

ORDINANCE NO. 2478

AN ORDINANCE TO APPROVE A DEED FOR A WATERLINE EASEMENT FROM THE ROBERT V. SNYDERS LIVING TRUST ON PROPERTY ADJOINING MISSISSIPPI AVENUE (A/K/A ILLINOIS ROUTE 3) IN THE VILLAGE OF CAHOKIA, ST. CLAIR COUNTY, ILLINOIS AND TO AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER THE SAME FOR AND ON BEHALF OF THE CITY

WHEREAS, the City of Columbia, Illinois (the "City") has determined to extend a sixteen inch (16') diameter waterline from the Rectory of the Holy Family Roman Catholic Church located at 116 Church Street in Cahokia, Illinois to connect to the Illinois-American Water Company Water Service System at or near the northeast corner of property on Mississippi Avenue (a/k/a Illinois Route No. 3) in Cahokia, Illinois which belongs to the ConocoPhillips Oil Company on which said company owns and operates a petroleum refueling terminal, to include approximately 1,012 lineal feet along the frontage of property belonging the Robert V. Snyders Living Trust located on the west side of said Mississippi Avenue in Cahokia, Illinois; and,

WHEREAS, it is necessary and appropriate that the City acquire right-of-way easements for the same from owners of property in which the City is going to install its potable waterline and waterline facilities and appurtenances for its subject Illinois Route No. 3 potable waterline project.

WHEREAS, the Robert V. Snyders Living Trust, by Robert V. Snyders as the Trustee thereof, has agreed to sell the required waterline easement for right of way located along the frontage of its property in Cahokia, Illinois to the City for the price and on the terms set forth in the Waterline Easement Deed which is approved and authorized by this ordinance;

WHEREAS, the Robert V. Snyders Living Trust has a prospective purchaser for the subject property and it is necessary that the acquisition of the easement be concluded before there is a sale of the property to a new and different owner and it is necessary and appropriate that the City enact this ordinance to approve and authorize the City to acquire the easement for the payment of the price and subject to the terms set forth in the deed so that the City can acquire the subject easement required for the accomplishment of its waterline project.

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. Attached hereto is a Waterline Easement Deed from Robert V. Snyders, as Trustee of the Robert V. Snyders Living Trust Indenture dated July 1, 2002. The City hereby approves the form of the Waterline Easement Deed, as signed by the property owner aforesaid, and does hereby authorize and direct the Mayor to sign the same (acknowledging the City's acceptance of the easement involved and the City's agreement to do and perform the City's obligations undertaken in the deed) and does hereby authorize and direct the City Clerk to attest the same and affix thereto the corporate seal of the City.

Section 3. The City Council hereby authorizes and directs the City Attorney, Tom D. Adams, to record in the office of the St. Clair County, Illinois Recorder the fully executed and attested Waterline Easement Deed aforesaid and thereafter to file it with the permanent real estate records of the City.

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

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

YEAS: Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Huch and Mayor Hutchinson.

NAYS: None.

ABSENT: Aldermen Koesterer and Row.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 3rd day of July, 2006.

KEVIN B. HUTCHINSON, Mayor

ATTEST:

WESLEY J. HOEFFKEN, City Clerk

(SEAL)