

CITY OF COLUMBIA, ILLINOIS
ORDINANCE NO. 3692

AN ORDINANCE AUTHORIZING FIRST AMENDMENT TO THE MUNICIPAL SERVICES AGREEMENT FOR THE PROVISION OF CITY OF COLUMBIA WATER SERVICE TO CERTAIN PROPERTY LOCATED IN UNINCORPORATED MONROE COUNTY

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, Hillcrest Properties, LLC (“Owner”), a validly existing Limited Liability Company organized under the laws of the State of Illinois, is record owner of a parcel of land assigned Monroe County PIN #07-02-100-003-000 located at 8787 Rickhouse Road (“Property”); and

WHEREAS, on January 21, 2025, the Corporate Authorities passed and approved Ordinance No. 3690, authorizing a Municipal Services Agreement between the City and Owner pertaining to water service intended to serve Property; and

WHEREAS, following the execution of said Municipal Services Agreement, it became necessary to make certain revisions to the planned alignment and source of the water utility intended to serve Property; and

WHEREAS, Section 2-2-12 of the Illinois Municipal Code (65 ILCS 5/2-2-12) grants the City the authority to contract and be contracted with; and

WHEREAS, pursuant to the terms of a certain Service Area Agreement between the City and the Fountain Water District, the City has the option to purchase the Fountain Water District facilities installed in an area defined by said Service Area Agreement; and

WHEREAS, in June, 2022, the City notified Fountain Water District of its intent to exercise said option; and

WHEREAS, the Property provides the ability for the City to access certain facilities contemplated by said Service Area Agreement to be transferred to the City; and

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution provides that units of local government may use their credit, revenues, and other resources to pay costs and to service debt related to intergovernmental activities; and

WHEREAS, in order to access said facilities, certain easements are required to be dedicated to the City;

WHEREAS, the Corporate Authorities of the City have determined it is in the best interests of the City that this First Amendment to the Municipal Services Agreement be

approved, and Owner be reimbursed for certain costs in exchange for the granting of necessary easements.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Columbia, 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 First Amendment to the Municipal Services Agreement between the City of Columbia and Hillcrest Properties, LLC, attached hereto as Exhibit A, is hereby approved.

Section 3. The Mayor is hereby authorized and directed to execute the Agreement on behalf of the City, and the City Clerk is hereby authorized and directed to attest to the same.

Section 4. Upon execution of necessary documentation granting the necessary easements to the City of Columbia, as contemplated by the First Amendment to the Municipal Services Agreement, along with any other documentation required, the Director of Finance, with the concurrence of the City Administrator, is authorized to issue payment to Owner.

Section 5. The City Clerk is hereby directed to record a copy of this Ordinance in the Office of the Monroe County Clerk & Recorder.

Section 6. This Ordinance shall be in 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 March, 2025, the vote being taken by ayes and noes and entered upon the legislative record as follows:

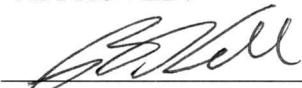
AYES: Alderman Niemietz, Huch, Holtkamp, Riddle, Khouri, Lawlor, Nobbe, and Hitzemann.

NOES: None.

ABSTENTIONS: None.

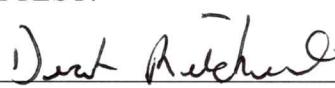
ABSENT: None.

APPROVED:



BOB HILL, Mayor

ATTEST:



DEREK REICHERT, City Clerk

(SEAL)