
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTIES
LOCATED AT 509 AND 509 1/2 LINCOLN AVENUE THROUGH A GOOD FAITH
OFFER TO THE OWNERS OF RECORD, CONDEMNATION OR OTHER MEANS**

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

CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTIES
LOCATED AT 509 AND 509 1/2 LINCOLN AVENUE THROUGH A GOOD FAITH
OFFER TO THE OWNERS OF RECORD, CONDEMNATION OR OTHER MEANS**

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, pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS § 5/11-74.4-1, et seq. (the “Act”), on January 11, 2016, after providing all notices and conducting all required public hearings, the City adopted Ordinance No. 16-4510 Designating the Downtown and Southern Gateway Redevelopment Project Area (“Redevelopment Project Area”); Ordinance No. 16-4509 Approving the Proposed Downtown and Southern Gateway Tax Increment Financing Redevelopment Plan and Project; and Ordinance No. 16-4511 Adopting Tax Increment Allocation Financing for the Downtown and Southern Gateway Redevelopment Project Area Tax Increment Financing; and

WHEREAS, Subsections (c) and (f) of Section 11-74.4-4 of the Illinois Municipal Code provide that a municipality may “(c) [w]ithin a redevelopment project area, acquire by purchase, donation, lease or eminent domain own, convey, lease, mortgage or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality determines is reasonably necessary to achieve the objectives of the redevelopment plan and project” and “(f) [i]nstall, repair, construct, reconstruct or relocate streets, utilities and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan”; and

WHEREAS, the Subject Properties located at 509 and 509 ½ Lincoln Avenue (PIN No. 24-24-377-022) and 509 ½ Lincoln Avenue (PIN No. 24-24-377-019) are within the Downtown

and Southern Gateway Redevelopment Project Area, and their acquisition and redevelopment is in furtherance of the Downtown and Southern Gateway Redevelopment Project Area Plan, as the use of the property for the parking lot is part of the Project Area Plan; and

WHEREAS, the City obtained updated appraisals for the Subject Properties, with the effective date of the evaluation on January 9, 2023. According to the same, the current value of the parcel located at 509 1/2 Lincoln Avenue is \$25,000.00, and the parcel located at 509 Lincoln Avenue is worth \$70,000.00; and

WHEREAS, the City Council believes that the acquisition of these Properties is necessary for a public purpose or purposes as contemplated by Section § 5-5-5 of the Eminent Domain Act, 735 ILCS 30/5-5-5, and the real properties described in attached Exhibit A (“Properties”) should be acquired to fulfill the goals and purposes of the Redevelopment Plan; and

WHEREAS, to date the City has not been successful in negotiations with one of the owners of the Properties; and

WHEREAS, the City will make a good faith offer to the owners of record of the Properties of one hundred and seventy thousand (\$170,000) dollars to purchase the Subject Properties, with \$25,000 being offered for 509 ½ Lincoln Avenue and \$145,000 being offered for 509 Lincoln Avenue, Rochelle, Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS:

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

SECTION TWO: That the Properties are necessary and appropriate for a public purpose or purposes as contemplated by Section § 5-5-5 of the Eminent Domain Act, 735 ILCS 30/5-5-5 and that its acquisition is in furtherance of the goals and objectives of the Downtown and Southern Gateway Redevelopment Project Area.

SECTION THREE: The City hereby authorizes the City Manager, his designees, and the City Attorneys to take all necessary steps to acquire fee simple title to the Properties, including but not limited to extending a good-faith offer to the Owners at prior offer set forth in the purchase and sale agreement or the fair market value and if an agreement cannot be reached to acquire the Property through the filing of an eminent domain action in the Circuit Court of Ogle County.

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: 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 SIX: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SEVEN: All ordinances, resolutions, motions, or orders in conflict herewith shall be, and the same hereby are, repealed to the extent of such conflict, and this Ordinance shall be in full force and effect upon its passage and approval as provided by law.

