

FEB 02 2009

ORDINANCE NO. 2706

**AN ORDINANCE FOR CONDITIONAL APPROVAL OF THE
FINAL SUBDIVISION PLAT FOR THE COLUMBIA LAKES IV
SUBDIVISION IN THE CITY OF COLUMBIA, ILLINOIS**

Wiley J. Jeffers
City Clerk

WHEREAS, Columbia Lakes Development, L. L. C., a Missouri Limited Liability Company, as the Developer/Subdivider of the proposed Columbia Lakes IV Subdivision in the City of Columbia, Illinois (the "City") has submitted to the City the required five (5) copies of its final subdivision plat for approval by the City Council;

WHEREAS, all of the capital infrastructure improvements in the proposed Columbia Lakes IV Subdivision have been constructed and installed by the Developer and have been inspected by the City Maintenance Department and there are replacements and repairs to certain of those infrastructure improvements required before the City can accept the ownership and maintenance thereof;

WHEREAS, even date herewith the City Council of the City has approved the second preliminary subdivision plat for the Columbia Lakes IV subdivision which preliminary plat was required to be revised because the final plat was not submitted for approval within one (1) year after the preliminary subdivision plat approval and due to the final plat having substantially deviated from the approved preliminary plat because of the elimination of building lots in the final plat submittal as a result of the discovery of a household waste dump site at the property proposed to comprise the subdivision, which proposed subdivision comprises 18.56 acres, and 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 THE IRON PIN WHICH MARKS THE SOUTHEAST CORNER OF LOT 223 OF "COLUMBIA LAKES III ~ PHASE 4", REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF MONROE COUNTY, ILLINOIS, IN ENVELOPE 2-188A; THENCE ALONG THE EASTERLY LINE OF "COLUMBIA LAKES III - PHASE 4", THE FOLLOWING COURSES AND DISTANCES: AN ASSUMED BEARING OF NORTH 28°22'11" EAST, A DISTANCE OF 120.36 FEET TO AN IRON PIN SET; THENCE NORTH 61°37'49" WEST, A DISTANCE OF 151.99 FEET TO AN IRON PIN SET; THENCE NORTH 28°22'11" EAST, A DISTANCE OF 109.98 FEET TO AN IRON PIN SET; THENCE NORTH 15°06'48" EAST, A DISTANCE OF 50.84 FEET TO AN IRON PIN SET BEING A POINT OF CURVATURE; THENCE ALONG A

CURVE TO THE LEFT HAVING A RADIUS OF 185.00 FEET, A CENTRAL ANGLE OF 32°28'29" AND A CHORD OF 103.46 FEET WHICH BEARS NORTH 82°12'45" WEST, AN ARC LENGTH OF 104.86 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 23°42'04" WEST, A DISTANCE OF 244.74 FEET TO A POINT; THENCE NORTH 08°29'54" WEST, A DISTANCE OF 50.91 FEET TO A POINT; THENCE NORTH 36°35'51" WEST, A DISTANCE OF 173.89 FEET TO A CONCRETE MONUMENT SET; THENCE NORTH 00°19'04" WEST, A DISTANCE OF 29.81 FEET TO AN IRON PIN FOUND WHICH MARKS THE NORTHEAST CORNER OF LOT 246 OF "COLUMBIA LAKES III - PHASE 4", ALSO BEING THE SOUTHEAST CORNER OF LOT 247 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 ALONG THE EASTERLY LINE OF "COLUMBIA LAKES III - PHASE 3", THE FOLLOWING COURSES AND DISTANCES: NORTH 00°19'04" WEST, A DISTANCE OF 92.00 FEET TO AN IRON PIN SET; THENCE NORTH 08°03'39" WEST, A DISTANCE OF 51.77 FEET TO AN IRON PIN SET BEING A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 06°49'48" AND A CHORD OF 62.55 FEET WHICH BEARS NORTH 87°11'43" WEST, AN ARC LENGTH OF 62.58 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 00°36'37" WEST, A DISTANCE OF 130.32 FEET TO AN IRON PIN SET WHICH MARKS THE NORTHEAST CORNER OF LOT 248 OF "COLUMBIA LAKES III - PHASE 3"; THENCE SOUTH 80°25'49" EAST, DEPARTING THE EASTERLY LINE OF "COLUMBIA LAKES III - PHASE 3", A DISTANCE OF 1219.42 FEET TO AN IRON PIN SET; THENCE SOUTH 27°35'53" EAST, A DISTANCE OF 1286.46 FEET TO A CONCRETE MONUMENT SET; THENCE NORTH 61°37'49" WEST, A DISTANCE OF 245.50 FEET TO AN IRON PIN FOUND WHICH MARKS THE SOUTHEAST CORNER OF 221 OF "COLUMBIA LAKES III - PHASE 5", REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF MONROE COUNTY, ILLINOIS, IN ENVELOPE 2-211A; THENCE NORTH 01°31'05" EAST, ALONG THE EAST LINE OF "COLUMBIA LAKES III - PHASE 5", A DISTANCE OF 167.73 FEET TO THE POINT OF BEGINNING, CONTAINING 18.56 ACRES, MORE OR LESS.

