

OCT 19 2009

J. Ronald Colyer
City Clerk

ORDINANCE NO. 2751

**AN ORDINANCE TO APPROVE THE FINAL SUBDIVISION
PLAT FOR THE BRELLINGER THIRD ADDITION
SUBDIVISION IN THE CITY OF COLUMBIA AND
MONROE COUNTY, ILLINOIS**

WHEREAS, the Owner/Developer of the "Brellinger Third Addition Subdivision", being a subdivision of part of Tax Lot #3, of Fractional Section 4, Township 1 South, Range 10 West of the Third Principal Meridian, in the City of Columbia, County of Monroe and State of Illinois has completed and filed with the City Clerk the necessary five (5) copies of the final subdivision plat for the subject subdivision as required by Section 34-3-17 of the City of Columbia, Illinois (the "City") Subdivision Code;

WHEREAS, the Owner/Developer of the "Brellinger Third Addition Subdivision", the Brellinger Land Trust, (the Trustee of said land trust being Dennis R. Brand), has constructed all of the capital infrastructure improvements for the subdivision which infrastructure improvements have been inspected by the City's Department of Public Works employees responsible for the same and having been found to have been constructed and installed in compliance with the City's applicable codes and ordinances can be accepted for dedication to the City by the City's City Council;

WHEREAS, the Owner/Developer has provided to the City the required Maintenance Guarantee Letter of Credit issued by First National Bank of Waterloo in the principal amount of \$189,824.00, same being 25% of the estimated costs to maintain and make any needed repairs to the capital infrastructure improvements in the subdivision for the period of two (2) years following acceptance of dedication of ownership of said capital infrastructure improvements by the City's City Council;

WHEREAS, the Subdivider has acquired and will record a Mortgage Subordination Agreement from First National Bank of Waterloo as the sole lender who has a mortgage lien on the property comprising the subdivision in order to avoid the elimination of the subdivision and the easements and rights-of-way created by the subdivision plat in the event of a mortgage foreclosure;

WHEREAS, the subdivision Owner/Developer, Brellinger Land Trust, has paid to the City Clerk the required fees for City Attorney and City Engineer professional services for preliminary and final plat approvals by the Columbia City Council, as is made and provided for in, and required by the City's Salaries and Fees Ordinance or the Owner/Developer will pay the same before the Mayor and the City Clerk will sign the plats thereby enabling the Owner/Subdivider to record the final subdivision plat in the office of the Monroe County Recorder and conclude the creation of the subdivision;

WHEREAS, all the requirements of the statutes of the State of Illinois and the ordinances of the City (including Sections 34-3-22 and 34-3-23 of the City's Subdivision Code) relative to the platting and subdivision of property in the City have been complied

with by the Brellinger Land Trust as the Owner/Developer of the proposed Brellinger Third Addition 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 subdivision plat entitled "Brellinger Third Addition Subdivision", being a subdivision of part of Tax Lot #3, of Fractional Section 4, Township 1 South, Range 10 West of the Third Principal Meridian, Monroe County, Illinois, which is more particularly described as follows, to wit:

Part of Tax Lot 3 of Fractional Section 4, Township 1 South, Range 10 West of the Third Principal Meridian, City of Columbia, Monroe County, Illinois being more particularly described as follows:

Commencing at the steel stake with aluminum cap stamped #1638 which marks the Southwest corner of Tax Lot 5 of Fractional Section 4, Township 1 South, Range 10 West of the Third Principal Meridian; thence at an assumed bearing of North 02°15'56" West, a distance of 93.62 feet to an iron bar which marks the Point of Beginning of the herein described tract of land, said iron bar also being the Northeast corner of Lot 5 of "Brellinger Second Addition Subdivision" as recorded in the Recorder's Office of Monroe County, Illinois in Envelope 2-233A; thence along the North line of "Brellinger Second Addition Subdivision", the following courses and distances: South 89°44'09" West, a distance of 221.39 feet to an iron bar; thence North 00°15'51" West, a distance of 27.77 feet to a point; thence South 89°44'09" West, a distance of 361.81 feet to an iron bar which marks the Northwest corner of Tax Lot 1 of U.S. Survey 644, Claim 501; thence departing the North line of "Brellinger Second Addition Subdivision", North 62°04'17" West, along the North line of U.S. Survey 644, Claim 501, a distance of 611.16 feet to the Southwest corner of Tax Lot 3 of Fractional Section 4; thence North 02°01'29" West, along the West line of Tax Lot 3 of Fractional Section 4, a distance of 1090.87 feet to the Northwest corner of Tax Lot 3 of Fractional Section 4 from which an iron bar lies South 02°01'29" East, a distance of 0.17 feet, said point also lying on the South line of U.S. Survey 429, Claim 1800; thence South 70°51'34" East, along the South line of U.S. Survey 429, Claim 1800, a distance of 1227.49 feet to a spike nail which marks the Northeast corner of Tax Lot 3 of Fractional Section 4; thence South 05°04'52" West, a distance of 274.44 feet to a point; thence South 00°23'38" West, a distance of 140.60 feet to a point; thence South 03°08'04" East, a distance of 136.49 feet to a point; thence South 03°39'47" East, a distance of

186.28 feet to a point; thence South 01°30'11" East, a distance of 177.29 feet to a point; thence South 02°19'47" East, a distance of 70.41 feet to a point; thence South 02°15'56" East, a distance of 15.32 feet to the Point of Beginning, containing 28.61 acres more or less,

is hereby approved. Upon the Owner/Developer paying the reimbursement due the City for the City Attorney and the City Engineer professional services rendered in connection with the approval of the preliminary and final plats for the subdivision, the Mayor is authorized to sign the certificate on the plats acknowledging the City's approval of the plats and the City Clerk is hereby authorized and directed to attest the same and affix thereto the corporate seal of the City.

Section 3. The City infrastructure improvements in the subdivision having been inspected and approved for acceptance of dedication by the City's Department of Public Works employees responsible for the same and the City having received the required Bill of Sale to transfer ownership of the same to the City and Maintenance Guarantee Letter of Credit to secure the maintenance and repair of the same by the Owner/Developer for a period of two (2) years after the dedication of the same to the City, the City hereby and herewith accepts dedication of the ownership of the capital infrastructure improvements in the subdivision, including: Streets surfacing, Sanitary Sewers, Potable Water Distribution System and Storm Sewers.

Section 4. The Mayor and the City Clerk shall withhold signing of and affixing of the corporate seal of the City to the preliminary and final subdivision plats until such time as the Owner/Developer has paid to the City the reimbursement due the City for the City Attorney and the City Engineer professional services rendered in connection with approval of the preliminary and final subdivision plats for the subdivision if the same has not been paid prior to the enactment of this ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage, as provided by law.

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

YEAS: Aldermen Ebersohl, Niemietz, Row, Hejna, Oberfell, Stumpf and Roessler.

NAYS: None.

ABSENT: Alderman Agne.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor Pro Tem this 19th day of October, 2009.

Eugene J. Ebersohl
EUGENE J. EBERSOHL, Mayor Pro
Tem

ATTEST:

J. Ronald Colyer
J. RONALD COLYER, City Clerk

(SEAL)