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December 11, 2003

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CITY OF COLUMBIA, IL

Mr. Tom D. Adams
City of Columbia Legal Counsel
321 Wedgewood Square
Columbia, IL 62236

RE: Final Plat for Brellinger Subdivision

Dear Mr. Adams:

With regard to the final plat submittal for the Brellinger Subdivision, I have set forth below your comments, recommendations or remarks of December 9, 2003, and have supplied a Response thereto below each respective paragraph:

1. Section 34-3-23(A) of the Subdivision Code requires that the plat be drawn based upon a survey closing within an error of closure of not more than one foot (1') and five thousand feet (5,000'). You need to add a note to the plat that indicates "Error of closure of not more than one foot (1') in five thousand (5,000) feet (1' in 5,000)".

RESPONSE: Added to surveyor's certification "Error of closure is less than one (1) foot in five thousand (5000) feet."

2. The accurate distance and direction to the nearest established official monument must be shown on the plat. I did not see that on the plat?

RESPONSE: The distance and direction to the nearest established official monument is located in the southeast corner section 4.

3. Reference to known and permanent monuments and benchmarks from which future surveys may be made together with elevations of any benchmark must be shown on the plat. In the northeast corner of the plat there is a reference to a benchmark but the elevation is not stated?

RESPONSE: Will verify reference to known and permanent monuments and benchmarks is made. The descriptions and elevations for the benchmarks are listed on the cover sheet.

4. Accurate metes and bounds legal description of the boundary of the subdivision is required to be depicted on the plat. With regard thereto:

- (i) The narrative legal description on the final plat does not agree with the narrative legal description on the preliminary plat and the narrative legal description in the "Declarations of Restrictions for the Subdivision." Why are the two legal descriptions different? The legal description on the "Declarations of Restrictions" must agree with the legal description on the plat. The final plat must agree with the preliminary plat the City approved and lots cannot be reconfigured and legal descriptions changed on the final plat unless the City Council grants a variance for the same.

RESPONSE: Will coordinate legal description between final plat and "Declarations of Covenants".

- (ii) In the narrative legal description for Brellinger Subdivision, it must be labeled and referred to as "Legal Description: Brellinger Subdivision" instead of "LEGAL DESCRIPTION: Brellinger-Phase I", since this is not a subdivision to be developed in phases, but is a stand alone subdivision to which additions will be added later.

RESPONSE: Checked and changed as suggested.

- (iii) In the narrative legal description in the ninth line, the call "North 20 Degrees 26 Minutes, 47 Seconds East" is depicted on the plat drawing as "South 20 degrees 26 minutes 47 seconds East." The call on the plat drawing needs to be changed to N 20° 26' 47" E according to the North arrow on the plat. The narrative legal description and the calls on the plat drawing are required to agree.

RESPONSE: Checked and changed as suggested.

- (iv) Where monuments exist or are set, they should be referred to in the narrative legal description instead of being referred to as "points" in calls in the narrative legal description.

RESPONSE: Checked and changed as suggested.

- (v) In the thirteenth line of the narrative legal description, change "Direction" to "Conveyed" so that it reads "in that tract Conveyed to Columbia Golf Club, Inc.,".

RESPONSE: Checked and changed as suggested.

5. In Section 34-3-23(H), the Subdivision Code requires the location and dimension of easements and statement of purpose for each easement. What is the reason for the extra wide easements on Lots 39-44, 31, 21, 55, 17 and 16, and 39? I am not objecting to that, I am just curious why they were as wide as they are.

RESPONSE: Check and changed easement widths on 16, 17, 21, 41, 42 and 43.

6. Section 34-3-23(J) of the Subdivision Code requires that the purpose for which sites, other than residential lots, are dedicated or reserved be stated on the plat.

(A) What is common ground 2 and 3 for? It has been reconfigured from what was on the preliminary plat and the bulk area of each has been changed. Is this ground set aside for entrance monuments? As heretofore stated, the final plat is required to agree with the preliminary plat and a variance will need to be granted by the City Council to allow the change that has been made.

RESPONSE: Indicated common ground 2 as used for entrance sign and detention and common ground 3 as used for detention.

(B) What is the westerly portion of Lot 12 shown hatched and the property west of that lot shown hatched supposed to represent?

RESPONSE: A note pointing to the area indicates "Area protected by preservation covenant recorded in Monroe County Document No. 269158 IL Historic Preservation Agency Archaeological Surveys."

7. Section 34-3-23(M) of the Subdivision Code requires that the owner's dedication certificate on the plat must include dedication of all streets and rights-of-way to be dedicated to the City, including Lovell Landing, Rueck Parkway, Rueck Road, LaCroix Way, Pfeffer Drive, and Brellinger. Brellinger will have to be indicated to be a street, road, or whatever it is intended to be referred to as.