WHEREAS, the City Engineer and the City Attorney have reviewed the Columbia Lakes IV final subdivision plat and are recommending conditional approval thereof as is in this Ordinance made and provided.

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 Columbia Lakes IV final subdivision plat submittal dated January 7, 2009, is approved subject to compliance with the following conditions (the Mayor and the City Clerk to withhold signature from the final plat until all of the conditions hereinafter recited have been satisfied, done and performed by the Subdivider/Developer):

(1) Receipt by the City Engineer of the “as-built” drawings for the capital infrastructure improvements installed in the subdivision, in a form satisfactory to the City Engineer;

(2) Receipt of the following by the City Attorney, in a form approved by the City Attorney, to wit:

(A) A copy of the Mortgage Subordination Declaration (or Agreement) from First National Bank of St. Louis to be recorded with the final subdivision plat for the Columbia Lakes IV Subdivision for all mortgages creating liens on the property comprising the subdivision;

(B) Cooperation Agreements secured by Letter of Credit Performance Guarantee in the sum of \$19,030.00 for Dead Ending of Jennifer Court in the adjoining Columbia Lakes III, Phase 4 Subdivision;

(C) Cooperation Agreement secured by Letter of Credit Performance Guarantee in the sum of \$41,360.00 for the making of infrastructure repairs and/or replacements in the Columbia Lakes IV Subdivision;

(D) Cooperation Agreement secured by Letter of Credit Performance Guarantee in the sum of \$50,000.00 for performance of a Silt Removal and Control Plan in the Columbia Lakes IV Subdivision for the protection of the adjacent Columbia Sportsman’s Club property;

(E) Recording in the Office of the Monroe County, Illinois Recorder of a Quit Claim Deed from Columbia Lakes Development, L.L.C., a limited liability company, to the Columbia Lakes III and Columbia Lakes IV Homeowners Associations of the right of way for Jennifer Court in the Columbia Lakes III, Phase 4 Subdivision, automatically and by operation of law, upon the vacation of said street right of way by the City;

(F) Vacation of the right of way for Jennifer Court in the Columbia Lakes III, Phase 4 Subdivision in the City by the City of Columbia, Illinois enacting an

appropriate ordinance for the same and recording said ordinance in the Office of the Monroe County, Illinois Recorder;

(G) Recording in the Office of the Monroe County, Illinois Recorder a copy of the Soil and Gas Investigation Report of MACTEC, for the Columbia Lakes IV Subdivision and other property, dated October 27, 2008 (same to be referenced in the notes on the final plat for the Columbia Lakes IV Subdivision);

(H) Recording in the Office of the Monroe County, Illinois Recorder a copy of the October 7, 2008 letter from Stephen F. Nightingale, P.E., Manager of the Permit Section of the Illinois Environmental Protection Agency (same to be referenced in the notes on the plat);

(I) Obtaining of a Temporary Construction Easement or Permit or other appropriate written authorization from the Columbia Sportsman's Club to authorize the subdivider/developer of the Columbia Lakes IV Subdivision to have free and unobstructed access to the Columbia Sportsman's Club property for performance of the Silt Removal and Control Plan for the duration of said plan;

(J) The dedication of ownership of the infrastructure improvements in the Columbia Lakes IV Subdivision to the City, the receipt of a good and sufficient Bill of Sale for the same, and the posting of an Infrastructure Maintenance Guarantee Letter of Credit from First National Bank of St. Louis in the sum of \$167,120.00 to secure maintenance and repair of said capital infrastructure improvements for a period of two (2) years following dedication of ownership of the improvements to the City shall be postponed until the repairs and/or replacements required by the Cooperation Agreement mentioned in subparagraph (2)(C) above have been completed, inspected and approved by the City for ownership by the City;

(K) Receipt of a good and sufficient Engineer's Certification that all of the infrastructure improvements in the Columbia Lakes IV Subdivision have been constructed and installed in compliance with the requirements of the City's Subdivision Code and the other applicable codes and ordinances of the City after the repairs and replacements referred to above have been made and completed;

(L) Full payment and reimbursement due the City for the City attorneys' fees and City engineer's fees incurred in connection with this matter, including the plat approvals for the Columbia Lakes IV Subdivision and the vacation of Jennifer Court in the Columbia Lakes III, Phase 4 Subdivision; and,

(M) Compliance with any other requirements of the City Attorney or the City Engineer required for subdivision plat approval.

Section 3. The Mayor and the City Clerk shall withhold signing of the final plat pending being advised by the City Attorney and the City Engineer that the above-mentioned conditions for subdivision plat approval have been satisfied, done and performed by the Subdivider/Developer of the subdivision.

Section 4. 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 Oberkfell, 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.

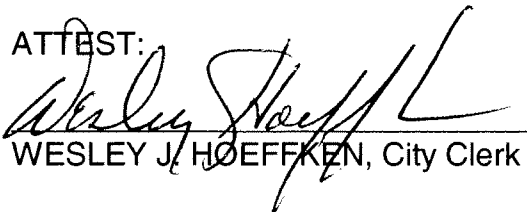
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 2nd day of February, 2009.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)