


MAR 02 2009

ORDINANCE NO. 2711


City Clerk

AN ORDINANCE TO AMEND ORDINANCE NO. 2670, ENACTED JULY 21, 2008 PROHIBITING THE USE OR CONSUMPTION OF GROUND WATER IN A SPECIFIED AREA AT OR NEAR THE INTERSECTION OF NORTH MAIN STREET AND EAST LEPP AVENUE IN THE CITY OF COLUMBIA, ILLINOIS AS A RESULT OF PROBABLE GROUND WATER CONTAMINATION CAUSED BY RELEASE OF PETROLEUM (GASOLINE AND DIESEL FUELS) FROM A FORMER SERVICE STATION SITE AT 906 NORTH MAIN STREET IN THE CITY OF COLUMBIA, ILLINOIS

WHEREAS, the Neighborhood Shell Service Station was located and operated for many years on property having the assigned address of 906 North Main Street in the City of Columbia, Illinois (the "City"), at or near the intersection of North Main Street and Lepp Avenue in the City;

WHEREAS, the underground storage tanks for gasoline and diesel fuel sold at said service station were removed in 1998;

WHEREAS, the Illinois Environmental Protection Agency hired Environmental Management, Inc. (EMI) to perform testing to delineate the degree and extent of soil and potential underground water contamination associated with the maintenance and use of said underground storage tanks at the subject location;

WHEREAS, the testing performed by EMI disclosed that there was contamination on the former service station site at 906 North Main Street and on properties immediately adjacent to the east and to the west of that property and in the right of way of North Main street at the subject site;

WHEREAS, at the request of EMI the City enacted its Ordinance No. 2670 on July 21, 2008 to prohibit the use and consumption of under ground water for potable water uses and purposes in the subject area in the vicinity of said former service station site by prohibiting the installation and use of potable water wells within said restricted area in the City in compliance with a standard requirement of the Illinois Environmental Protection Agency (IEPA); and,

WHEREAS, upon review of said City Ordinance No. 2670 as enacted, the City has been advised by EMI that it is necessary for the City to amend the ordinance in order to include the City as a party that is prohibited from using or attempting to use ground water from the protected area described in Section 2 of said ordinance.

WHEREAS, 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 for the use and purpose 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. Section 2 of City of Columbia, Illinois Ordinance No. 2670, enacted July 21, 2008, is hereby changed and amended to read as follows:

Section 2. Use of Ground Water as Potable Water Supply Prohibited. The use of, or attempted use of, groundwater within the boundaries of the fifty (50) properties depicted as "Groundwater Ordinance Area" on the Site Location Map prepared by EMI attached hereto as an Exhibit, (which is incorporated herein by reference and by reference made party hereof), which are properties located within three hundred and fifty feet (350') of the property having the assigned address of 906 North Main Street in the City of Columbia, Illinois (where the former Neighborhood Shell Service Station was located and operated) as a potable water supply, by the installation or drilling of wells or by any other method, is hereby prohibited. The prohibition aforesaid shall apply to and shall include the City of Columbia, Illinois, a municipal corporation and body both corporate and politic of the State of Illinois, and the employees, officers, agents and contractors thereof, as well as the property owners in the subject area encumbered by this prohibition and all other persons or parties whomsoever."

Section 3. All other terms and provisions of City of Columbia, Illinois Ordinance No. 2670, as enacted, shall remain and be in full force and effect and shall not be changed and amended by this ordinance, including but not limited to Sections 3, 4, 5 and 6 thereof.

Section 4. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith, to the extent of such conflict, are hereby changed and amended to read in compliance herewith (including Section 2 of City Ordinance 2670 as originally enacted); and, to the extent any ordinance or resolution or parts of an ordinance or resolution in conflict herewith cannot be amended to read in compliance with this ordinance, they are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, as provide by law.

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

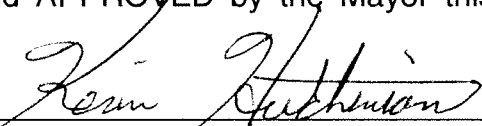
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell,
Stumpf and Mayor Hutchinson.

NAYS: None.

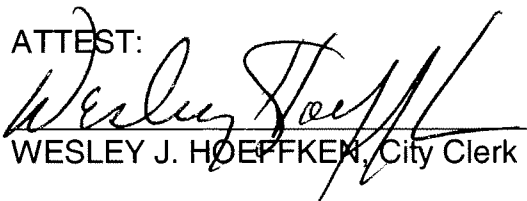
ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 2nd day of
March, 2009.

