

ORDINANCE NO. 2687

NOV 03 2008

**AN ORDINANCE TO APPROVE THE FINAL SUBDIVISION  
PLAT FOR THE VILLAGE OF WERNINGS PHASE ONE  
SUBDIVISION IN THE CITY OF COLUMBIA, ILLINOIS**

  
City Clerk

WHEREAS, the owner/developer of the "Village of Wernings Phase One" Subdivision, being a subdivision of part of fractional Section 9, Township 1 South, Range 10 West of the Third Principal Meridian in the City of Columbia, Monroe County, Illinois has completed and filed with the City Clerk the necessary five (5) copies of the final subdivision plat for the subject subdivision as required by Section 34-3-17 of the City of Columbia, Illinois (the "City") Subdivision Code;

WHEREAS, the capital infrastructure improvements in the subdivision, including sanitary sewers, storm sewers, street pavement, curbing and guttering, sidewalks and potable water distribution system have been constructed and installed in the subdivision and have been inspected and approved for acceptance of ownership and maintenance by the City; and, the owner/developer has provided or will provide to the City the required Bill of Sale for transfer of ownership of said capital improvements to the City, a two (2) year duration Maintenance Guarantee for the capital improvements and an engineering certification that the capital improvements have been constructed and installed in accordance with the requirements of the City and it is necessary and appropriate that the City accept dedication and ownership of the rights-of-way for Marien Drive and Wernings Drive in the subdivision and Rueck Road, a City Street adjoining the boundary of the subdivision, and accept dedication and ownership of the municipal infrastructure capital improvements installed in the subdivision and transferred to the City by Bill of Sale; and the City enacts this ordinance for the same; and,

WHEREAS, all of the requirements of the statutes of the State of Illinois and the Ordinances of the City (including Section 34-3-22 and 34-3-23 of the City's Subdivision Code) relative to the platting and subdivision of property in the City (except for one or more of the conditions stated in Section 2 of this ordinance) have been complied with by the owner/developer of the proposed Village of Wernings Phase One Subdivision, to wit: Palmer Creek, L.L.C., an Illinois Limited Liability Company.

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 subdivision plat entitled "Village of Wernings Phase One", being a subdivision of part of fractional Section 9, Township 1 South, and Range 10 West of the

Third Principal Meridian, City of Columbia, and Monroe County, Illinois, which is more particularly described as follows, to wit:

PART OF FRACTIONAL SECTION 9, TOWNSHIP 1 SOUTH, RANGE 10 WEST OF THE THIRD PRINCIPAL MERIDIAN, MONROE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF "FIRST ADDITION TO WILSON HILLS SUBDIVISION" AS RECORDED IN ENVELOPE 141-A AND THE WESTERLY LINE OF RUECK ROAD AS RECORDED IN ENVELOPE 2-119B, ALL OF THE MONROE COUNTY RECORDS;

THENCE ALONG SAID NORTHERLY LINE OF SAID "FIRST ADDITION TO WILSON HILLS SUBDIVISION" NORTH 67 DEGREES 37 MINUTES 08 SECONDS WEST, A DISTANCE OF 449.99 FEET TO THE NORTHEAST CORNER OF "SECOND ADDITION TO WILSON HILLS SUBDIVISION" AS RECORDED IN ENVELOPE 142-B OF THE MONROE COUNTY RECORDS;

THENCE ALONG THE SAID NORTHERLY LINE OF "SECOND ADDITION TO WILSON HILLS SUBDIVISION" NORTH 67 DEGREES 34 MINUTES 29 SECONDS WEST, A DISTANCE OF 94.59 FEET;

THENCE DEPARTING SAID NORTHERLY LINE OF "SECOND ADDITION TO WILSON HILLS" NORTH 22 DEGREES 22 MINUTES 52 SECONDS EAST A DISTANCE OF 131.43 FEET;

THENCE NORTH 31 DEGREES 51 MINUTES 37 SECONDS EAST A DISTANCE OF 50.69 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE;

THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 18.00 FEET, A CHORD BEARING OF NORTH 25 DEGREES 40 MINUTES 42 SECONDS WEST, A CHORD DISTANCE OF 24.06 AND AN ARC LENGTH OF 26.35 TO A POINT OF REVERSE CURVATURE;

THENCE NORTHERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 225.00 FEET, A CHORD BEARING OF NORTH 06 DEGREES 31 MINUTES 58 SECONDS EAST, A CHORD DISTANCE OF 76.05 AND AN ARC LENGTH OF 76.41;

