

## **ORDINANCE NO. 2486**

### **AN ORDINANCE FOR CONDITIONAL APPROVAL OF THE MINOR FINAL SUBDIVISION PLAT FOR THE ALTERNATIVES FOR SENIORS, INC. SUBDIVISION, A FOUR (4) LOT SUBDIVISION COMPRISED OF ONE (1) BUILDING LOT AND THREE (3) OUTLOTS LOCATED ON DD ROAD AND NEW BLUFF ROAD IN THE CITY OF COLUMBIA, ILLINOIS**

WHEREAS, The Abundant Love Fellowship, Inc., an Illinois Not For Profit Corporation and the Alternatives for Seniors, Inc., an Illinois Business Corporation, as the Subdividers of the proposed Alternatives for Seniors, Inc. Subdivision in the City of Columbia, Illinois (the "City") has submitted to the City the required five (5) copies of their final subdivision plat for approval by the City's City Council;

WHEREAS, the Subdividers have provided to the City their Infrastructure Performance Guarantee Irrevocable Letter of Credit #837 issued by The Bank of Edwardsville in the sum of Three Hundred Twenty-Five Thousand Dollars (\$325,000.00) for the reconstruction of DD Road along the frontage of Lot No. 1 of the subdivision and for the infrastructure improvements required for the subdivision, which is in due and proper form and which has been accepted by the City;

WHEREAS, the Subdividers have presented to the City a Potable Water and Sanitary Sewer Easement Deed from Traube Real Estate, LLC to the City for the right-of-way required for the off-site potable water line and sanitary sewer line extensions required to provide the water and sanitary sewer service to Lot No. 1 of the subdivision to be developed by Alternative for Seniors, Inc. which Easement Deed requires the City to make a commitment to relocate the City utility services to be installed in the easement should future development of the Traube Real Estate, LLC property burdened by the easement require such relocation for a cost to the City of not to exceed \$25,000 (subject to annual adjustments based upon the "Engineering News-Record Cost Index"), which easement deed has been approved and authorized by the City's City Council based upon the indemnity agreement referred to in the next successive paragraph of this ordinance;

WHEREAS, one of the Subdividers, Alternative for Seniors, Inc. has presented to the City an Indemnity and Hold Harmless Agreement, in a form approved by the City Attorney, whereby the Alternative for Seniors, Inc. has agreed and committed to pay and to hold the City safe, harmless and free from any and all costs and liability connected with a future relocation of the City utility services installed in the easement aforesaid as is required by the utility easement aforesaid, which agreement has been approved and authorized by the City's City Council;

WHEREAS, the Acting City Engineer and the City Attorney have reviewed the Alternatives for Seniors, Inc. Subdivision Minor Final Subdivision plat and are recommending that the City Council conditionally approve the plat subject to the Subdivider making full payment and reimbursement to the City of the City Attorney's

fees and the Assistant City Engineer's fees necessary to be incurred in connection with plat approval.

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 above mentioned Easement Deed is hereby authorized and approved as to form; and the Mayor Pro Tem is hereby authorized and directed to execute and deliver a minimum of two (2) copies of the same to the City Attorney for recording in the Office of the Monroe County, Illinois Recorder, for and on behalf of the City; and the City Clerk is authorized and directed to attest the same and affix thereto the corporate seal of the City.

**Section 3.** The above mentioned Indemnity and Hold Harmless Agreement is hereby authorized and approved as to form, and the Mayor Pro Tem is hereby authorized and directed to execute and deliver a minimum of three (3) copies of the same to the City Attorney for recording in the Office of the Monroe County, Illinois Recorder, for and on behalf of the City; and the City Clerk is authorized and directed to attest the same and affix thereto the corporate seal of the City.

**Section 4.** The Alternatives for Seniors, Inc. Subdivision Minor Final Subdivision plat, dated May 31, 2006, is conditionally approved subject to the Subdivider making full payment and reimbursement to the City for the City Attorney's fees and the Assistant City Engineer's fees; the recording costs for the indemnity agreement and the easement deed, and any other costs subject to reimbursement to the City incurred in connection with the final subdivision plat approval.

