
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AUTHORIZING THE EXECUTION OF JOINT AGENCY
AGREEMENT #JN225034JN225034 AND THE ALLOCATION OF \$1,985,000.00 FOR THE
CITY'S SHARE OF THE IDOT IL ROUTE 38 AND I-39 DIVERGING DIAMOND
INTERCHANGE IMPROVEMENTS WITH STATE SEC. NO. 141-HBR-3 & (9,10)R-3 AND
CITY SEC. NO. 25-00120-00-PV**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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ROSAELIA ARTEAGA
BEN VALDIVIESO
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson and Murray, LLC, City Attorneys
1301 W. 22nd Street, Ste. 500 Oak Brook, Illinois 60523

CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. ____

**AN ORDINANCE AUTHORIZING THE EXECUTION OF JOINT AGENCY AGREEMENT
#JN225034JN225034 AND THE ALLOCATION OF \$1,985,000.00 FOR THE CITY'S SHARE
OF THE IDOT IL ROUTE 38 AND I-39 DIVERGING DIAMOND INTERCHANGE
IMPROVEMENTS WITH STATE SEC. NO. 141-HBR-3 & (9,10)R-3 AND CITY SEC.
NO. 25-00120-00-PV**

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 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, in fall of 2024, the Illinois Department of Transportation (IDOT) notified the City of their intent to begin design for the IL Route 38 and I-39 Diverging Diamond Interchange (DDI). The City’s staff has been with IDOT and their consultants, to discuss the incorporation of a pedestrian shared used path (SUP) through the project limits, additional roadway lighting beyond the interchange lighting and signalization upgrades at the Dement Road intersection; and

WHEREAS, the DDI project is estimated to cost nearly twenty-four million dollars (\$24,000,000); and

WHEREAS, the City’s contribution toward the project is estimated to be nearly 1.9 million dollars (\$1,900,000); and

WHEREAS, in order to proceed with the project, IDOT has requested that the City enter into a Local Agency Agreement (a copy of which is attached herein as Exhibit 1) to define the scope of the project, maintenance responsibilities and division of costs; and

WHEREAS, the City’s estimated contribution is \$1,874,000;

WHEREAS, the City engineer is requesting a six percent (6%) contingency for change orders or

unexpected expenditures, for a total of \$1,985,000; and

WHEREAS, the DDI project will be a significant benefit to the City along its entrance corridor; and

WHEREAS, the MAYOR AND CITY COUNCIL of the City of Rochelle (“the Corporate Authorities”) have determined that it is advisable, necessary and in the best interests of public health, safety and welfare to enter into the Joint Agency Agreement for the IDOT DDI Project.

NOW THEREFORE, be it ordained by the Corporate Authorities of the City of Rochelle, Ogle County, Illinois, 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 of the City of Rochelle hereby authorize the Village Manager’s Designee (the Mayor) to execute the Local Agency Agreement attached herein as Exhibit 1. Furthermore, the Mayor and the City Council authorize the allocation of \$1,985,000.00 for the City’s share of the IDOT Illinois Route 38 and I-39 Diverging Diamond Interchange Improvements.

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.

APPROVED THIS 10th day of March 2025.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Hueramo, 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
Authorizing the Execution of Joint Agency Agreement #JN225034JN225034 and the Allocation of
\$1,985,000.00 for the City’s Share of the IDOT Illinois Route 38 and I-39 Diverging Diamond Interchange
Improvements with State Sec. No. 141-HBR-3 & (9,10)R-3 and City Sec. No. 25-00120-00-PV” which was
adopted by the Mayor and City Council of the City of Rochelle on March 10, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 10th day of March 2025.

CITY CLERK