

**CITY OF COLUMBIA, ILLINOIS**

**ORDINANCE NO. 3172**

**AN ORDINANCE TO CONDITIONALLY APPROVE THE  
PRELIMINARY SUBDIVISION PLAT FOR THE FOX RUN ESTATES  
SUBDIVISION IN THE CITY OF COLUMBIA, COUNTY OF MONROE  
AND STATE OF ILLINOIS**

**Adopted by the  
City Council  
of the  
City of Columbia, Illinois  
this 16th day of March, 2015**

**Published in pamphlet form by authority of  
the City Council  
Of the City of Columbia,  
Illinois this 16th day of March, 2015**

MAR 16 2015

**ORDINANCE NO. 3172**

  
City Clerk

**AN ORDINANCE TO CONDITIONALLY APPROVE THE  
PRELIMINARY SUBDIVISION PLAT FOR THE FOX RUN  
ESTATES SUBDIVISION IN THE CITY OF COLUMBIA,  
COUNTY OF MONROE AND STATE OF ILLINOIS**

WHEREAS, the owner/developer of the "Fox Run Estates Subdivision" being part a Part of U.S. Survey 644, Claim 501, Township 1 South, Range 10 West of the Third Principal Meridian, City of Columbia, Monroe County, Illinois has completed and filed with the City Clerk the necessary four (4) Copies of the Preliminary Subdivision Plat for the subject subdivision dated November 14, 2014 and revised on February 18, 2015 and revised on March 9, 2015, as required by Section 34-3-2 of the City of Columbia, Illinois (the "City) Subdivision Code;

WHEREAS, all of the requirements of the statutes of the State of Illinois and the Ordinances of the City (including Section 34-3-7 of the City's Subdivision Code) relative to preliminary subdivision platting of land located in the City have been complied with by the "Admiral Parkway, Inc.", as the owner/subdivider of the proposed "Fox Run Estates Phase One and 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 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 preliminary subdivision plat entitled "Fox Run Estates", as revised March 9, 2015 being a Part of U.S. Survey 644, Claim 501, Township 1 South, Range 10 West of the Third Principal Meridian, City of Columbia, and Monroe County, Illinois which is more particularly described as follows, to wit:

Part of U.S. Survey 644, Claim 501, Township 1 South, Range 10 West of the Third Principal Meridian, City of Columbia, Monroe County, Illinois, being more particularly described as follows:

Beginning at an iron pin found which marks the most northerly corner of "Columbia Lakes III ~ Phase 3", reference being had to the plat thereof recorded in the Recorder's Office of Monroe County, Illinois, in Envelope 2-185B; thence at an assumed bearing of South 74°05'13" West, along the northerly line of "Columbia Lakes III ~ Phase 3", a distance of 283.90 feet; thence continuing along the northerly line of "Columbia Lakes III

~ Phase 3", the following courses and distances: South 48°44'09" West, a distance of 142.91 feet to an iron pin found; thence South 70°09'00" West, a distance of 122.62 feet to a concrete monument found which marks the northwest corner of "Columbia Lakes III ~ Phase 3" and the northeast corner of "Columbia Lakes III ~ Phase 2", reference being had to the plat thereof recorded in the Recorder's Office of Monroe County, Illinois, in Envelope 2-167A; thence along the northerly line of "Columbia Lakes III ~ Phase 2", the following courses and distances: South 78°35'03" West, a distance of 112.96 feet; thence North 66°05'05" West, a distance of 652.18 feet to an iron pin found which marks the northwest corner of "Columbia Lakes III ~ Phase 2" and lies on east line of "Diehl Subdivision", reference being had to the plat thereof recorded in the Recorder's Office of Monroe County, Illinois, in Envelope 83-A; thence North 24°47'40" East, along the east line of "Diehl Subdivision", a distance of 149.04 feet to a pipe found which marks the southwest corner of Lot 2 of "Diehl Subdivision Plat 2", reference being had to the plat thereof recorded in the Recorder's Office of Monroe County, Illinois, in Envelope 113-A; thence South 69°17'39" East, along the south line of Lot 2 of "Diehl Subdivision Plat 2" and the easterly extension thereof, a distance of 234.32 feet to a pinched pipe found; thence North 23°44'46" East, a distance of 227.91 feet to an iron pin found; thence North 29°03'51" East, a distance of 304.48 feet to an iron pin found; thence North 71°16'40" West, a distance of 50.25 feet to a pinched pipe found; thence North 07°40'32" East, a distance of 141.37 feet to a pinched pipe found; thence North 71°06'53" West, a distance of 294.40 feet to an iron pin found which lies on the east line of a tract of land conveyed to Harold A. Diehl and Helen Diehl by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 71 on page 93; thence North 12°41'48" East, along the east line of said Diehl tract, a distance of 227.77 feet to an iron pin found which marks the northeast corner of said Diehl tract; thence North 88°38'44" West, along the north line of said Diehl tract, a distance of 120.00 feet to an iron pin found which marks the northwest corner of said Diehl Tract and the northeast corner of a tract of land conveyed to Russell Y. Horsley and Darlene J. Horsley by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 118 on page 13; thence South 79°49'56" West, a distance of 115.16 feet to a survey marker found which marks the northwest corner of said Horsley tract and the northeast corner of a tract of land conveyed to Ella Diehl Land Trust by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 152 on page 316; thence South 79°49'56" West, along the north line of said Ella Diehl Land Trust tract, a distance of 206.91 feet to a point which lies on easterly right-of-way of F.A. Route 4 (a.k.a. Old Route 3); thence North 14°01'47" East, along the easterly right-of-way of F.A. Route 4 (a.k.a. Old Route 3), a distance of 124.39 feet to a point which lies on the south line of a tract of land conveyed to Thomas Bachelier by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 205 on page 421; thence North 79°48'28" East, along the southerly line of said Bachelier tract, a distance of 298.62 feet to an iron pin found; thence South 19°21'36" East, a distance of 64.41 feet to a Point of Curvature; thence along a curve to the right having a radius of 200.00 feet, a central angle of 40°45'46" and a chord of 139.31 feet which bears South 79°47'11" East, an arc length of 142.29 feet to the Point of Tangency of said curve; thence South 59°24'18" East, a distance of 282.39 feet to a Point of Curvature; thence along a curve to the left having a

