

ORDINANCE NO. 2581

AUG - 6 2007


City Clerk

AN ORDINANCE TO AMEND THE SUBDIVISION CODE OF THE CITY OF COLUMBIA, ILLINOIS TO REQUIRE LAND OWNERS AND DEVELOPERS OF LAND LOCATED WITHIN OR WITHIN A ONE AND ONE HALF MILE RADIUS OF SAID CITY TO COMPLY WITH THE REQUIREMENTS OF A PROGRAMMATIC AGREEMENT MADE AND ENTERED INTO BETWEEN THE CITY OF COLUMBIA, ILLINOIS, THE FEDERAL HIGHWAY ADMINISTRATION, THE ILLINOIS DEPARTMENT OF TRANSPORTATION AND OTHER GOVERNMENTAL AGENCIES AND ENTITIES FOR THE PURPOSE OF IMPLEMENTING THE PROTECTION OF SIGNIFICANT ARCHEOLOGICAL SITES

WHEREAS, the City of Columbia, Illinois (the "City") is proposing a new interchange on Federal Highway I-255 and a Business Park Development to be known as the Columbia Crossing Development (the "Project") in northern Monroe County, Illinois, which requires approval from the Federal Highway Administration ("FHWA") and may be funded by FHWA, as the lead Federal agency;

WHEREAS, the FHWA has determined that the proposed Project's Area of Potential Effect (APE) includes an approximate 1,000 acre area adjoining the south and northern borders of Highway I-255 in northern Monroe County, Illinois;

WHEREAS, the Project will be developed and constructed in stages over several years and the City currently proposes the Project's stages in the following sequence:

- (1) Interchange on I-255;
- (2) Public roads and associated rights-of-way within the APE; and,
- (3) Development of subdivision lots within the APE;

WHEREAS, it has been determined that there are archeological sites eligible for listing on the National Register of Historic Places located within the APE;

WHEREAS, additional survey and subsurface testing may lead to the location of additional archeological sites within the APE;

WHEREAS, the FHWA, in consultation with the Illinois Historic Preservation Agency (IHPA) has determined that the development and construction of the Project may have an adverse effect on historic property;

WHEREAS, part of the APE is located within the corporate limits of the City and part of the APE is located outside of the corporate limits of the City but all of APE is located either within or within a one and one-half (1.5) mile radius of the corporate limits of the City;

WHEREAS, the Illinois Municipal Code allows and provides that the Subdivision Code of the City has extraterritorial jurisdictional application in unincorporated area located within one and one-half (1.5) miles of the corporate limits of the City (65 ILCS 5/11-12-6);

WHEREAS, in order to satisfy the requirements of the IHPA and other governmental agencies having jurisdiction over the project, the City intends to make and enter into a Programmatic Memorandum of Agreement with the FHWA, the Illinois Department of Transportation (IDOT) and other applicable governmental agencies and entities to resolve adverse effects to historic properties within the APE; and,

WHEREAS, it is necessary and appropriate that the City enact an amendment to its Subdivision Code in order to insure that the requirements of the Programmatic Memorandum of Agreement (PMOA) are complied with by all property owners and developers seeking to develop property within the APE.

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. ARTICLE VII entitled "DEVELOPMENT AGREEMENTS" of the Subdivision Code of the City of Columbia, Illinois is hereby changed and amended to add thereto Section 34-7-8 to be entitled "MANDATORY AGREEMENTS" to read as follows:

"34-7-8 MANDATORY AGREEMENTS. The owner/developer of any land sought to be subdivided or developed within the "Area of Potential Effect" as defined in that certain "PROGRAMMATIC MEMORANDUM OF AGREEMENT" made and entered into between the City and the Federal Highway Administration, the Illinois Department of Transportation, and other applicable governmental agencies or entities for the construction and development of a Federal highway interchange on Federal Highway I-255 and for development of a business park adjacent thereto to be known as the Columbia Crossing Business Development, prior to and as a condition for subdivision plat approval, infrastructure improvement plan approval or any other building development approval for land located within the "Area of Potential Effect" (APE) shall be required to make and enter into a Development Agreement with the City which agreement shall

include the following basic terms (and such other terms as the City deems necessary in order to obtain compliance with the "Programmatic Memorandum of Agreement" (PMOA):

- I. The land owner/developer shall assume and agree to perform all obligations undertaken by the City in the PMOA with regard to the subdivision and/or development of their property that is located within the APE;
- II. The land owner/developer shall hold the City safe, harmless, free and fully indemnified regarding the land owner/developer performance of the Development Agreement to be made and entered into for enforcement of the PMOA;
- III. The land owner/developer shall provide to the City a good and sufficient "Performance Guarantee" – bond, irrevocable letter of credit, surety bond or other security deemed acceptable by the City in a form to be approved by the City Attorney, in a sum equal to 125% of the City engineer approved estimated cost to comply with the Development Agreement."

Section 3. This Ordinance shall be in full force and effect upon the City making and entering into the "PROGRAMMATIC MEMORANDUM OF AGREEMENT" described above, 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 Ebersohl, and the roll call vote was as follows:

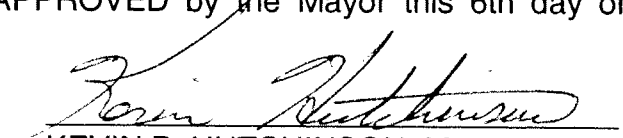
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 6th day of August, 2007.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)