THENCE NORTH 86 DEGREES 48 MINUTES 12 SECONDS EAST, A DISTANCE OF 121.36 FEET;

THENCE NORTH 02 DEGREES 57 MINUTES 31 SECONDS EAST, A DISTANCE OF 255.40 FEET;

THENCE NORTH 57 DEGREES 57 MINUTES 13 SECONDS WEST, A DISTANCE OF 205.33 FEET;

THENCE NORTH 56 DEGREES 33 MINUTES 02 SECONDS WEST, A DISTANCE OF 87.39 FEET;  
THENCE NORTH 49 DEGREES 16 MINUTES 00 SECONDS WEST, A DISTANCE OF 92.96 FEET;  
THENCE NORTH 41 DEGREES 08 MINUTES 50 SECONDS WEST, A DISTANCE OF 92.96 FEET;  
THENCE NORTH 33 DEGREES 01 MINUTES 40 SECONDS WEST, A DISTANCE OF 92.96 FEET;  
THENCE NORTH 24 DEGREES 54 MINUTES 29 SECONDS WEST, A DISTANCE OF 92.96 FEET;  
THENCE NORTH 16 DEGREES 47 MINUTES 19 SECONDS WEST, A DISTANCE OF 92.96 FEET;  
THENCE NORTH 08 DEGREES 40 MINUTES 09 SECONDS WEST, A DISTANCE OF 92.96 FEET;  
THENCE NORTH 00 DEGREES 32 MINUTES 59 SECONDS WEST, A DISTANCE OF 92.96 FEET;  
THENCE NORTH 67 DEGREES 52 MINUTES 33 SECONDS WEST, A DISTANCE OF 78.48 FEET;  
THENCE NORTH 58 DEGREES 46 MINUTES 11 SECONDS WEST, A DISTANCE OF 50.01 FEET;  
THENCE NORTH 67 DEGREES 52 MINUTES 33 SECONDS WEST, A DISTANCE OF 162.38 FEET;  
THENCE NORTH 28 DEGREES 21 MINUTES 08 SECONDS EAST, A DISTANCE OF 334.90 FEET;  
THENCE SOUTH 79 DEGREES 17 MINUTES 08 SECONDS EAST, A DISTANCE OF 470.38 FEET TO THE AFORESAID WESTERLY LINE OF RUECK ROAD;  
THENCE ALONG THE WESTERLY LINE OF SAID "RUECK ROAD" THE FOLLOWING COURSES AND DISTANCES:

SOUTH 03 DEGREES 40 MINUTES 29 SECONDS EAST, A DISTANCE OF 94.16 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE;

SOUTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 665.00 FEET, AN ARC LENGTH OF 47.21 FEET, A CHORD BEARING OF SOUTH 05 DEGREES 28 MINUTES 20 SECONDS WEST AND A CHORD DISTANCE OF 47.20 FEET;

SOUTH 07 DEGREES 30 MINUTES 21 SECONDS WEST, A DISTANCE OF 162.06 FEET TO A POINT OF CURVATURE;

SOUTHERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 365.00 FEET, AN ARC LENGTH OF 142.64 FEET, A CHORD

BEARING OF SOUTH 03 DEGREES 41 MINUTES 21 SECONDS EAST AND A CHORD DISTANCE OF 141.73 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE,

SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 195.00 FEET, AN ARC LENGTH OF 126.29 FEET, A CHORD BEARING OF SOUTH 27 DEGREES 00 MINUTES 26 SECONDS EAST AND A CHORD DISTANCE OF 124.10 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE,

SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 360.00 FEET, AN ARC LENGTH OF 146.86 FEET, A CHORD OF BEARING OF SOUTH 46 DEGREES 16 MINUTES 01 SECOND EAST AND A CHORD DISTANCE OF 145.84 FEET;

SOUTH 57 DEGREES 57 MINUTES 13 SECONDS EAST, A DISTANCE OF 230.26 FEET TO A POINT OF CURVATURE;

SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 318.94 FEET, A CHORD BEARING OF SOUTH 27 DEGREES 29 MINUTES 51 SECONDS EAST AND A CHORD DISTANCE OF 304.13 FEET;

SOUTH 02 DEGREES 57 MINUTES 31 SECONDS WEST, A DISTANCE OF 733.44 FEET TO THE AFORESAID NORTHERLY LINE OF "FIRST ADDITION TO WILSON HILLS SUBDIVISION" AS RECORDED IN ENVELOPE 141-A OF THE MONROE COUNTY RECORDS AND THE POINT OF BEGINNING.

