THE CITY OF ROCHELLE Ogle County, Illinois RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER FOR THE DEVELOPLMENT OF THE ROCHELLE INTERMODAL TRANSLOADING CENTER

JOHN BEARROWS, Mayor ROSE HUERAMO, City Clerk

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City Council

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CITY OF ROCHELLE Ogle County, Illinois

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER FOR THE DEVELOPLMENT OF THE ROCHELLE INTERMODAL TRANSLOADING CENTER

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") owns and operates a railroad known as the City of Rochelle Railroad which has been assigned the designation of CIR from the American Railroad Association (hereinafter referred to as "CIR"); and

WHEREAS, the City of Rochelle operates a railroad through the Rochelle Municipal Utilities ("RMU), one of its departments; and

WHEREAS, the City is making improvements to expand its transload yard ("Transloading Center") and Greater Rochelle Economic Development Corporation ("GREDCO") is developing a container storage facility on its property that is adjacent to the Transloading Center; and

WHEREAS, on September 12, 2022 the City approved a Development Agreement with GREDCO for the Transloading Center; and

WHEREAS, a change order is required to construct a fumigation lot at the Transloading Center, which will cost an additional \$450,291.73, of which the City would be responsible for \$53,611.96; and

WHEREAS, the change order for the additional work is attached hereto as Exhibit 1; 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 authorize the City Manager to execute the change order for the Transloading Center, attached hereto as Exhibit 1; and

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

<u>SECTION ONE</u>: That the City hereby incorporates all of the recitals above into this Resolution as if fully set forth herein.

<u>SECTION TWO</u>: The Mayor and City Council of the City of Rochelle authorize the City Manager to execute the change order for the Transloading Center, attached hereto as Exhibit 1, in order to construct a fumigation lot, subject to review and revision by the City Attorney.

<u>SECTION THREE</u>: 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.

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

<u>SECTION FIVE</u>: The City Clerk shall publish this Resolution in pamphlet form.

<u>SECTION SIX</u>: 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 10th day of April, 2023.		
AYES:		
NAYS:		
ABSENT:		
APPROVED THIS 10th day of April, 2023.		
	MAYOR	
ATTEST:		
CITY CLERK		

EXHIBIT 1

SECTION 00 63 63

CHANGE ORDER

			c	hange Order No. 1			
Date of Issuance: March 24, 2023			Effective Date:	March 24, 2023			
Owner:	City of Rochelle		Owner's Contract N	No.:			
	Porter Brothers Construct	ion, Inc.	Contractor's Project	ct No.:			
Engineer:	Fehr Graham		Engineer's Project	No.: 20-1026			
Project:	PROPOSED TRANSLOAD Y		Contract Name:	General			
The Contrac	t is modified as follows upo	n execution of this	Change Order:				
GREDCO and	Delay due to waiting for D additional scope of work f Not applicable	CEO concurrence, o or concrete fumiga	development agreeme tion pad and utility w	ent between City and ork.			
	CHANGE IN CONTRACT P	RICE	CHANGE	IN CONTRACT TIMES			
Original Con	tract Price:		Original Contract T	imes:			
	3103.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1		Substantial Comple				
\$ 1,657,155.	16			ment: 05/31/2023			
		100 200		days or dates			
	ecrease) from previously a			se] from previously approved			
Orders No	to No: Not Applicat	ole	Change Orders No.	to No: Not Applicable			
A 0.00			Substantial Comple	etion:			
\$_0.00			Ready for Final Pay				
Combined Bul	and a state of the			days			
Contract Pri	ce prior to this Change Orde	eri		or to this Change Order:			
\$1,657,155.	16		Substantial Completion: 12/31/2022 Ready for Final Payment: 05/31/2023				
V-110371133.		-	Ready for Final Pay	days or dates			
[Increase] (E	ecrease) of this Change Or	der:	[Increase] [Decrease	se) of this Change Order:			
•			Substantial Comple				
\$ 450,291.7	3		Ready for Final Payment: 07/31/2023				
			W A	days or dates			
Contract Pri	e incorporating this Chang	e Order:		h all approved Change Orders:			
with a resource of the	N 99 00		Substantial Comple	etion: <u>06/30/2023</u>			
\$ <u>2,107,446.</u>	89		Ready for Final Pay	ment: <u>07/31/2023</u>			
				days or dates			
	MENDED: Fehr Graham		city of Rochelle	ACCEPTED: Porter Brothers Construction, Inc.			
Ву: (The same of the sa	By:	The second secon	By:			
Tiale.	Engineer (if required)		uthorized	Contractor			
Control of the contro	MNG, PAL	Title		Title Keshlan			
	3212017	Date		Date 3-29-23			
Approved by applicable)	Funding Agency (if			30			
By:			Date:				
Title:							
20-1026 CITY OF	ROCHELLE						
PROPOSED RAIL	XTENSION			CHANGE ORDER			
ULY, 2022 FOR E	IDS			00 63 63 - 1			

STATE OF ILLINOIS)	CC							
COUNTY OF OGLE)	SS.							
CERTIFICATE									
I, Rose Hueramo, G	City Clerk	of the City of	of Roche	elle, Cou	unty of Ogle a	and State of	f Illinois		
DO HEREBY CERTIFY	that the fo	oregoing is a	true and	d correc	t copy of Res	solution No	0		
"A RESOLUTION AUT	HORIZIN	IG THE CIT	ГҮ МА	NAGEI	R TO EXEC	UTE A C	CHANGE		
ORDER FOR THE	DEVELO	OPLMENT	OF	THE	ROCHELLE	INTER	MODAI		
TRANSLOADING CENT	ER" which	ch was adopt	ed by th	e Mayo	r and City Co	ouncil of th	e City o		
Rochelle on April 10, 202	3.								
IN WITNESS WH	EREOF, I	have hereun	ıto set m	y hand	and affixed th	e corporat	e seal of		
the City of Rochelle this 1	0 th day of	April, 2023.							

CITY CLERK