PASSED THIS 13th day of February 13, 2023.

AYES:

NAYS:

ABSENT:

APPROVED THIS 13th day of February, 2023.

MAYOR _____

ATTEST:

CITY CLERK

Exhibit A

Parcel Identification Nos.: 24-24-377-022 and 24-24-377-019

PARCEL 1:

PART OF LOTS 4 AND 5 IN BLOCK 14 IN THE ORIGINAL TOWN OF LANE, NOW CITY OF ROCHELLE, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK D OF PLATS, PAGE 2, IN THE RECORDER'S OFFICE IN OGLE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST LINE OF SAID LOT 4, 39 1/2 FEET SOUTH OF THE SOUTHEAST CORNER OF LOT 3, IN SAID BLOCK; THENCE SOUTH 48 FEET TO A POINT ON THE EAST LINE OF LOT 5, IN SAID BLOCK, 21-1/2 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 5; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 5, TO THE ALLEY; THENCE NORTH ALONG THE EAST SIDE OF THE ALLEY 48 FEET AND THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT 4 TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PREMISES, TO WIT:

BEGINNING ON THE EAST LINE OF SAID LOT 4, 39-1/2 FEET SOUTH OF THE SOUTHEAST CORNER OF LOT 3 IN SAID BLOCK; THENCE SOUTH ON THE EAST LINE OF SAID LOT 4, 22 FEET AND 9 INCHES TO THE SOUTH SIDE OF THE SOUTH WALL OF SAID CARNEY AND LONGENECKER BUILDING TO A POINT ON THE EAST LINE OF THE ALLEY WHICH POINT IS 61 FEET SOUTH FROM THE SOUTHWEST CORNER OF LOT 3 IN SAID BLOCK; THENCE NORTH ALONG THE EAST SIDE OF THE ALLEY 23 FEET 6 INCHES AND THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT 4 TO THE PLACE OF BEGINNING;

ALSO PART OF LOT 5 IN BLOCK 14 IN THE ORIGINAL TOWN OF LANE, NOW CITY OF ROCHELLE, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK D OF PLATS, PAGE 2, IN THE RECORDER'S OFFICE IN OGLE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS, TO WIT: COMMENCING AT A POINT ON THE EAST LINE OF SAID LOT 5, 22-1/2 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT AND RUNNING THENCE NORTH ON THE EAST LINE OF SAID LOT, 22 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 5 TO THE WEST LINE OF SAID LOT; THENCE SOUTH ON SAID WEST LINE, 22 FEET; THENCE EAST PARALLEL WITH THE SAID SOUTH LINE TO THE PLACE OF BEGINNING;

ALSO THE WEST 49 FEET OF THE SOUTH 22-1/2 FEET OF LOT IN BLOCK 14 IN THE ORIGINAL TOWN OF LANE, NOW CITY OF ROCHELLE, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK D OF PLATS, PAGE 2 IN THE RECORDER'S OFFICE IN OGLE COUNTY, ILLINOIS.

PARCEL 2:

THE SOUTH 22-1/2 FEET OF LOT 5 IN BLOCK 14 (ALSO CALLED SUBLOT 3 OF LOT 5 IN BLOCK 14) IN THE ORIGINAL TOWN OF LANE, NOW CALLED THE

CITY OF ROCHELLE, EXCEPTING THE WEST 49 FEET OF SAID LOT, SITUATED
IN OGLE COUNTY, ILLINOIS.

Commonly known as: 509 and 509 1/2 Lincoln Avenue (the “Subject Properties”).

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 AUTHORIZING THE ACQUISITION OF REAL PROPERTIES LOCATED
AT 509 AND 509 1/2 LINCOLN AVENUE THROUGH A GOOD FAITH OFFER TO THE
OWNERS OF RECORD, CONDEMNATION OR OTHER MEANS” which was adopted by the
Mayor and City Council of the City of Rochelle on February 13, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 13th day of February, 2023.

CITY CLERK