radius of 2379.00 feet, a central angle of 02°23'03" and a chord of 98.98 feet which bears South 60°35'50" East, an arc length of 98.99 feet to the Point of Tangency of said curve; thence South 61°47'21" East, a distance of 194.85 feet; thence North 06°26'04" East, a distance of 16.07 feet to an iron pin found which lies on the northerly line of U.S. Survey 644, Claim 501; thence South 61°48'41" East, along the northerly line of U.S. Survey 644, Claim 501, a distance of 561.22 feet to an iron pin found; thence South 11°09'30" West, a distance of 539.88 feet to the Point of Beginning, containing 21.1 acres, more or less.

Is hereby approved by the City's City Council. The Mayor is hereby authorized and directed to sign the certificate on the revised preliminary plat acknowledging the City's approval of the preliminary plat and the City's City Clerk is hereby authorized and directed to attest the same upon the owner/subdivider of the subdivision having remitted payment to the office of the City Clerk of all fees and costs due in connection with preliminary subdivision plat approval for the City's services.

**Section 3.** The subdivider is hereby granted a variance from strict compliance with Section 34-4-3 (I) of the City's Subdivision Code which requires dead end drives provide adequate turn around facilities, which the designed turn around for Skyline Drive is as designated on the revised March 9, 2015 preliminary plat. In granting this variance, in accordance with the requirements of Section 34-6-1 of the City's Subdivision Code, the City's City Council has found and does hereby declare as follows:

1. The subdivider applied for this variance in writing;
2. The variance 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, this turn around facility will afford better design and land utilization.

**Section 4.** In accordance with the provisions of Section 34-3-13 of the City's Subdivision Code, the subdivider is now authorized to proceed with the preparation of the required improvement plans for the physical infrastructure capital improvements to be installed in the subdivision for the City Council approval, followed by the construction and installation of said infrastructure improvements in the subdivision. Alternatively, the subdivider is entitled to proceed with the preparation of the improvement plans for physical infrastructure capital improvements to be installed in the subdivision for City Council approval followed by the subdivider posting with the City a Performance guarantee to secure construction and installation of the infrastructure improvements within a period of two (2) years, followed by the preparation of a final subdivision plat for the subdivision for City Council approval prior to installation of the infrastructure improvements in the subdivision.

**Section 5.** In connection with final subdivision plat approval for the subject subdivision, prior to as a condition for final subdivision plat approval, the subdivider will be required to do and perform the following:

1. Provide to the City a good and sufficient “Bill of Sale”, in form to be approved by the City Attorney, to evidence the transfer of ownership to the City of the capital infrastructure improvements in the subdivision or, in the alternative thereto, provide to the City a Performance Guarantee in form to be approved by the City Attorney, to secure the construction of the infrastructure improvements in the subdivision in compliance with the City approved improvement plans.
2. Provide the City with a two (2) year term Maintenance Guarantee for the subdivision infrastructure improvements installed in the subdivision by the developer prior to the final subdivision plat approval, in a form to be approved by the City Attorney.
3. Provide to the City a good and sufficient Engineer’s Certificate, from an Illinois licensed professional engineer, in form to be approved by the City’s administrative staff, certifying that the infrastructure improvements for the subdivision have been installed in compliance with approved improvement plans, with applicable City Codes and Ordinances, if the infrastructure improvements are installed prior to the final plat approval.
4. Provide to the City “as-built” drawings for the infrastructure improvements installed in the subdivision prior to the final subdivision plat approval, as required by Section 34-3-15 of the City’s Subdivision Code, if the infrastructure improvements are installed prior to final subdivision plat approval.
5. The notes on the final subdivision plat for the subject subdivision shall include a note which requires the following:
  - A. Due to the shrink-swell potential of soils on the premises of the subdivision, the developer will be required for building construction to use reinforced foundations and widened trenches, and to backfill trenches with suitable coarse material to prevent structural damage caused by shrinking and swelling.
  - B. To avoid on-site erosion, the developer will be required to limit the removal of plant cover to those sites under active erosion and sedimentation and shall be required to seed or sod all disturbed areas as soon as possible after completion of construction.

- C. Install tile drains along the base of foundations to lower seasonal high water table.

**Section 6.** This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Alderman Huch 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, Roessler, Huch, Mathews, Reis and Holtkamp.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED this 16<sup>th</sup> day of March, 2015.

  
\_\_\_\_\_  
KEVIN B. HUTCHINSON, Mayor

ATTEST:

  
\_\_\_\_\_  
WESLEY J. HOEFFKEN, City Clerk

(SEAL)