

ORDINANCE NO. 2558

MAY 21 2007

**AN ORDINANCE TO ACCEPT OWNERSHIP BY  
DEDICATION OF THE PUBLIC STREETS, SANITARY  
SEWER SYSTEM, WATER DISTRIBUTION SYSTEM, AND  
STORM SEWER SYSTEM IN THE BRIAR LAKE ESTATES  
PHASE TWO SUBDIVISION IN THE CITY OF COLUMBIA,  
ILLINOIS**

  
City Clerk

WHEREAS, American Heritage Homes, LLC, (the "Developer") is the owner in fee of the property comprising the Briar Lake Estates Phase Two Subdivision, which tract of property is more particularly described in the final subdivision plat for said subdivision which was recorded in the Monroe County, Illinois Recorder's Office in Plat Envelope 2-173A, as document No. 283607 on the 6th days of January, 2004 and recorded in St. Clair County, Illinois Recorder's Office in Book 106 on Pages 12 – 17, as Document No. A01925487;

WHEREAS, the Developer has completed the construction and installation of Autumn Rise Lane and Briar Lake Place in the Briar Lake Estates Phase Two Subdivision; has completed the construction and installation of the sanitary sewerage system, potable public water distribution system, and the storm sewerage system in said subdivision and the same have been inspected by the City Engineer or his designee and have been found to have been constructed and installed in compliance with the requirements of the City of Columbia, Illinois (the "City") Subdivision Code and other applicable Codes and Ordinances of the City;

WHEREAS, the Developer has made and delivered to the City the required Bill of Sale and "As-Built" drawings for the capital infrastructure improvements installed in said subdivision which documents are in good and proper form and have been accepted by the City;

WHEREAS, the Developer has obtained and delivered to the City's Attorney a good and sufficient "Maintenance Guarantee Letters of Credit" issued by Centru Bank, being Letter of Credit No. 195, dated May 3, 2007, in the sum of One Hundred One Thousand Six Hundred Ninety Four and 11/100 Dollars (\$101,694.11), to secure and guarantee performance of required maintenance, repair and replacement of the public infrastructure capital improvements constructed and installed in said subdivision for the ordinance required two (2) year period, which Maintenance Guarantee is required by City ordinance;

WHEREAS, the City has received the required Certificate from the Developer's Engineer indicating the infrastructure capital improvements installed in the Briar Lake Estates Phase Two Subdivision have been installed in accordance with the requirements of the City's Codes and Ordinances, which certification has been approved as to form by the City Engineer; and,

WHEREAS, it is necessary and appropriate that the City Council accept by dedication the ownership of the public infrastructure capital improvements described above for the Briar Lake Estates Phase Two 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 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 City hereby accepts the ownership by dedication of the street improvements for Autumn Rise Lane and Briar Lake Place in the Briar Lake Estates Phase Two Subdivision, being the public streets constructed and installed in the said subdivision, which streets were constructed at the direction of the City by the Developer in the street easements provided therefor which easements are depicted on and were created by the final plat of the subdivision, the Briar Lake Estates Phase Two Subdivision final plat being recorded in the office of the Monroe County, Illinois Recorder in Plat Envelope No. 2-173A, as Document No. 283607 and recorded in the office of the St. Clair County, Illinois Recorder in Book 106 on Pages 12-17 as Document No. A01925487. Said public street pavement, curb and gutter has been constructed and installed in accordance with the Codes and Ordinances of the City pertaining thereto.

**Section 3.** The City hereby accepts by dedication the storm sewers installed in the Briar Lake Estates Phase Two Subdivision for the purpose of the collection, transport and flow of surface and storm waters in said subdivision, which storm sewers have been installed and constructed in the easements created therefor as said public utility easements are depicted on and created by the final plat of the subdivision, said storm sewers having been constructed and installed in accordance with the Codes and Ordinances of the City pertaining thereto.

**Section 4.** The City hereby accepts the ownership by dedication and the maintenance responsibility for the sanitary sewerage system constructed and installed in the Briar Lake Estates Phase Two Subdivision for the collection, transport and treatment of sewerage, which sewerage system was installed and constructed at the direction of the City by the Developer, and was installed in the utility easements provided therefor as depicted on and created by the final plat of the subdivision, with the exception of those lateral pipes which transport the sewerage of a single building into a common sewerage main, commonly known and referred to as a "house service".

**Section 5.** The Performance Guarantee Letter of Credit No. DSC08486, (which was reduced to the sum of Two Thousand Seven Hundred Thirty Eight Dollars [\$2,738.00] by City Ordinance No. 2538, enacted March 19, 2007) issued by Associated Bank and provided to the City by the Developer to secure performance of the construction and

installation of the infrastructure capital improvements aforesaid in the Briar Lake Estates Phase Two Subdivision is hereby released and discharged.

**Section 6.** All ordinances or resolutions, or parts of ordinances or resolutions, in conflict herewith, to the extent of such conflict, are hereby repealed.

**Section 7.** This Ordinance shall be in full force and effect immediately upon its passage and approval, as provided by law.

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

YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Heina, Oberkfell, Stumpf and

Mayor Hutchinson.

NAYS: None.

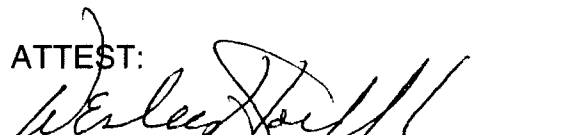
ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 21st day of May, 2007.

  
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KEVIN B. HUTCHINSON, Mayor

ATTEST:

  
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WESLEY J. HOEFFKEN, City Clerk

(SEAL)