

CITY OF COLUMBIA, ILLINOIS
ORDINANCE NO. 3680

**AN ORDINANCE AMENDING CHAPTER 16.03 OF THE COLUMBIA MUNICIPAL
CODE TO AMEND REQUIREMENTS PERTAINING TO FINAL PLATS
OF LAND SUBDIVISIONS**

WHEREAS, the City of Columbia (“City”), Monroe and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, pursuant to Section 11-12-5 of the Illinois Municipal Code (65 ILCS 5/11-12-5), the Corporate Authorities of the City are granted the authority to adopt an official comprehensive plan (“Plan”), establishing reasonable requirements with reference to streets, alleys, public grounds, and other improvements; and

WHEREAS, said Plan may be made applicable to land situated within the corporate limits of the City and contiguous territory not more than one and one-half miles beyond the corporate limits of the City and not included in any municipality; and

WHEREAS, said Plan may be implemented by ordinances establishing reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements; and

WHEREAS, Title 16 of the Columbia Municipal Code (“Code”) enumerates certain standards for design referenced herein, as well as filing requirements for instruments pertaining to the subdivision and resubdivision of unimproved land situated within the corporate limits of the City and contiguous territory not more than one and one-half miles beyond the corporate limits of the City and not included in any municipality; and

WHEREAS, the Corporate Authorities of the City find it is in the public interest to amend said Title 16 of the Code to clarify the City’s roles and responsibilities in reviewing and improving certain stormwater/drainage requirements as part of the subdivision process.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Columbia, Illinois as follows:

Section 1. The preceding recitations in the upper part of this Ordinance are realleged, restated and adopted as paragraph one (“1”) of this Ordinance.

Section 2. Section 23 of Article III of Title 16 of the Columbia Municipal Code shall be amended to add subsection S., which shall read as follow:

16.3.23. Additional data required.

In addition, the final plat shall portray or present the following plat data:

- S. In addition to all certifications required by the Illinois Plat Act (765 ILCS 205/) and those mandated elsewhere in this Title, a Drainage Disclaimer, certified by the owners in fee of all property embraced within the final plat, shall be included to read as follows:

DRAINAGE DISCLAIMER

The acceptance of this Plat by the City of Columbia, Illinois does not transfer ownership of nor obligate the City to perform any maintenance on any surface or subsurface drainage easement, storm water drainage way, structure, or improvement in this subdivision. It is the intent of the subdivider that the property owners shall maintain that part of any drainage easement or drainage way lying within the boundary of their property, or that the lot owners in the subdivision will establish a property owners' association to provide for the maintenance of drainage easement and drainage ways lying within the boundaries of the subdivision.

The City shall have the right, but not the obligation, after thirty (30) days' written notice to the property owners' association or the property owner, as the case may be, to perform any maintenance, repair, or replacement work that, in the reasonable opinion of the City Council, the property owners' association or the property owner, as the case may be, has neglected to perform on all or part of the drainage easements, storm water drainage ways, structures, or improvements in the subdivision. The City shall have the right to assess the membership of the property owners' association, or the property owner, as the case may be, for the work, together with interest and the cost of collection, including legal fees and administrative expenses. The City shall have the right to file a lien against the owner or owners of the property for failure to pay any amount so charged, which lien shall be subordinate to the lien of any pre-existing mortgage recorded against such property, and to foreclose such lien in the manner provided for the foreclosure of statutory mortgage liens or statutory mechanics liens.

It is acknowledged that the City of Columbia assumes no liability for improperly designed or constructed drainage facilities. Although the City reviews drainage plans, it is understood such reviews do not guarantee final drainage design is free from defects. Approval of a final plat by the City does not absolve the applicant, owner, developer, their successors, or assigns from liability due to improper design and/or construction of associated drainage improvements. City approval of a final plat does not imply acceptance of the drainage design associated with said plat.

Section 3. All ordinances, resolutions, or orders of the City in conflict herewith, to the extent of such conflict, are hereby repealed.

Section 4. This Ordinance shall take full force and effect from and after the date of its passage and approval, as provided by law.

PASSED by the City Council and **APPROVED** by the Mayor of the City of Columbia, Illinois and deposited and filed in the office of the City Clerk on the 3rd day of September, 2024, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: Aldermen Niemietz, Huch, Holtkamp, Riddle, Khoury, Lawlor, Nobbe, and Hitzemann.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:



BOB HILL, Mayor

ATTEST:



DEREK REICHERT, City Clerk

(SEAL)