

NOV 21 2011

J. Ronald Colyer
City Clerk

ORDINANCE NO. 2909

**AN ORDINANCE FOR CONDITIONAL APPROVAL OF THE
THIRD PRELIMINARY SUBDIVISION PLAT FOR THE
VILLAGE OF WERNINGS SUBDIVISION IN THE CITY OF
COLUMBIA, ILLINOIS**

WHEREAS, Section 11-12-8 of the Illinois Municipal Code (65 ILCS 5/11-12-8) provides and requires that a subdivider must submit an application for approval of a final subdivision plat for a proposed subdivision within one (1) year after the preliminary plat approval has been granted by an Illinois Municipality (along with such supporting drawings, specifications and bond as may be necessary to demonstrate compliance with all requirements of the Illinois Municipal Code and the regulations of the municipality created by the ordinances of the municipality);

WHEREAS, said Section 11-12-8 of the Illinois Municipal Code (65 ILCS 5/11-12-8) also provides and allows that an applicant for final subdivision plat approval may elect to have final approval of a geographic part or parts of the subdivision that received preliminary plat approval, and may delay application for final approval of another part or other parts until a later date or dates beyond one (1) year with the approval of the City Council of the City;

WHEREAS, Sub-Section (A), of Section 34-3-6 (Rights and Privileges of Subdivider), of the City's Subdivision Code allows and provides that a City approved preliminary plat will remain in effect for one (1) year after it is approved by the City's City Council unless the subdivision is to be developed in stages; and, if the subdivision is to be developed in stages, with the agreement of the City's City Council, the subdivider can delay final approval of the last part for a period of not to exceed five (5) years from the date of preliminary plat approval;

WHEREAS, by Ordinance No. 2416 of the City of Columbia, Illinois (the "City"), enacted November 21, 2005, the original preliminary subdivision plat for the subject "Village of Wernings" Subdivision was enacted which conditionally approved said preliminary plat and a final subdivision plat approval application for said subdivision was not thereafter submitted to the City by the subdivider within the required one (1) year period so that it thereby became necessary for the subdivider to submit to the City for approval a second preliminary subdivision plat for said subdivision;

WHEREAS, by Ordinance No. 2687 of the City of Columbia, Illinois (the "City"), enacted November 3, 2008, the second preliminary subdivision plat for the subject "Village of Wernings" Subdivision was enacted which conditionally approved said preliminary plat and a final subdivision plat approval application for said subdivision was

not thereafter submitted to the City by the subdivider within the required one (1) year period so that it thereby became necessary for the subdivider to submit to the City for approval a third preliminary subdivision plat for said subdivision;

WHEREAS, Wernings Land Trust II, owner, as the developer/subdivider of the proposed "Village of Wernings" Subdivision in the City, being a subdivision of part of fractional Section 9, Township 1 South, Range 10 West of the Third Principal Meridian in the City of Columbia, Monroe County, Illinois has submitted to the City the required five (5) copies of its third preliminary subdivision plat for said subdivision for approval by the City's City Council; and,

WHEREAS, the City Engineer and the City Attorney have reviewed said preliminary plat for said "Village of Wernings" subdivision 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 City Council of the City of Columbia, Illinois hereby and herewith agrees to the development of the "Village of Wernings" Subdivision to be developed in four (4) stages (or "phases").

Section 3. The "Village of Wernings" Subdivision preliminary plat submittal dated October 7, 2011, is approved subject to the subdivider/developer remitting to the Office of the City Clerk full payment and reimbursement due the City for the City's Attorney fees and Engineer's fees incurred in connection with this preliminary subdivision plat approval (and the Mayor and the City Clerk shall withhold signature on the certificate on the plat acknowledging city council approval of the plat from the preliminary subdivision plat until said payment has been made).

Section 4. The Mayor and the City Clerk shall withhold signing of the preliminary plat pending being advised by the City Attorney and/or the City Engineer that the above-mentioned condition for subdivision plat approval has been satisfied, done and performed by the Subdivider/Developer of the subdivision.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval and performance of the condition for preliminary plat approval stated in Section 3 of the ordinance, as provided by law and this ordinance.

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

YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Mathews, Piazza and
Reis.

NAYS: None.

ABSENT: None.

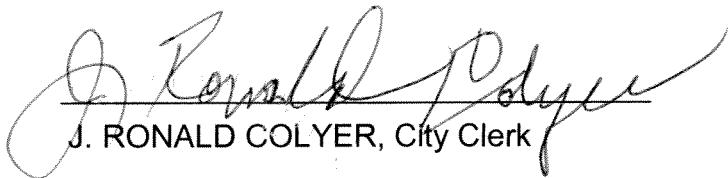
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 21st day of November, 2011.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)