

APR 06 2009

ORDINANCE NO. 2712


City Clerk

**AN ORDINANCE FOR CONDITIONAL APPROVAL OF THE
FINAL SUBDIVISION PLAT FOR THE BRADDOCK POINT
SUBDIVISION IN ST. CLAIR COUNTY, ILLINOIS**

WHEREAS, W.H. Properties, Inc. an Illinois Corporation, as the Developer/Subdivider of the proposed Braddock Point Subdivision located on Highway 158 in St. Clair County, Illinois within one and one-half (1&1/2) miles of the corporate limits of the City of Columbia, Illinois (the "City") has submitted to the City the required five (5) copies of its final subdivision plat for approval by the City Council;

WHEREAS, under and pursuant to the authority granted by the Illinois Municipal Code the jurisdictional boundaries of the City's Subdivision Code includes the unincorporated areas in Monroe and St. Clair Counties, Illinois for a distance of one and one-half miles beyond the corporate limits of the City (65 ILCS 5/11-12-6) and therefore it is necessary for the subdivider/developer to obtain approval of its preliminary and final subdivision plats from the corporate authorities of the City (being the City's City Council) who must determine that the plats comply with the requirements of the City's Subdivision Code;

WHEREAS, all of the capital infrastructure improvements in the proposed Braddock Point Subdivision that are required to be constructed and installed in the subdivision in compliance with the requirements of the City's Subdivision Code have been constructed and installed by the Developer and have been inspected and approved as having been constructed in accordance with the requirements of the City's Subdivision Code by the City Maintenance Department;

WHEREAS, even date herewith the City Council of the City has approved the second preliminary subdivision plat for the Braddock Point Subdivision which preliminary plat was required to be revised because the final plat was not submitted to the City for approval within one (1) year after the preliminary subdivision plat approval and due to the final plat having substantially deviated from the approved preliminary plat because of the addition of a building lot in the final plat and other changes, which proposed subdivision comprises 29.31 acres, and is more particularly described as follows, to wit:

Part of the Northwest Quarter of the Southwest Quarter, part of the Southwest Quarter of the Southwest Quarter, and Part of the Southeast Quarter of the Southwest Quarter of Section 13, Township 1 South, Range 10 West of the Third Principal Meridian, St. Clair County, Illinois, being more particularly described as follows:

Beginning at a stone which marks the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 13; thence at an assumed

bearing of South 01°-32'-14" East, along the East line of the Northwest Quarter of the Southwest Quarter of Section 13, a distance of 1328.16 feet to a stone which marks the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 13; thence South 04°-05'-24" East, a distance of 563.39 feet to an iron pin; thence continuing South 04°-05'-24" East, a distance of 321.55 feet to an iron pin which marks the Northeast corner of a tract of land conveyed to Tammy M. Wampler by deed recorded in the Recorder's Office of St. Clair County, Illinois, in Book 4140 on Page 773; thence South 89°-30'-06" West, along the North line of said Wampler tract, a distance of 330.00 feet to an iron pin which marks the Northwest corner of said Wampler tract; thence South 00°-29'-54" East, along the West line of said Wampler tract, a distance of 396.00 feet to an iron pin which marks the Southwest corner of said Wampler tract which lies on the North Right-of-Way line of S.B.I. Route 158; thence South 89°-30'-06" West, along the North Right-of-Way line of S.B.I. Route 158, a distance of 80.00 feet to an iron pin; thence North 00°-29'-54" West, a distance of 481.58 feet to an iron pin; thence North 46°-32'-14" West, a distance of 287.17 feet to a concrete monument; thence North 01°-32'-14" West, a distance of 1926.78 feet to a concrete monument which lies on the North line of the Northwest Quarter of the Southwest Quarter of Section 13; thence North 89°-31'-35" East, along the North line of the Northwest Quarter of the Southwest Quarter of Section 13, a distance of 572.12 feet to the Point of Beginning, containing 29.31 acres, more or less.

WHEREAS, the City Engineer and the City Attorney have reviewed the Braddock Point Subdivision final subdivision plat last revised February 25, 2009 and are recommending conditional approval thereof as is in this Ordinance made and provided.

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 Braddock Point Subdivision final subdivision plat submittal dated February 25, 2009, is approved subject to compliance with the following conditions (the Mayor and the City Clerk to withhold signature from the final plat until all of the conditions hereinafter recited have been satisfied, done and performed by the Subdivider/Developer):

(1) Receipt by the City Attorney, in a form approved by the City Attorney, of a copy of the Mortgage Subordination Declaration (or Agreement) from First National Bank of Waterloo to be recorded with the final subdivision plat for the Braddock Point

Subdivision for all mortgages creating liens on the property comprising the subdivision property;

(2) Full payment and reimbursement due the City for the City Attorney's fees and City Engineer's fees incurred in connection with this matter, including the preliminary and final plat approvals for the Braddock Point Subdivision.

Section 3. The Mayor and the City Clerk shall withhold signing of the final plat pending being advised by the City Attorney and the City Engineer that the above-mentioned conditions for subdivision plat approval have been satisfied, done and performed by the Subdivider/Developer of the subdivision.

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

Alderman Ebersohl moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Row, 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 6th day of April, 2009.


KEVIN B. HUTCHINSON, Mayor

ATTEST:


WESLEY J. HOEFFKEN, City Clerk

(SEAL)