

ORDINANCE NO. 2621

JAN 07 2008

Wiley J. Hefner
City Clerk

**AN ORDINANCE TO GRANT AN OCCUPANCY PERMIT
VARIANCE FOR LOT 2 OF THE ADMIRAL TROST
DEVELOPMENT SUBDIVISION, HAVING THE ASSIGNED
ADDRESS OF 1100 ADMIRAL TROST ROAD IN THE CITY
OF COLUMBIA, ILLINOIS, FOR RELIANCE BANK**

WHEREAS, the Subdivision Code of the City of Columbia, Illinois (the "City") allows and provides that building permits for lots in a subdivision in the City may be issued by the City's Building Inspector after the final subdivision plat for the subdivision has been recorded in the office of the applicable County Recorder (Subdivision Code Section 34-3-1[D]); however, occupancy permits for buildings on lots in the subdivision may not be issued until all of the infrastructure capital improvements for the subdivision have been constructed and dedicated to the City for public use and benefit;

WHEREAS, Reliance Bank has nearly completed the full and complete construction of its bank building on Lot 2 in the Admiral Trost Development Subdivision in the City in accordance with a building permit issued by the City for the same;

WHEREAS, the final subdivision plat for the Admiral Trost Development Subdivision was conditionally approved by City Ordinance No. 2503, on October 16, 2006, which ordinance required and provided, among other things, that notwithstanding anything contained in the ordinance to the contrary, after enactment of Ordinance No. 2503 for conditional approval of the final plat for the subdivision, the Subdivider shall be entitled to have building permits issued for development of lots in the subdivision but that occupancy permits for those buildings will not be issued by the City until the infrastructure improvements for the subdivision have been fully constructed in compliance with the codes and ordinances pertaining to the same, inspected and approved for dedication to the city and dedicated to the City;

WHEREAS, the developer of the Admiral Trost Development Subdivision has constructed and installed practically all of the infrastructure capital improvements in the subdivision and has been delayed with the completion of the construction of the remainder of the same due to weather conditions beyond the control of the developer;

WHEREAS, in order for Reliance Bank to commence its business at the new location in the City and to be opened to the public it is necessary that the bank will receive an occupancy permit from the City's Building Inspector once the building has been fully constructed on said property, inspected by the City's Building Inspector and determined to have been constructed in accordance with the Building Codes of the City and thereby eligible for occupancy; and without regard to whether the infrastructure in the subdivision has been fully constructed and dedicated to the City for public use and benefit as was required by City Ordinance No. 2503 aforesaid;

WHEREAS, Section 34-6-1 of the City's Subdivision Code allows the City Council of the City to grant variances or special exceptions from all provisions of the Subdivision Code except Section 34-4-7 (which defines the minimum requirement for a subdivision lot in the City) including a variance to allow for the occupancy permit involved herein; and,

WHEREAS, in order to assure Reliance Bank that it will be able to occupy and use its bank building that is being constructed on Lot 2 of the Admiral Trost Development Subdivision once the building on the lot has been fully constructed in compliance with applicable Building Codes and Ordinances of the City, the City Council of the City has found and determined and does hereby declare that it is necessary and appropriate that the City shall enact this Ordinance to allow for the granting of a variance from strict compliance with the City's Subdivision Code and City Ordinance No. 2503 (which conditionally approved the final subdivision plat for the Admiral Trost Development Subdivision in the City) to Reliance Bank to allow the bank to obtain an occupancy permit for the building (provided said bank building passes occupancy inspection and the bank is otherwise eligible to have an occupancy permit issued for the same) once the building is fully constructed according to applicable Building Codes and notwithstanding there remains at that time infrastructure in the subdivision required to be constructed and dedicated to the City.

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. As is required by Section 34-6-1 of the City's Subdivision Code the City Council hereby finds and declares:

(1) The subdivider has applied in writing for the above-described variance or special exception regarding the future issuance of an occupancy permit for the Reliance Bank, bank building;

(2) The granting of the variance or exception complies with the purpose declared in Section 34-1-1 of Article I of the Subdivision Code; and,

(3) In the opinion of the City's City Council, the granting of the variance or exception will afford better land utilization than would deferring the occupancy of the building until the few remaining infrastructure improvements for the subdivision have been constructed, installed and dedicated to the City (which remaining infrastructure improvements will not interfere with the occupancy and use of the bank building by the public or create any health or safety problem in the public use of the subdivision).

Section 3. In accordance with the requirements of Section 34-6-1 of the City's Subdivision Code, Reliance Bank, is hereby granted a variance to allow said company to obtain an occupancy permit for the office building and parking lot under construction on Lot 2 of the Admiral Trost Development Subdivision after said bank building has been fully constructed, inspected by the City's Building Inspector and found by the Building Inspector to have been constructed in compliance with the applicable Building Codes and Ordinances of the City and thereby eligible for occupancy. Said occupancy permit shall be issued notwithstanding infrastructure required for the Admiral Trost Development Subdivision has not been fully constructed and dedicated to the City for public use and benefit at the time the bank needs the occupancy permit for the subject building.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

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

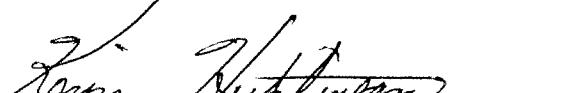
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: Alderman Oberfell.

PASSED by the City Council and APPROVED by the Mayor this 7th day of January, 2008.



KEVIN B. HUTCHINSON, Mayor

ATTEST,



WESLEY J. HOEFFKEN, City Clerk

(SEAL)