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

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

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**AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL FROM PORTER  
BROTHERS CONSTRUCTION, INC. FOR THE TRANSLOAD YARD HARD  
SURFACE IMPROVEMENTS**

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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  
Law Offices of Peterson, Johnson, & Murray—Chicago, City Attorneys  
200 W. Adams, Ste. 2125, Chicago, IL 60606

**ORDINANCE NO: \_\_\_\_\_**  
**Date Passed: September 12, 2022**

**AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL FROM PORTER  
BROTHERS CONSTRUCTION, INC. FOR THE TRANSLOAD YARD HARD  
SURFACE IMPROVEMENTS**

**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 provision 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 regulation 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 permit. A local ordinance may impose more rigorous or definite regulation 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 a railroad (“Railroad”) through the Economic Development Office, one of its departments; and

**WHEREAS**, Railroad is expanding its transload yard to improve the capabilities of the Rochelle Transload Center (“RTC”) and develop an Intermodal Container Yard (“ICY”) adjacent to the RTC; and

**WHEREAS**, the Greater Rochelle Economic Development Corporation (“GREDCO”) owns a parcel of land adjacent to the RTC and is developing a container storage facility on its property; and

**WHEREAS**, the City and GREDCO will each pay their respective share of the improvements necessary for the expansion of the ICY; and

**WHEREAS**, on July 20, 2022 the City issued a Request for Proposals for the hard surface improvements at the ICY (“the RFP”) and also published the RFP in the Rochelle News Leader on August 3, 2022, and

**WHEREAS**, the RFP was also made available through QuestCDN.com and the officers of Fehr Graham, and

**WHEREAS**, in accordance with the RFP, on August 16, 2022 the City received and properly opened six (6) sealed proposals; and

**WHEREAS**, after analysis of the proposals submitted, the City's staff and professional engineers has concluded that the proposal submitted by Porter Brothers Construction, Inc., attached hereto as Exhibit 1, in the amount of \$993,008.88 for the City's portion of the improvements and the low alternate bid of \$664,146.28 for GREDCO's portion of the improvements, for a combined bid of \$1,657,155.16 meets the City's specifications pursuant to the RFP and is most advantageous to the City; and

**WHEREAS**, the Mayor and City Council finds that it is in the best interest of the City and its residents to accept and approve the proposal of Porter Brothers Construction, Inc., in the amount of \$1,657,155.16, for hard surface improvements to the transload yard, subject to the execution of a Development Agreement with GREDCO; and

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

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

**SECTION TWO:** The Mayor and City Council hereby accept and approve the proposal of Porter Brothers Construction, Inc., in the amount of \$1,657,155.16, for hard surface improvements to the transload yard, subject to the execution of a Development Agreement with GREDCO, and authorize the City Manager to execute any and all necessary agreements to memorialize the terms of said proposal (attached hereto as Exhibit 1) in a form to be reviewed by the City Attorney.

**SECTION THREE:** 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 FOUR:** 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 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 AND APPROVED this 12th day of September, 2022.

AYES:

NAYS:

ABSENT:

ATTEST:

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City Clerk

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Mayor

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 ACCEPTING AND APPROVING THE PROPOSAL FROM PORTER  
BROTHERS CONSTRUCTION, INC. FOR THE TRANSLOAD YARD HARD SURFACE  
IMPROVEMENTS” which was adopted by the Mayor and City Council of the City of Rochelle  
on September 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of  
the City of Rochelle this 12<sup>th</sup> day of September, 2022.

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CITY CLERK