RESPONSE: Brellinger will be indicated as a street.

8. Section 34-3-23(N) of the Subdivision Code requires reference to recorded subdivision plats within 300 feet of adjoining platted land by record, name, date, and reference to place of recording (plat envelope, etc.). You will need to indicate the same for Briar Lake Estates Subdivision that is adjoining the subject property to the south.

RESPONSE: Will indicate the adjoining property to the south as "Proposed Briar Lake Estates Subdivision" since this subdivision is not yet recorded.

9. Section 34-3-23(O) of the Subdivision Code requires reference by book, page and document number where the "Declaration of Covenants, Conditions and Restrictions" are recorded. In Monroe County you will only refer to the document number since the Recorder no longer uses book and page references for the recording; in St. Clair County you would still use the reference to book, page and document number. The Restrictions would be recorded at the same time as the plat is recorded in each of those Counties.

RESPONSE: Refers to Covenants.

10. Section 34-3-1 of the Subdivision Code requires that the final plat and the detailed data must conform to the approved preliminary plat as well as to the improvement plans if the improvement plans were submitted before the final plat. In that regard:

- (A) All of the lots in the subdivision have been reconfigured and the bulk area of each has been changed from what was approved on the preliminary plat. Why was this done? The final plat does not conform to the preliminary plat for this reason.

RESPONSE: The original survey was modified to reflect a common acceptable position of the south line of Section 4, consulting three independent surveys. A letter has been drafted to explain this change.

- (B) Common grounds 3 and 4 have been re-configured from what was depicted on the preliminary plat and the bulk area of each has been enlarged. Is this the area set aside for entrance monuments? The final plat does not conform to the preliminary plat in this regard either.

RESPONSE: The detention area slated for common ground 3 was broken up to provide a better design. The increase in bulk area was due to dividing this detention area.

Final plat approval will require a variance to be granted by the City Council to relieve of the requirement in the Subdivision Code that the final plat must comply with the approved preliminary plat. Otherwise, a revised preliminary plat submittal will be required.

11. With regard to the “Declarations of Covenants, Conditions and Restrictions”, please be advised:

- (A) The legal description on the Restrictions no longer agrees with the legal description on the plat. This is because the legal description on the preliminary plat was different than the legal description on the final plat submittal. The legal description on the Restrictions must agree with the legal description on the final plat that will be recorded.

RESPONSE: Will coordinate with Final Plat.

- (B) On page 16, Section 25 entitled “SITE DISTANCE AT INTERSECTIONS”, (as referenced in my prior review of the Restrictions) “at elevations between two (2) and six (6) feet above the roadways . . .” will have to be changed to “. . . between the heights three (3) and twelve (12) feet above the established street grade . . .” or, if you prefer, to “. . . between the heights of two (2) and twelve (12) feet above the established street grade”, as is required by Section 17.42.040 (I) of the Columbia Municipal Code. A copy of Section 17.42.040 of the Code is enclosed.

RESPONSE: Done.

12. The owner's dedication certificate must be changed to the one now being used. A copy is enclosed. The owner's dedication certificate has been changed to include telecommunication per the request from Harrisonville Telephone Company. As indicated above, the dedication certificate must include a dedication to the City of the rights-of-way for LaCroix Way, Rueck Parkway, Rueck Road, Lovell Landing, Pfeffer Drive, and Brellinger (which will have to be indicated to be a street, drive, way, road or whatever it is intended to be).

RESPONSE: Will change owner's dedication certificate as suggested.

13. The surveyor certificate refers to FIRM Community Panels 1705100020D & 1705090020E for Monroe County. **I will need to check with our City Engineer to see if those are the currently effective panels since a revised FIRM for Columbia took effect March 17, 2003.** What about the part of the subdivision that is in St. Clair County? Is it in a flood zone pursuant to the applicable FIRM for that County. What is the applicable FIRM panel for St. Clair County?.

RESPONSE: The April, 2003 FIRM Maps were referenced; they also cover St. Clair County.

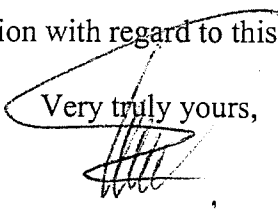
14. **Section 34-4-6 of the Subdivision Code prohibits streets that are longer than 1,300 lineal feet. In the ordinance for final plat approval, we will need a variance from strict application of Section 34-4-6 of the Subdivision Code for LaCroix Way which is longer than 1,300 lineal feet.**

RESPONSE: As discussed at preliminary plat stage, this worked out better because of the larger lots and the "lay of the land."

Please call me if you have any questions or comments.

Thanking you for your kind attention with regard to this matter, I remain

Very truly yours,


Mark C. Scoggins

MCS:tb/062

cc: Ms. Marion Ledbetter ✓