

ORDINANCE NO. 2526

JAN 15 2007

**AN ORDINANCE TO APPROVE THE FINAL SUBDIVISION
PLAT FOR THE BRELLINGER SECOND ADDITION
SUBDIVISION IN THE CITY OF COLUMBIA, MONROE
COUNTY, ILLINOIS**


City Clerk

WHEREAS, the Owner/Developer of the "Brellinger Second Addition Subdivision", being a subdivision of part of Tax Lots #2 and #3 of Section 4, Township 1 South, Range 10 West of the Third Principal Meridian, in the City of Columbia, County of Monroe and State of Illinois has completed and filed with the City Clerk the necessary five (5) copies of the final subdivision plat for the subject subdivision as required by Section 34-3-17 of the City of Columbia, Illinois (the "City") Subdivision Code;

WHEREAS, Section 34-3-1, Subsection (C), and Section 34-5-18, Subsection (B), of the City's Subdivision Code allows the subdivider of a subdivision in the City to post a performance guarantee secured by cash escrow, Insurance Bond or Letter of Credit to guarantee completion of construction of all the capital infrastructure improvements required for the subdivision within two (2) years of the date of final plat approval in lieu of having constructed the infrastructure improvements and said improvements having been inspected by the City, approved for dedication by the City and dedicated to the City prior to final subdivision plat approval;

WHEREAS, the Owner/Developer of the "Brellinger Second Addition Subdivision", the Brellinger Land Trust, (the Trustee of said trust being Dennis R. Brand), has constructed most of the capital infrastructure improvements for the subdivision and has provided to the City a Performance Guarantee Letter of Credit issued by First National Bank of Waterloo in the principal amount of \$15,249.19, same being 125% of the estimated costs to complete the capital infrastructure improvements for the subdivision within the time frame the Subdivision Code requires;

WHEREAS, the Subdivider has provided to the City an easement for a sanitary sewer force main required by the subdivision that is located off the premises of the subdivision which force main may be encroaching on an Illinois Historic Preservation Agency Preservation Covenant protected area and the subdivider has provided to the City a Cooperation Agreement secured by Performance Guarantee which will secure the City that the Preservation Covenant will be redefined to eliminate any such encroachment or the sanitary sewer force main and the easement it is in will be relocated to eliminate the encroachment;

WHEREAS, the Subdivider has acquired and will record Mortgage Subordination Agreements from all lenders who have mortgage liens on the property comprising the subdivision in order to avoid the elimination of the subdivision and the easements and rights-of-way created by the subdivision plat in the event of a mortgage foreclosure;

WHEREAS, the Subdivider has obtained a release of an access easement encumbering the property comprising the subdivision from Farm Credit Services which will be recorded in the Office of the Monroe County, Illinois Recorder on or before the recording of the subdivision plat;

WHEREAS, the Subdivider has provided to the City a Cooperation Agreement secured by Letter of Credit Performance Guarantee to secure the City that the extensions of Brellinger Street and Frost Landing into later additions of the Brellinger Subdivision will be made within three (3) years or permanent cul-de-sacs will be constructed and installed at the termini of said streets at locations adjoining the subdivision;

WHEREAS, CentrePoint Energy-Mississippi River Transmission Corporation has released its blanket gas line easement encumbering the property comprising the subdivision and has defined its easement by recording of a Partial Release and Grant of Right of Way in the office of the Monroe County, Illinois Recorder on May 2, 2006 as Document Number 306146 which redefined easement does not encroach on building lots at potential building locations;

WHEREAS, the subdivision Owner/Developer, Brellinger Land Trust, has paid to the City Clerk the required fees for City Attorney and City Engineer's fees for plat approval as is made and provided for in, and required by, Section 18.55.001 of the City's Salaries and Fees Ordinance No. 2454, enacted April 3, 2006;

WHEREAS, all the requirements of the statutes of the State of Illinois and the ordinances of the City (including Sections 34-3-22 and 34-3-23 of the City's Subdivision Code) relative to the platting and subdivision of property in the City have been complied with by the Brellinger Land Trust as the Owner/Developer of the proposed Brellinger Second Addition Subdivision.