is hereby conditionally approved, subject to the subdivider/developer doing and performing the following prior to the Mayor and the City Clerk signing the certificate on the plat acknowledging the City's approval of the plat, to wit:

(A) Providing to the City Attorney a Mortgage Subordination Declaration (or Agreement) subordinating the real estate mortgage of First National Bank of Waterloo (and the lien thereof) on the subject property to the final subdivision plat and the subdivision and easements and rights of way created by the subdivision plat;

(B) A duly executed Cooperation Agreement agreeing to complete the extensions of Warnings Drive into a subsequent phase of the subdivision within three (3) years after final plat approval or to construct permanent cul-de-sacs at the eastern termini thereof and a good an sufficient performance guarantee to secure the performance of the Cooperation Agreement, in a form to be approved by the City Attorney;

(C) A good and sufficient Maintenance Guarantee to provide for the maintenance and repair or replacement of the infrastructure improvements in the subdivision for a period of two (2) years after the transfer of ownership of said improvements to the City (by subdivision plat dedication) in the sum of \$722,027.00, in a form to be approved by the City Attorney; and,

(D) Payment to the Office of the City Clerk of the sum due the City for reimbursement of the City Engineer's fees and the City Attorney's fees incurred for services rendered in the plat approval process for this subdivision.

After the performance of the above conditions by the subdivider/developer, the Mayor is hereby authorized and directed to sign the certificate on the final subdivision plat acknowledging city council approval of the plat and the City Clerk is hereby authorized to attest the same.

The City Attorney and/or the City Engineer are directed to advise the Mayor and the City Clerk when the above and foregoing conditions for plat approval have been satisfied and that the Mayor and City Clerk can proceed to sign the certificate on the plat as aforesaid.

**Section 3.** The City hereby accepts ownership, by subdivision plat dedication, of the street rights-of-way for Marien Drive, Wernings Drive, and Rueck Road, a City street, adjoining the east boundary of the subdivision depicted on the Village of Wernings Phase One Subdivision plat for public street and for municipal and public utilities, telecommunication and drainage uses and purposes; and the City does hereby accept ownership by subdivision plat dedication of the easements shown on the plat for the construction and maintenance of municipal utility services, telecommunication services, public utility services, and drainage uses and purposes.

The acceptance of the plat and the enactment of this ordinance shall not transfer ownership of nor oblige the City to perform any maintenance on any surface or subsurface drainage easement, storm water drainage way, structure, or improvement in the subdivision (other than storm sewers and their appurtenances). The common area depicted on the plat is dedicated to the homeowner's association for the subdivision and the storm water detention/retention facilities located on said common ground shall be owned and maintained by said homeowner's association.

The twelve foot (12') wide landscape easement, trees and shrubbery located therein shall be maintained by the home owner's association for the subdivision.

**Section 4.** The City hereby accepts dedication and ownership of the tangible personal property, goods and chattels comprising the capital infrastructure improvements in the Village of Wernings Phase One Subdivision, (including water distribution system,

sanitary sewer, storm sewers, street pavement, curbing and guttering) by Bill of Sale, the receipt and sufficiency of which is hereby acknowledged by the City Council.

**Section 5.** In accordance with the Natural Resource Information Report of the Monroe County Soil and Water Conservation District (labeled Request 2005-13), the developer of this Village of Wernings Phase One Subdivision shall be required to do and perform the following with regard to the construction of buildings on the premises of the subdivision:

(1) Due to the shrink-swell potential of soils on the premises of the subdivision, the developer will be required for building construction to use widened foundation trenches, and backfilling trenches with suitable coarse material to prevent structural damage caused by shrinking and swelling; and,

(2) Drain tile shall be installed around the base of the foundations where required to lower the seasonable high water table.

**Section 6.** This Ordinance shall be in full force and effect from and after its passage and approval; and, the performance of the conditions stated in Section 2 of this ordinance by the subdivider/developer, Palmer Creek, L.L.C., as provided by law and this ordinance.

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:

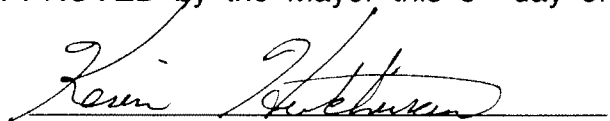
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 3<sup>rd</sup> day of November, 2008.

  
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KEVIN B. HUTCHINSON, Mayor

ATTEST:

Ordinance No. 2687  
November 3, 2008

  
WESLEY J. HOEFFKEN, City Clerk

(SEAL)