**Section 5.** The Alternatives for Seniors, Inc. Subdivision Minor Final Subdivision plat, dated May 31, 2006, for the four (4) lot subdivision consisting of one (1) Building Lot and three (3) Outlots and comprising part of U. S. Survey 555, Claim 505, in T. 1 S., R. 10 W. of the 3<sup>rd</sup> P.M., in the City of Columbia, Monroe County, Illinois, which Building Lot and Outlot 1 is more particularly described on Exhibit "1" attached hereto, Outlot 2 is more particularly described on Exhibit "2" attached hereto and Outlot 3 is more particularly described on Exhibit "3" attached hereto, is hereby conditionally approved, subject to the Subdivider making full payment and reimbursement to the City for the City Attorney's fees; the Acting City Engineer's fee and the other costs aforesaid incurred in connection with the final subdivision plat approval.

**Section 6.** The Mayor and the City Clerk shall withhold signing the final plat for the Alternatives for Seniors, Inc. Subdivision pending being advised by the City Attorney that the above-described fees have been fully paid and reimbursed to the City.

**Section 7.** The Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

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

YEAS: Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row and Huch.

NAYS: None.

ABSENT: Mayor Hutchinson.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 7<sup>th</sup> day of August, 2006.

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MICHAEL E. CONRAD, Mayor Pro Tem

ATTEST:

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WESLEY J. HOEFFKEN, City Clerk

(SEAL)

## **EXHIBIT "1"**

### **Lot 1 and Outlot 1**

Part of Tax Lots 23 and 24 of United States Survey 555, Claim 505, Township 1 South, Range 10 West of the Third Principal Meridian, County of Monroe, State of Illinois and being more particularly described as follows:

Commencing at the most easterly corner of said Tax Lot 23; thence on an assumed bearing of North 82 degrees 21 minutes 11 seconds West, on the northeasterly line of said Tax Lot 23, a distance of 1077.16 feet; thence South 27 degrees 38 degrees 49 seconds West, a distance of 126.79 feet to the intersection of the westerly right of way line of New Bluff Road and the southwesterly right of way line of DD Road and the Point of Beginning.

From said Point of Beginning; thence the following seven (7) courses and distances on the westerly right of way line of said New Bluff Road; 1) South 07 degrees 07 minutes 00 seconds East, a distance of 70.44 feet; 2) South 05 degrees 01 minutes 59 seconds East, a distance of 301.63 feet; 3) South 01 degrees 14 minutes 30 seconds East, a distance of 700.00 feet; 4) South 00 degrees 17 minutes 13 seconds East, a distance of 300.40 feet; 5) South 01 degrees 14 minutes 30 seconds East, a distance of 150.00 feet; 6) South 06 degrees 57 minutes 08 seconds East, a distance of 50.25 feet; 7) South 01 degrees 14 minutes 30 seconds East, a distance of 247.82 feet to the southwesterly line of said Tax Lot 23; thence North 62 degrees 28 minutes 22 seconds West, on the southwesterly line of said Tax Lots 23 and 24, a distance of 2265.46 feet to the most westerly corner of said Tax Lot 24; thence North 27 degrees 59 minutes 32 seconds East, on the northwesterly line of said Tax Lot 24, a distance of 1638.26 feet to the southwesterly right of way line of said DD Road; thence the following seven (7) courses and distances on said southwesterly right of way line of DD Road; 1) 22.66 feet on a non-tangential curve to the right having a radius of 542.96 feet, the chord of said curve bears South 56 degrees 01 minutes 04 seconds East, a distance of 22.66 feet; 2) South 54 degrees 49 minutes 21 seconds East, a distance of 85.03 feet; 3) 260.02 feet on a curve to the left having a radius of 1939.86 feet, the chord of said curve bears South 58 degrees 39 minutes 45 seconds East, a distance of 259.83 feet; 4) South 62 degrees 30 minutes 09 seconds East, a distance of 581.50 feet; 5) South 51 degrees 07 minutes 12 seconds East, a distance of 45.65 feet; 6) South 59 degrees 34 minutes 03 seconds East, a distance of 300.37 feet; 7) South 60 degrees 59 minutes 52 seconds East, a distance of 60.56 feet to the Point of Beginning.

Said parcel contains 66.86 acres, more or less.

## **EXHIBIT "2"**

### **Outlot 2**

Part of Tax Lot 23 of United States Survey 555, Claim 505, Township 1 South, Range 10 West of the Third Principal Meridian, County of Monroe, State of Illinois and being more particularly described as follows:

Commencing at the most easterly corner of said Tax Lot 23; thence on an assumed bearing of North 82 degrees 21 minutes 11 seconds West, on the northeasterly line of said Tax Lot 23, a distance of 886.11 feet; thence South 27 degrees 38 degrees 49 seconds West, a distance of 130.11 feet to the intersection of the easterly right of way line of New Bluff Road and the southwesterly right of way line of DD road and the Point of Beginning.

