

JUL 19 2010

ORDINANCE NO. 2797

**AN ORDINANCE FOR CONDITIONAL APPROVAL OF THE  
FINAL SUBDIVISION PLAT FOR THE QUALITY COLLISION  
BUSINESS PARK SUBDIVISION IN THE CITY OF  
COLUMBIA, ILLINOIS**

  
City Clerk

WHEREAS, Christopher A. Kalbfleisch and Melissa B. Kalbfleisch, his wife, are the owners of the land comprising the proposed Quality Collision Business Park Subdivision in the City of Columbia, Illinois (the "City"); which subdivision comprises all of lot 7 and part of lot 8 of the "Southwoods" Subdivision in the City (the subdivision plat for which is recorded in Plat Envelope 167-D in the Monroe County, Illinois Recorder's Office in Waterloo, Illinois) and which land is more particularly described as follows, to wit:

Beginning at the iron pin found which marks the most Westerly Corner of Lot 7 of "Southwoods"; thence along the Northerly line of Lot 7 of "Southwoods", being a curve to the left having a radius of 9156.50 feet, a central angle of 03 Degrees, 19 Minutes, 25 Seconds and a chord of 531.08 feet which bears (an assumed bearing) South 75 Degrees, 42 Minutes, 46 Seconds East, an arc length of 531.15 feet to an iron pin found; thence continuing along the Northerly line of Lot 7 of "Southwoods", the following courses and distances: South 51 Degrees, 40 Minutes, 45 Seconds East, a distance of 77.80 feet to an iron pin found; thence South 78 Degrees, 03 Minutes, 39 Seconds East, a distance of 20.00 feet to the most Easterly Corner of Lot 7 of "Southwoods" from which an iron pin found lies North 55 Degrees, 28 Minutes, 12 Seconds West, a distance of 0.14 feet; thence South 11 Degrees, 02 Minutes, 24 Seconds West, along the Easterly Line of Lot 7 of "Southwoods", a distance of 162.55 feet to a concrete monument set which marks a point of curvature; thence along a curve to the right having a radius of 25.00 feet, a central angle of 90.00 Degrees, 00 Minutes 00 Seconds and a chord of 56.36 feet which bears South 56 Degrees, 02 Minutes, 24 Seconds West, an arc length of 39.27 feet to an iron pin found which marks the point of tangency of said curve; thence North 78 Degrees, 57 Minutes, 36 Seconds West, along the Southerly line of Lot 7 of "Southwoods". A distance of 126.39 feet to an iron pin found which marks the common corner between Lot 7 and 8 of "Southwoods"; thence North 50 Degrees, 30 Minutes, 22 Seconds West, along the common line between Lots 7 and 8 of "Southwoods", a distance of 309.32 feet to an iron pin found; thence South 36 Degrees, 07 Minutes, 49 Seconds West, a distance of 206.28 feet to an iron pin found on the Southwesterly line of Lot 8 of "Southwoods"; thence north 53 Degrees, 52 Minutes, 11 Seconds West, along the Southwesterly line of Lot 8 of "Southwoods", a distance of 62.50 feet to the Southwesterly Corner of Lot 8 of "Southwoods" from which an iron pin found lies North 58 Degrees, 57 Minutes, 11 Seconds East, a distance of 0.42 feet; thence North 00 Degrees, 00 Minutes, 39 Seconds East, along the West line of Lot 8 of "Southwoods",

a distance of 271.56 feet to the Point of Beginning, containing 2.60 acres, more or less.

and they have submitted to the City the required five (5) copies of their final subdivision plat for approval by the City Council;

WHEREAS, the Quality Collision Business Park Subdivision is a resubdivision of Lot 7 and part of Lot 8 of the Southwoods subdivision in the City and all of the capital infrastructure improvements that serve the proposed Quality Collision Business Park Subdivision were constructed and installed by the Developer of the Southwoods Subdivision when that subdivision was developed and there are no new and different infrastructure improvements to be constructed and installed for the subject Quality Collision Business Park Subdivision (other than a fire hydrant as is hereinafter made and provided for); and, therefore no maintenance guarantee is required to be furnished to the city prior to approval of the final subdivision plat for that subdivision;

WHEREAS, Midland States Bank of Waterloo, Illinois has a construction real estate mortgage on the property comprising the lots in the subdivision and shall be required to provide to the City for recording with the subdivision plat for this subdivision a Mortgage Subordination Agreement to subordinate the lien of its real estate mortgage against the property comprising the subdivision to the final subdivision plat of the subdivision and the lots and the access easement for Lot 2 on, over, along and across Lot 1 of the subdivision to be recorded with the subdivision plat;

