

JUN 16 2008

ORDINANCE NO. 2662

**AN ORDINANCE TO ACCEPT DEDICATION AND OWNERSHIP OF THE INFRASTRUCTURE CAPITAL IMPROVEMENTS IN THE BRELLINGER SECOND ADDITION SUBDIVISION IN THE CITY OF COLUMBIA, ILLINOIS INCLUDING THE STREETS, SANITARY SEWER, POTABLE WATER SYSTEM AND STORM SEWERS LOCATED IN SAID SUBDIVISION**

*Wesley Jaffee*  
City Clerk

WHEREAS, the infrastructure capital improvements in the Brellinger Second Addition Subdivision in the City of Columbia, Illinois (the "City") comprising 18.82 acres, more or less, have been fully constructed and installed in the subdivision in compliance with the applicable City Codes and Ordinances, including the streets, sanitary sewer, potable water service and storm sewers;

WHEREAS, the said infrastructure capital improvements have been inspected and approved by the City Engineer and/or the City's Department of Public Works and thereby have been found to have been constructed and installed in the subdivision in compliance with the applicable Codes and Ordinances of the City;

WHEREAS, the subdivider/developer, The Brellinger Land Trust, has provided to the City the City required: (i) Bill of Sale for the infrastructure improvements; (ii) Engineer's Certification certifying said improvements having been constructed and installed in compliance with applicable City Codes and Ordinances; (iii) As-Built Drawings for said infrastructure improvements; and, (iv) Letter of Credit Maintenance Guarantee to secure the maintenance and repair of the infrastructure improvements in both the Brellinger First Addition and Brellinger Second Addition Subdivisions for a period of two (2) years following their dedication to the City in an amount approved by the City's Engineer (in the sum of \$234,000.00);

WHEREAS, in accordance with the requirements of City of Columbia Ordinance No. 2526, enacted the 15<sup>th</sup> day of January, 2007 and a cooperation agreement between the city and the subdivider (secured by letter of credit performance guarantee of First National Bank of Waterloo/Columbia No. 07-02) of even date, the subdivider has resolved the issue of the possible encroachment of an off-premises sanitary sewer force main into an area protected by an Illinois Historic Preservation Agency Preservation Covenant and the letter of credit performance guarantee should be released by this ordinance;

WHEREAS, the public streets known as Brellinger Street and Frost Landing in said subdivision have been extended into another addition of the subdivision and consequently the letter of credit performance guarantee to secure performance of a cooperation agreement between the city and the subdivider which provided that permanent cul-de-sacs would be constructed at the termini of said streets in the

subdivision if those street extensions were not made within three (3) years of final plat approval for the subdivision should be released by this ordinance; and,

WHEREAS, it is necessary and appropriate that the City Council of the City shall enact this Ordinance to evidence the City's acceptance of the dedication and ownership of said infrastructure capital improvements in the Brellinger Second Addition Subdivision and to release the performance guarantee letters of credit aforesaid.

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 does hereby accept dedication and ownership of the capital infrastructure improvements in the Brellinger Second Addition Subdivision, the property comprising said subdivision being more particularly described as follows:

A part of Tax Lots # 2 and # 3 of Section # 4, Township 1 South, Range 10 West of the Third Principal Meridian, and also part of Lot # 1 of U.S. Survey # 644, Claim # 501, all in Monroe County, Illinois, reference being made to Pages # 29 and # 116 of the Surveyors Official Plat Record- A, part of the public record on file in the Monroe County Recorders office, and more particularly described as follows:

Beginning at an old steel stake with aluminum I.D. cap # 1638 that marks the northwest corner of Tax Lot # 2 of the above-referenced Section # 4; thence assuming the bearing of South 89 Degrees, 30 Minutes, 21 Seconds East, along the north line of said Tax Lot # 2, a distance of 697.72 feet to a concrete monument at the most northwest corner of Brellinger subdivision, the final plat of which is on file in the Monroe County Recorders office as Document # 283607, in Envelope # 2-173A; thence along the bounds of the said Brellinger subdivision the following courses and distances; South 04 Degrees, 15 Minutes, 59 Seconds East, a distance of 476.24 feet to an iron bar; thence South 85 Degrees, 44 Minutes, 01 Seconds West, a distance of 150.00 feet to an iron bar; thence South 20 Degrees, 26 Minutes, 47 Seconds West, a distance of 125.65 feet to an iron bar; thence North 69 Degrees, 33 Minutes, 13 Seconds West, a distance of 126.52 feet to an iron bar at the rear corner of Lot # 11 for the referenced Brellinger subdivision; thence departing the subdivision bounds, North 60 Degrees, 27 Minutes, 01 Seconds West, a distance of 99.45 feet to a point on a non-tangential curve; thence along a curve to the Right having a radius of 326.00 feet, a central angle of 08 Degrees, 47 Minutes, 40 Seconds, and a chord of 49.99 feet which bears