From said Point of Beginning; thence the following five (5) courses and distances on said southwesterly right of way line of DD Road; 1) South 66 degrees 14 minutes 39 seconds East, a distance of 300.92 feet; 2) South 73 degrees 44 minutes 24 seconds East, a distance of 42.55 feet; 3) 22.74 feet on a non-tangential curve to the right having a radius of 2834.79 feet, the chord of said curve bears South 60 degrees 16 minutes 17 seconds East, a distance of 22.74 feet; 4) South 60 degrees 02 minutes 30 seconds East, a distance of 22.11 feet; 5) 51.08 feet on a curve to the left having a radius of 1175.92 feet, the chord of said curve bears South 61 degrees 17 minutes 10 seconds East, a distance of 51.08 feet to the most westerly corner of a tract of land described in Deed Book 161 on page 604; thence South 11 degrees 07 minutes 28 seconds West, on the westerly line said tract of land described in Deed Book 161 on page 604, a distance of 769.22 feet to the most westerly corner of said tract of land described in Deed Book 161 on page 604; thence South 79 degrees 03 minutes 11 seconds East, on the southeasterly line of said tract of land described in Deed Book 161 on page 604, a distance of 442.47 feet to the intersection of the westerly right of way line of Old Bluff Road and the northerly right of way line of Sandbank Road; thence the following three (3) courses and distances on said northerly right of way line of Sandbank Road; 1) South 87 degrees 25 minutes 55 seconds West, a distance of 221.89 feet; 2) South 88 degrees 45 minutes 30 seconds West, a distance of 400.00 feet; 3) North 61 degrees 03 minutes 43 seconds West, a distance of 75.19 feet to the said easterly right of way line of Bluff Road; thence the following two (2) courses and distances on said easterly right of way line of Bluff Road; 1) North 01 degrees 14 minutes 30 seconds West, a distance of 700.00 feet; 2) North 03 degrees 09 minutes 04 seconds East, a distance of 301.64 feet to the Point of Beginning.

Said parcel contains 7.76 acres, more or less.

## **EXHIBIT “3”**

### **Outlot 3**

Part of Tax Lot 23 of United States Survey 555, Claim 505, Township 1 South, Range 10 West of the Third Principal Meridian, County of Monroe, State of Illinois and being more particularly described as follows:

Commencing at the most easterly corner of said Tax Lot; thence on an assumed bearing of South 13 degrees 45 minutes 39 seconds West on the southeasterly line of said Tax Lot 23, a distance of 815.26 feet; thence North 85 degrees 31 minutes 31 seconds West, a distance of 31.41 feet to the intersection of the westerly right of way line of Old Bluff Road and the southerly right of way line of Sandbank Road and the Point of Beginning.

From said Point of Beginning; thence the following three (3) courses and distances on said westerly right of way of Old Bluff Road; 1) South 12 degrees 25 minutes 59 seconds West, a distance of 331.10 feet; 2) 469.43 feet on a non-tangential curve to the left having a radius of 2351.83 feet, the chord of said curve bears South 19 degrees 24 minutes 55 seconds West, a distance of 468.65 feet; 3) South 13 degrees 41 minutes 49 seconds West, a distance of 121.90 feet to the southwesterly line of said Tax Lot 23; thence North 62 degrees 28 minutes 22 seconds West, on said southwesterly line of Tax Lot 23, a distance of 438.67 feet to the easterly right of way line of Bluff Road; thence the following two (2) courses and distances on said easterly right of way line of Bluff Road; 1) North 01 degrees 14 minutes 30 seconds West, a distance of 289.65 feet; 2) North 02 degrees 03 minutes 36 seconds West, a distance of 350.04 feet to the southerly right of way line of Sandbank Road; thence the following four (4) courses and distances on said southerly right of way line of Sandbank Road; 1) North 55 degrees 45 minutes 56 seconds East, a distance of 77.50 feet; 2) North 88 degrees 45 minutes 30 seconds East, a distance of 300.00 feet; 3) South 89 degrees 48 minutes 34 seconds East, a distance of 200.06 feet; 4) South 85 degrees 31 minutes 31 seconds East, a distance of 100.05 feet; to the Point of Beginning.

Said parcel contains 9.85 acres, more or less.