3. Invalidity of Any Section. If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4. Superseder and Effective Date. All ordinances, resolutions, motions, or orders in conflict with this Ordinance are repealed to the extent of such conflict, and this Ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and approval as provided by law.

PASSED AND APPROVED this 28th day of October 2024.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Huéramo, 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 EASTERN GATEWAY TAX INCREMENT
FINANCING REDEVELOPMENT PLAN AND PROJECT” which was adopted by the Mayor
and City Council of the City of Rochelle on October 28, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 28th day of October, 2024.

CITY CLERK