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 subdivision plat entitled "Brellinger Second Addition Subdivision", being a subdivision part of Tax Lots #2 and #3 of Section 4, Township 1 South, Range 10 West of the Third Principal Meridian, Monroe County, Illinois, which is more particularly described as follows, to wit:

A part of Tax Lots # 2 and # 3 of Section # 4, Township 1 South, Range 10 West of the Third Principal Meridian, and also part of Lot # 1 of U.S. Survey # 644, Claim # 501, all in Monroe County, Illinois, reference being made to Pages # 29 and # 116 of the Surveyors Official Plat Record- A,

part of the public record on file in the Monroe County Recorders office, and more particularly described as follows:

Beginning at an old steel stake with aluminum I.D. cap # 1638 that marks the northwest corner of Tax Lot # 2 of the above-referenced Section # 4; thence assuming the bearing of South 89 Degrees, 30 Minutes, 21 Seconds East, along the north line of said Tax Lot # 2, a distance of 697.72 feet to a concrete monument at the most northwest corner of Brellinger subdivision, the final plat of which is on file in the Monroe County Recorders office as Document # 283607, in Envelope # 2-173A; thence along the bounds of the said Brellinger subdivision the following courses and distances; South 04 Degrees, 15 Minutes, 59 Seconds East, a distance of 476.24 feet to an iron bar; thence South 85 Degrees, 44 Minutes, 01 Seconds West, a distance of 150.00 feet to an iron bar; thence South 20 Degrees, 26 Minutes, 47 Seconds West, a distance of 125.65 feet to an iron bar; thence North 69 Degrees, 33 Minutes, 13 Seconds West, a distance of 126.52 feet to an iron bar at the rear corner of Lot # 11 for the referenced Brellinger subdivision; thence departing the subdivision bounds, North 60 Degrees, 27 Minutes, 01 Seconds West, a distance of 99.45 feet to a point on a non-tangential curve; thence along a curve to the Right having a radius of 326.00 feet, a central angle of 08 Degrees, 47 Minutes, 40 Seconds, and a chord of 49.99 feet which bears South 33 Degrees, 56 Minutes, 49 Seconds West, an arc length of 50.04 feet to the Point of Tangency of said Curve; thence South 38 Degrees, 20 Minutes, 39 Seconds West, a distance of 55.26 feet; thence North 51 Degrees, 39 Minutes, 21 Seconds West, a distance of 266.24 feet; thence South 41 Degrees, 23 Minutes, 41 Seconds West, a distance of 93.78 feet; thence North 53 Degrees, 47 Minutes, 03 Seconds West, a distance of 305.30 feet; thence South 55 Degrees, 51 Minutes, 56 Seconds West, a distance of 546.93 feet; thence North 62 Degrees, 01 Minutes, 20 Seconds West, a distance of 250.04 feet to a concrete monument on the northwesterly line of Lot # 1 of U.S. Survey 644, Claim # 501; thence along the said northwesterly line of Lot # 1, North 27 Degrees, 34 Minutes, 13 Seconds East, a distance of 715.70 feet to an iron bar marking the most northerly corner of said Lot # 1 of the U.S. Survey # 644; thence North 89 Degrees, 44 Minutes, 09 Seconds East, a distance of 361.81 feet; thence South 00 Degrees, 15 Minutes, 51 Seconds East, a distance of 27.77 feet; thence North 89 Degrees, 44 Minutes, 09 Seconds East, a distance of 221.39 feet; thence South 02 Degrees, 15 Minutes, 56 Seconds East, a distance of 93.61 feet to the Point of Beginning, containing 18.82 acres, more or less.

is hereby approved and the Mayor is hereby authorized to sign the certificate on the plat acknowledging the City's approval of the plat and the City Clerk is hereby authorized and directed to attest the same and affix thereto the corporate seal of the City.

Section 3. Pursuant to Section 34-6-1 of the City's Subdivision Code, a variance is hereby granted to relieve of strict compliance with Subsections 34-3-1(D) and 34-3-16 of the City's Subdivision Code which prohibit variances by the final subdivision plat from the City approved preliminary plat for subdivision Lots 6, 7, 8, 15 and 16 and the out lot adjoining Lot 9 which were reconfigured for improvement of drainage for the subdivision in accordance with City approved, revised improvement plans for the subdivision resulting in a better site design and land utilization and which the City Council has found and determined and hereby declares not to be a substantial variance.

Section 4. The temporary off-site turn-a-round (i. e., cul-de-sac) and utility easement for the Brellinger Subdivision created by the final plat for said subdivision which is recorded in the Monroe County, Illinois Recorder's Office in Plat Envelope #2-173A, as Document No. 283607 and recorded in the St. Clair County, Illinois Recorder's Office commencing in Book 103, on Page 79, as Document No. A01815871 is hereby released and terminated and rendered for naught.

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

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

YEAS: Aldermen Conrad, Ebersohl, Agne, Niemiets, Unnerstall, Row, Huch and Mayor Hutchinson.

NAYS: None

ABSENT: Alderman Koesterer.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 15th day of January, 2007.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)