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

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

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**AN ORDINANCE AUTHORIZING BEARROWS REAL ESTATE & AUCTION CO. TO  
AUCTION SURPLUS PERSONAL PROPERTY**

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**JOHN BEARROWS, Mayor**  
**ROSE HUERAMO, City Clerk**

**TOM MCDERMOTT**  
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**KATE SHAW-DICKEY**  
**DAN MCDERMOTT**  
**JOHN GRUBEN**  
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**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. \_\_\_\_**  
**Approved: August 22, 2022**

**AN ORDINANCE AUTHORIZING BEARROWS REAL ESTATE & AUCTION CO. TO  
AUCTION SURPLUS PERSONAL PROPERTY**

**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 property or necessary, to carry into effect the powers granted to municipalities” 65 ILCS 5/1-2-1; and

**WHEREAS**, the City of Rochelle (“City”), pursuant to Section 11-76-4 of the Illinois Municipal Code (65 ILCS 5/11-76-4), declares that surplus personal property consisting of an inoperable motor fuel pump; and

**WHEREAS**, Section 11-76-4 of the Illinois Municipal Code (65 ILCS 5/11-76-4), provides that corporate authorities then holding office may determine by a simple majority that personal property is no longer necessary or useful to, or in the best interest of the municipality; and

**WHEREAS**, the City has determined that certain property including, 15 Round Tables - Folding, on wheels, a 1984 Hotsy Pressure Washer, a 1989 Walkbehind target pavement saw with inoperable engine, a Bobcat 7' straight blade plow, two Bobcat skidloader tires, and a 2005 GMC 7500 with Hi-Ranger 5TC-55 Bucket are either inoperable and no longer serve any function for the City’s operations; and

**WHEREAS**, it is the opinion of a majority of the corporate authorities presently holding office, it is not necessary for, useful to, or in the best interest of the City of Rochelle to retain ownership of the afore-mentioned personal property and deem that said personal property is surplus; and

**WHEREAS**, Bearrows Real Estate & Auction Co. has offered to provide auction services without cost to the City; and

**WHEREAS**, it has been determined by the Corporate Authorities of the City of Rochelle that the disposal of the aforementioned surplus personal property and retention of Bearrows Real Estate & Auction Co. is in the best interest of the City and its residents.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:**

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

**SECTION TWO:** Pursuant to 65 ILCS 5/11-76-4, the Corporate Authorities of the City of Rochelle find that 15 Round Tables - Folding, on wheels, a 1984 Hotsy Pressure Washer, a 1989 Walkbehind target pavement saw with inoperable engine, a Bobcat 7' straight blade plow, two Bobcat skidloader tires, and a 2005 GMC 7500 with Hi-Ranger 5TC-55 Bucket are no longer necessary or useful to the City and that it is in the best interest of the City to dispose of said personal property.

**SECTION THREE:** Pursuant to 65 ILCS 5/11-76-4, the City Manager or his designee shall be and is hereby authorized and directed by the Corporate Authorities to dispose of 15 Round Tables - Folding, on wheels, a 1984 Hotsy Pressure Washer, a 1989 Walkbehind target pavement saw with inoperable engine, a Bobcat 7' straight blade plow, two Bobcat skidloader tires, and a 2005 GMC 7500 with Hi-Ranger 5TC-55 Bucket by contracting with Bearrows Real Estate and Auction Co. at no charge to the City, subject to the City Attorney preparing and/or reviewing all necessary documents.

**SECTION FOUR:** 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 FIVE:** 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 SIX:** The City Clerk shall publish this ordinance in pamphlet form.

**SECTION SEVEN:** 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 22nd day of August, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 22nd day of August, 2022.

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JOHN BEARROWS, 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 Ordinance No. \_\_\_\_\_, “AN ORDINANCE AUTHORIZING BEARROWS REAL ESTATE & AUCTION CO. TO AUCTION SURPLUS PERSONAL PROPERTY” which was adopted by the Mayor and City Council of the City of Rochelle on August 22, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 22nd day of August, 2022.

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CITY CLERK