South 33 Degrees, 56 Minutes, 49 Seconds West, an arc length of 50.04 feet to the Point of Tangency of said Curve; thence South 38 Degrees, 20 Minutes, 39 Seconds West, a distance of 55.26 feet; thence North 51 Degrees, 39 Minutes, 21 Seconds West, a distance of 266.24 feet; thence South 41 Degrees, 23 Minutes, 41 Seconds West, a distance of 93.78 feet; thence North 53 Degrees, 47 Minutes, 03 Seconds West, a distance of 305.30 feet; thence South 55 Degrees, 51 Minutes, 56 Seconds West, a distance of 546.93 feet; thence North 62 Degrees, 01 Minutes, 20 Seconds West, a distance of 250.04 feet to a concrete monument on the northwesterly line of Lot # 1 of U.S. Survey 644, Claim # 501; thence along the said northwesterly line of Lot # 1, North 27 Degrees, 34 Minutes, 13 Seconds East, a distance of 715.70 feet to an iron bar marking the most northerly corner of said Lot # 1 of the U.S. Survey # 644; thence North 89 Degrees, 44 Minutes, 09 Seconds East, a distance of 361.81 feet; thence South 00 Degrees, 15 Minutes, 51 Seconds East, a distance of 27.77 feet; thence North 89 Degrees, 44 Minutes, 09 Seconds East, a distance of 221.39 feet; thence South 02 Degrees, 15 Minutes, 56 Seconds East, a distance of 93.61 feet to the Point of Beginning, containing 18.82 acres, more or less.

(subject to the subdivider being responsible for the maintenance and repair of the same for a period of two [2] years [730 days] from the date of the enactment of this Ordinance) including the following:

(1) Streets. Each and every part and item of a system of public street surfacing for the transportation of pedestrians and vehicles (motor driven or otherwise) in the "Brellinger Second Addition" Subdivision in the City, the construction of said public street surfacing having been inspected by the City and having been found to have been constructed in compliance with the pertinent codes and ordinances of the City.

(2) Sanitary Sewers. Each and every part and item of a system for the collection, transportation, and treatment of sewerage installed anywhere in the "Brellinger Second Addition" Subdivision in the City, with the exception of those lateral pipes and/or lines which transport the sewerage of a single building into a common sewer main commonly known as a house service, the same having been inspected by the City and having been found to have been constructed in compliance with the pertinent codes and ordinances of the City.

(3) Water. Each and every part and item of a system for the distribution of potable water installed by the Developer anywhere in the "Brellinger Second Addition" Subdivision in the City, except the pipes and/or lateral lines which transport potable water from the water main of the City to a single building commonly known as a house service, the same having been inspected by the City and having

been found to have been constructed in compliance with the pertinent codes and ordinances of the City.

(4) Storm Sewers. Each and every part and item of a system of storm sewers installed in the "Brellinger Second Addition" Subdivision in the City by the Developer, for the purpose of the retention, detention, collection, transport and flow of surface and storm waters anywhere within the "Brellinger Second Addition" Subdivision in the City, the same having been inspected by the City and having been found to have been constructed in compliance with the pertinent codes and ordinances of the City.

Nothing contained herein shall 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 the "Brellinger Second Addition" Subdivision except for the storm sewers and the appurtenances directly appertaining thereto (such as storm sewer transmission lines, manholes and catch basins, etc.). It is the intent of the City and the Subdivider that the property owners shall maintain that part of any drainage easement or drainage way lying within the boundaries of their property or that the lot owners in the Subdivision will establish a property owners' association to provide for the maintenance of drainage easements and drainage ways lying within the boundaries of the Subdivision, except for the storm sewage systems as aforesaid.

**Section 3.** The "Letter of Credit Performance Guarantee No. 06-06", dated December 7, 2006, issued by First National Bank of Waterloo/Columbia in the sum of \$15,249.15 to secure performance of construction of infrastructure improvements in the subdivision after final subdivision plat approval is hereby released, discharged and rendered of no further force and effect. The original copy of the same shall be returned to the issuer, First National Bank of Waterloo/Columbia, by the City Attorney as soon as practicable.

**Section 4.** The "Irrevocable Letter of Credit #07-01 Performance Guarantee, dated January 10, 2007, issued by First National Bank of Waterloo/Columbia in the sum of \$30,000 to secure construction of permanent cul-de-sacs at the termini of Brellinger Street and Frost Landing in said Brellinger Second Addition Subdivision in the event those streets were not extended into another addition subdivision within 3 years of final subdivision plat approval is hereby released, discharged and rendered of no further force and effect. The original copy of the same shall be returned to the issuer, First National Bank of Waterloo/Columbia, by the City Attorney as soon as practicable.

**Section 5.** The "Irrevocable Letter of Credit #07-02 Performance Guarantee, dated January 10, 2007, issued by First National Bank of Waterloo/Columbia in the sum of \$6,000 to secure the relocation of a force main sanitary sewer that was encroaching on an Historic Preservation Covenant in the event said covenant was not reconfigured to eliminate said encroachment on or before January 19, 2009 is hereby released for the reason said encroachment has been eliminated, and the same is discharged and rendered of no further force and effect. The original copy of the same shall be returned

to the issuer, First National Bank of Waterloo/Columbia, by the City Attorney as soon as practicable.

**Section 6.** This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

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

YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Heina, Oberfell, and Stumpf.

NAYS: None.

ABSENT: Mayor Hutchinson.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor, this 16<sup>th</sup> day of June, 2008.

Gene Ebersohl  
GENE EBERSOHL, Mayor Pro Tem

ATTEST:

Wesley J. Hoeffken  
WESLEY J. HOEFFKEN, City Clerk

(SEAL)