

ORDINANCE NO. 2545

APR 16 2007

**AN ORDINANCE TO GRANT AN OCCUPANCY PERMIT
VARIANCE FOR LOT 8 AND RESUBDIVIDED LOT 9 OF
THE ADMIRAL TROST DEVELOPMENT SUBDIVISION**


City Clerk

WHEREAS, the Subdivision Code of the City of Columbia, Illinois (the "City") allows and provides that building permits for lots in a subdivision in the City may be issued by the City's Building Inspector after the final subdivision plat for the subdivision has been recorded in the office of the applicable County Recorder (Subdivision Code Section 34-3-1[D]); however, occupancy permits for buildings on lots in the subdivision may not be issued until all of the infrastructure capital improvements for the subdivision have been constructed and dedicated to the City for public use and benefit;

WHEREAS, Maverick Real Estate Holdings, L.L.C., an Illinois Limited Liability Company, intends to construct a two (2) story office building on Lot 8 and part of Lot 9 (which will be resubdivided by real estate exchange between adjoining lot owners) in the Admiral Trost Development Subdivision in the City and to lease said office building to Maverick Technologies, Inc. as a result of which the City will retain eighty (80) full time equivalent jobs with the probability of Maverick Technologies, Inc. creating an additional twenty (20) full time equivalent jobs within a period of two (2) years after they occupy the office building;

WHEREAS, the final subdivision plat for the Admiral Trost Development Subdivision was conditionally approved by City Ordinance No. 2503 on October 16, 2006, which ordinance required, among other things, that all of the infrastructure capital improvement in the Admiral Trost Development Subdivision must be constructed and installed by June 1, 2007; otherwise, the City may complete the construction of the same utilizing funds provided by a Performance Guarantee Letter of Credit dated October 19, 2006 issued by the First National Bank of Waterloo in the amount of \$256,000.00;

WHEREAS, in order for Maverick Technologies, Inc. to make the commitment required to lease the building that is to be constructed on said Lot 8 and part of Lot 9 of the Admiral Trost Development Subdivision and to keep its business and employment in the City, Maverick Technologies, Inc. needs to be assured that the Maverick Real Estate Holdings, L.L.C., will receive an occupancy permit from the City's Building Inspector once the building has been fully constructed on said property, inspected by the City's Building Inspector and determined to have been constructed in accordance with the Building Codes of the City and thereby eligible for occupancy; and without regard to whether the infrastructure in the subdivision has been fully constructed and dedicated to the City for public use and benefit;

WHEREAS, Section 34-6-1 of the City's Subdivision Code allows the City Council of the City to grant variances or special exceptions from all provisions of the Subdivision Code except Section 34-4-7 (which defines the minimum requirement for a

subdivision lot in the City) including a variance to allow for the occupancy permit involved herein; and,

WHEREAS, in order to assure Maverick Technologies, Inc. that it will be able to occupy and use the office building it needs that is to be constructed on Lot 8 and part of to be resubdivided Lot 9 of the Admiral Trost Development Subdivision once the building on the lot has been fully constructed in compliance with applicable Building Codes and Ordinances of the City, the City Council of the City has found and determined and does hereby declare that it is necessary and appropriate that the City shall enact this Ordinance to grant Maverick Real Estate Holdings, L.L.C., a variance from strict compliance with the City's Subdivision Code to allow Maverick Real Estate Holdings, L.L.C., to obtain an occupancy permit for the building to be constructed on said property in the Admiral Trost Development Subdivision once the building is fully constructed according to applicable Building Codes and notwithstanding there remains at that time infrastructure in the subdivision required to be constructed and dedicated to the City.

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. As is required by Section 34-6-1 of the City's Subdivision Code the City Council hereby finds and declares:

- (1) The subdivider has applied in writing for the above-described variance or special exception regarding the future issuance of an occupancy permit for the Maverick Real Estate Holdings, L.L.C. office building;
- (2) The granting of the variance or exception complies with the purpose declared in Section 34-1-1 of Article I of the Subdivision Code; and,
- (3) In the opinion of the City's City Council, the granting of the variance or exception will afford better site design and land utilization than would losing the Maverick Technologies, Inc. use of the property for the intended purpose.

Section 3. In accordance with the requirements of Section 34-6-1 of the City's Subdivision Code, Maverick Real Estate Holdings, L.L.C., an Illinois Limited Liability Company, is hereby granted a variance to allow said company to obtain an occupancy permit for the office building and parking lot it intends to construct on Lot 8 and part of resubdivided Lot 9 of the Admiral Trost Development Subdivision after said office building has been fully constructed, inspected by the City's Building Inspector and found by the Building Inspector to have been constructed in compliance with the applicable Building Codes of the City and thereby eligible for occupancy. Said occupancy permit

shall be issued notwithstanding infrastructure required for the Admiral Trost Development Subdivision has not been fully constructed and dedicated to the City for public use and benefit at the time the company needs the occupancy permit for the subject building.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

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

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

NAYS: None.

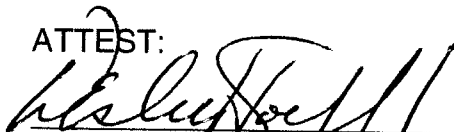
ABSENT: Aldermen Koesterer and Row.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 16th day of April, 2007.



KEVIN B. HUTCHINSON, Mayor

ATTEST:


WESLEY J. HOEFFKEN, City Clerk

(SEAL)