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

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**RESOLUTION**  
**NO. \_\_\_\_\_**

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**A RESOLUTION APPROVING THE ASSIGNMENT OF AN INDUSTRIAL TRACK  
AGREEMENT**

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

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

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125, Chicago, IL 60606

**CITY OF ROCHELLE**

Ogle County, Illinois

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION APPROVING THE ASSIGNMENT OF AN INDUSTRIAL TRACK AGREEMENT**

**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**, the City of Rochelle (“City”) has previously passed Ordinance 05-3355 authorizing its entry into an Industrial Track Agreement (“Agreement”) to provide rail services to 501 Steward Road, Rochelle, Illinois; and

**WHEREAS**, the property located at 501 Steward Road, Rochelle, Illinois is being sold to a new owner; and

**WHEREAS**, the Agreement requires that the City approve any assignment of the Agreement, in writing; and

**WHEREAS**, Icon Pac Owner Pool 4 Northeast/Midwest, LLC, a Delaware limited liability company, the current owner of 501 Steward Road, Rochelle, Illinois wishes to assign its contractual rights under the Agreement to Ascendas REIT Chicago 1 LLC, a Delaware limited liability company; and

**WHEREAS**, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to approve said Assignment, as set forth in Exhibit 1; and

**BE IT RESOLVED 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 Resolution as if fully set forth herein.

SECTION TWO: The Mayor and City Council of the City of Rochelle hereby approve said Assignment of Industrial Track Agreement substantially in the form, attached hereto as Exhibit 1, and made a part hereof, and the City Manager is hereby authorized to execute the same, subject to

review and revision as to form by the City Attorney and conditioned upon the execution of the Industrial Track Agreement by all parties thereto.

SECTION THREE: If any provision of this Resolution 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 Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Resolution are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Resolution will govern.

SECTION FIVE: The City Clerk shall publish this Resolution in pamphlet form.

SECTION SIX: This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 23rd day of May, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 23rd day of May, 2022.

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MAYOR

ATTEST:

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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 Resolution No. \_\_\_\_\_,  
“A RESOLUTION APPROVING THE ASSIGNMENT OF AN INDUSTRIAL TRACK  
AGREEMENT ,” which was adopted by the Mayor and City Council of the City of Rochelle on  
May 23, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of  
the City of Rochelle this 23<sup>rd</sup> day of May, 2022.

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CITY CLERK