WHEREAS, the developer/subdivider of the Quality Collision Business Park Subdivision has requested a variance to relieve of the prohibition contained in Section 34-4-13 of the City's Subdivision Code which prohibits fences from being located in the front yard of a building lot for a "privacy fence" proposed to be constructed and installed in the east side yard and the south front yard of Lot 1 of the subdivision; and, the City Council has determined that said variance should be allowed and granted;

WHEREAS, the developer/subdivider has supplied to the City all other supporting documents required for final subdivision plat approval, in due and proper form;

WHEREAS, the City Engineer and the City Attorney have reviewed the Quality Collision Business Park Subdivision final subdivision plat and are recommending conditional approval thereof as is in this Ordinance made and provided for.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

**Section 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

**Section 2.** The Quality Collision Business Park Subdivision final subdivision plat submittal dated May 13, 2010, is approved subject to compliance with the following special conditions, (and the Mayor and the City Clerk shall withhold signature from the final subdivision plat until said condition has been done, performed and satisfied by the Subdividers/Developers), to wit:

(1) The Declaration of Easement to create the access easement for Lot 2 of the subdivision on, over, along and across Lot 1 of the subdivision will be recorded with the final subdivision plat for the subdivision;

(2) A mortgage subordination agreement shall be obtained from the Midland States Bank of Waterloo, Illinois subordinating the lien of its Construction Mortgage recorded in the Monroe County, Illinois Recorder's Office as Document No. 339080 to the final subdivision plat for this subdivision and the aforementioned easement pertaining thereto, in a form to be approved by the City Attorney, and the same shall be recorded with the final plat for said subdivision;

(3) A Building Line to be located five feet (5') from the front lot line of Lot 2 of the subdivision shall be depicted on the plat in accordance with a variance to be granted by the City Council to allow the front yard building set back line for that lot to be reduced from fifty feet (50') to five feet (5'), as recommended by the City's Zoning Board of Appeals;

(4) There shall be required to be installed a fire hydrant for the subdivision to be located at the current terminus of the existing water line on the property for the Southwoods Subdivision and the fire hydrant shall be depicted on the plat before the plat is recorded as is the fire hydrant at the intersection of Southwoods Center Drive and Mark Drive in the Southwoods Subdivision;

(5) There shall be a note added to the plat that will state and provide that in the development of Lot 2 of the subdivision, on grading of the lot the drainage detention area that is depicted on the plat as being located on both Lot 2 of this subdivision and Part of Lot 8 of the Southwoods Subdivision shall be filled and eliminated as a drainage detention area utilized by said Lot 2 for drainage onto the adjacent lot and the drainage will be directed into Wilson Creek located on said Lot 2 of this subdivision;

(6) Payment to the City Clerk of the full payment and reimbursement due the City for the City's Attorney's fees and Engineer's fees incurred in connection with the final subdivision plat approval.

**Section 3.** In accordance with the provisions of Section 34-6-1 of the City's Subdivision Code which allows the City Council to grant a variance or special exception from all provisions of the City's Subdivision Code except from the requirements of Section 34-4-7 of Article IV of said Subdivision Code, the City Council hereby grants a Subdivision Code variance to allow for and permit the construction of the proposed "privacy fence" to extend across the side yard located along the easterly portion of Lot 1 into the front yard

located along the southerly portion of Lot 1 of the Quality Collision Business Park Subdivision, as is requested in the application for variance of Christopher A. Kalbfleisch dated May 17, 2010 and filed in the office of the City Clerk for processing.

**Section 4.** The Mayor and the City Clerk shall withhold signing of the final plat pending being advised by the City Attorney or the City Engineer that the above-mentioned special conditions for subdivision plat approval have been satisfied, done and performed by the Subdivider/Developer of the subdivision.

**Section 5.** This Ordinance shall be in full force and effect from and after its passage, as provided by law.

Alderman Oberkfell moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Agne, and the roll call vote was as follows:

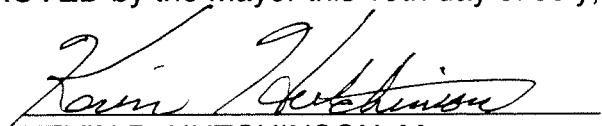
YEAS: Aldermen Ebersohl, Agne, Niemietz, Row, Hejna, Oberkfell, Stumpf, Roessler and Mayor Hutchinson.

NAYS: None.

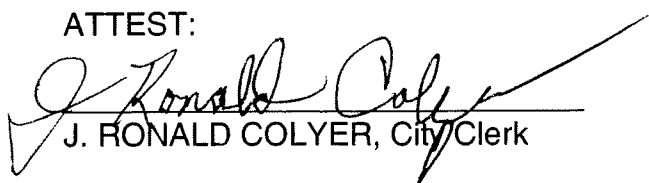
ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 19th day of July, 2010.

  
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KEVIN B. HUTCHINSON, Mayor

ATTEST:

  
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J. RONALD COLYER, City Clerk

(SEAL)