
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE VACATING A PUBLIC ALLEY IN THE CITY OF
ROCHELLE**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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

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

ORDINANCE NO. _____
Date: November 7, 2022

**AN ORDINANCE VACATING A PUBLIC ALLEY IN THE CITY OF
ROCHELLE**

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 has proposed the vacation of an alley located 507 W. 2nd Avenue, Rochelle, Illinois; and

WHEREAS, 507 W. 2nd Avenue, Rochelle, Illinois is in the process of being sold and as part of that process, there is an alley platted in the middle of an existing structure on that property; and

WHEREAS, staff has conducted an exhaustive search of the public record, but could not locate any recorded documents, which reflect that the alley was previously vacated; and

WHEREAS, staff believes that based upon the location of the existing building at the aforementioned address, the alley was or should have been vacated when the existing building was constructed; and

WHEREAS, the Mayor and City Council have determined that the alley, legally described below was or should have been vacated when the existing building was constructed decades ago; and,

WHEREAS, the Mayor and City Council find that vacating the alley will not negatively impact the public and will serve to correct the public record for 507 W. 2nd Avenue, Rochelle, Illinois; and

WHEREAS, the alley is currently and has, for many decades, has been treated as part of 507 W. 2nd Avenue; and

WHEREAS, the City will require ten (\$10) dollars in consideration of the vacation, as it is believed that the alley should have been previously vacated; and,

WHEREAS, a public hearing was held by the Rochelle City council on November 7, 2022 to consider the petition for vacation of the alley; and

WHEREAS, the City is authorized to vacate the alley pursuant to 65 ILCS 5/11-91-1; and

WHEREAS, the Mayor and City Council find that the purchase price is fair and reasonable because of the unique circumstances surrounding this property; 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 vacate the alley located on 507 W. 2nd Avenue; and

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

SECTION ONE: The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section One.

SECTION TWO: That the alley legally described as:

Part of Block 24 in the Original Town of Lane, now the City of Rochelle, described as follows:

The platted alley between Lots 2 and 3 in said Block 24, lying South of the Union Pacific Railroad and North of Second Avenue, all situated in the City of Rochelle, the Township of Flagg, the County of Ogle and State of Illinois,

and as depicted on the Alley Vacation Plat, which is attached hereto and incorporated herein as if fully set forth as Exhibit 1, is hereby vacated strictly subject to those conditions contained in said Alley Vacation Plat.

SECTION THREE: The City Clerk is hereby authorized and directed to record this Ordinance and Alley Vacation Plat in the Office of the Ogle County Recorder, upon receipt of fully executed ordinances, and full payment for the vacation. Upon vacation, all title and fee in the vacated right-of-way shall be transferred to the owner of 507 W. 2nd Avenue, Rochelle, Illinois.

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: 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.

PASSED THIS 7th day of November, 2022.

AYES:

NAYS:

ABSENT:

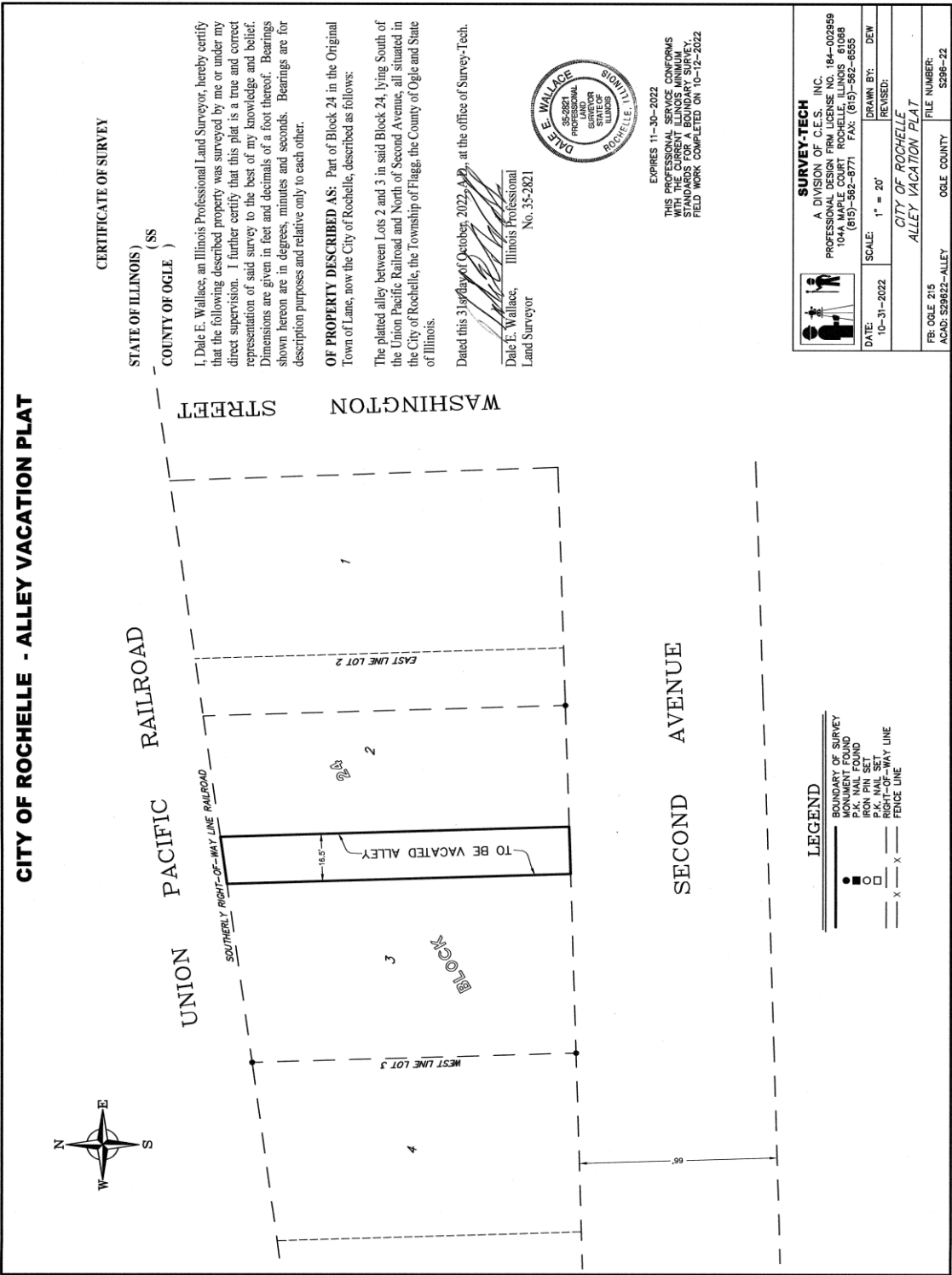
APPROVED THIS 7th day of November, 2022.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT 1
Alley Vacation Plat



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 VACATING A PUBLIC ALLEY IN THE CITY OF ROCHELLE” which
was adopted by the Mayor and City Council of the City of Rochelle on November 7, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 7th day of November, 2022.

CITY CLERK