
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO
THE AMENDED AND RESTATED LAND LEASE AGREEMENT**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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BIL HAYES
DAN MCDERMOTT
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JOHN GRUBEN
ROSAELIA ARTEAGA

City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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RESOLUTION NO. _____

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 (“City”), 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 City of Rochelle operates the Rochelle Municipal Airport, also known as Koritz Field, and the City has identified certain projects and improvements that need to be made at the airport, and

WHEREAS, City and Sky Team, Inc. (“Lessee”) entered into a Land Lease Agreement on April 1, 2011 for certain property at the Rochelle Municipal Airport; and

WHEREAS, City and Lessee subsequently entered into an Amended and Restated Land Lease Agreement on June 14, 2014 (“Amended and Restated Lease”) and

WHEREAS, City and Lessee subsequently entered into a First Amendment to the Amended and Restated Land Lease Agreement on December 19, 2011; and

WHEREAS, City and Lessee subsequently entered into a Second Amendment to the Amended and Restated Land Lease Agreement on October 8, 2012; and

WHEREAS, the City and Lessee wish to enlarge the Campground per the new site drawing; and

WHEREAS, the Mayor and City Council finds that it is in the best interest of the City and its residents for the City of Rochelle to enter into a Third Amendment to Amended and Restated Lease Agreement with Sky Team, Inc. (attached hereto as Exhibit 1).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCHELLE, ILLINOIS as follows:

SECTION ONE. The foregoing Recitals are not mere preparatory language, but are hereby incorporated in this Section 1 as if said Recitals were fully set forth.

SECTION TWO. The City Manager is authorized to execute a Third Amendment to Amended and Restated Lease Agreement with Sky Team, Inc., in a form substantially similar to Exhibit 1, attached hereto, subject to review and revision as to form by the City Attorney.

SECTION THREE. The provisions of this Resolution are severable and if any court of competent jurisdiction shall declare any portion of this Resolution to be invalid or unenforceable, said decision shall not affect any portion of this Resolution, other than the part declared invalid or unenforceable. This City Council hereby declares that it would have enacted this Resolution even with the invalid or unenforceable portion deleted.

SECTION FOUR. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

SECTION FIVE. That any resolution or motion in conflict with this Resolution is hereby repealed insofar as it conflicts with this Resolution.

PASSED THIS 25th day of April, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 25th day of April, 2022.

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 Resolution No. _____,
“RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO THE
AMENDED AND RESTATED LAND LEASE AGREEMENT” which was adopted by the Mayor
and City Council of the City of Rochelle on April 25, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 25th day of April, 2022.

CITY CLERK