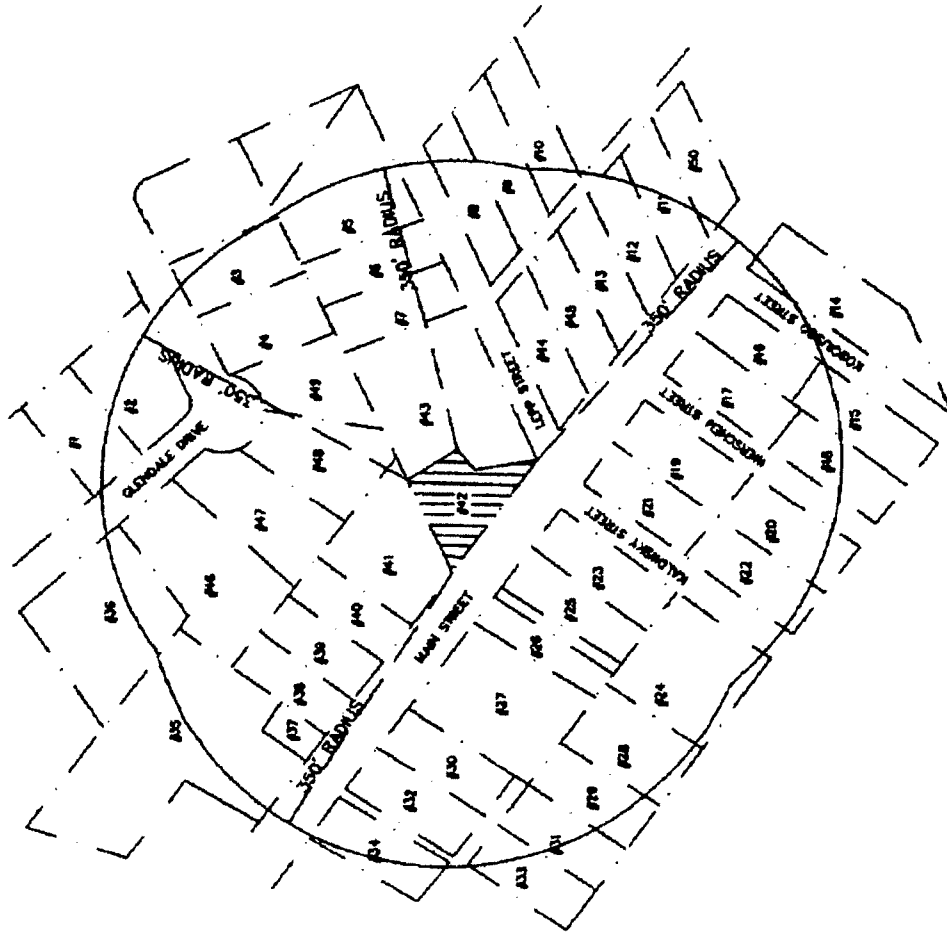




KEVIN B. HUTCHINSON, Mayor

ATTEST:


WESLEY J. HOEFFKEN, City Clerk

(SEAL)



 ENVIRONMENTAL MANAGEMENT, INC. Civil/Environmental Engineers 1154 N. Broadview Road • Suite 404 • L. 03711 217/726-8488 • 217/726-8472 (fax)	PREPARED BY: MRK CHECKED BY: MRK DESIGNED BY: MRK DRAWN BY: MRK	SCALE 	GROUNDWATER ORDINANCE AREA PLANS PREPARED FOR NEIGHBORHOOD SERVICE COLUMBIA, ILLINOIS	FIGURE 1 DATE: JANUARY 2009 SHEET NO.: 02 OF 04 PROJECT NO.: 07-124 PREPARED BY: POREDLONG

CITY OF COLUMBIA
GROUNDWATER ORDINANCE

PARCEL INDEX NUMBERS

<u>Map ID #</u>	<u>Parcel #</u>	<u>Map ID #</u>	<u>Parcel #</u>
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2	04-16-250-012	27	04-16-254-021
3	04-16-252-011	28	04-16-254-020
4	04-16-252-010	29	04-16-254-011
5	04-16-252-025	30	04-16-254-005
6	04-16-252-024	31	04-16-254-010
7	04-16-252-023	32	04-16-254-004
8	04-16-253-001	33	04-16-254-009
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11	04-16-253-008	36	04-16-252-005
12	04-16-253-007	37	04-16-252-016
13	04-16-253-006	38	04-16-252-017
14	04-16-255-005	39	04-16-252-018
15	04-16-255-010	40	04-16-252-019
16	04-16-255-004	41	04-16-252-020
17	04-16-255-003	42	04-16-252-021
18	04-16-255-009	43	04-16-252-022
19	04-16-255-002	44	04-16-253-004
20	04-16-255-008	45	04-16-253-005
21	04-16-255-001	46	04-16-252-006
22	04-16-255-007	47	04-16-252-007
23	04-16-254-014	48	04-16-252-008
24	04-16-254-015	49	04-16-252-009
25	04-16-254-013	50	04-16-253-009