

JUN 16 2008

ORDINANCE NO. 2661


City Clerk

AN ORDINANCE TO ACCEPT DEDICATION AND OWNERSHIP OF THE INFRASTRUCTURE CAPITAL IMPROVEMENTS IN THE BRELLINGER FIRST ADDITION SUBDIVISION IN THE CITY OF COLUMBIA, ILLINOIS INCLUDING THE STREETS, SANITARY SEWER, POTABLE WATER SYSTEM AND STORM SEWERS LOCATED IN SAID SUBDIVISION

WHEREAS, the infrastructure capital improvements in the Brellinger First Addition Subdivision in the City of Columbia, Illinois (the "City") comprising 11.11 acres, more or less, have been fully constructed and installed in the subdivision in compliance with the applicable City Codes and Ordinances, including the streets, sanitary sewer, potable water service and storm sewers;

WHEREAS, said infrastructure capital improvements have been inspected and approved by the City Engineer and/or the City's Department of Public Works and thereby have been found to have been constructed and installed in the subdivision in compliance with the applicable Codes and Ordinances of the City;

WHEREAS, the subdivider/developer, The Brellinger Land Trust, has provided to the City the City required: (i) Bill of Sale for the infrastructure improvements; (ii) Engineer's Certification regarding said improvements having been constructed and installed in compliance with applicable City Codes and Ordinances; (iii) As-Built Drawings for said infrastructure improvements; and, (iv) Letter of Credit Maintenance Guarantee to secure the maintenance and repair of the infrastructure improvements in both the Brellinger First Addition and Brellinger Second Addition Subdivisions for a period of two (2) years following their dedication to the City in an amount approved by the City's Engineer (\$234,000.00); and,

WHEREAS, it is necessary and appropriate that the City Council of the City shall enact this Ordinance to evidence the City's acceptance of the dedication and ownership of said infrastructure capital improvements.

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 City Council of the City of Columbia, Illinois does hereby accept dedication and ownership of the capital infrastructure improvements in the Brellinger First Addition Subdivision, the property comprising said subdivision being more particularly described as follows:

A part of the southeast quarter of the southeast quarter of Section # 4, Township 1 South, Range 10 West of the Third Principal Meridian, St. Clair County, Illinois, being more particularly described as follows:

Commencing at an old concrete monument which marks the northeast corner of Tax Lot # 2 of the said Section # 4, referencing Page # 29 of the 'Surveyor's Official Plat Record-A', a part of the public record in the Monroe County Recorder's office; thence on assumed bearing of South 89 Degrees, 33 Minutes, 45 Seconds East and along the north line of the southeast quarter of the southeast quarter of said Section # 4, a distance of 576.38 feet and to an iron bar marking the northeasterly corner of "Brellinger" subdivision, the final plat for which is on file in the Monroe County Recorder's office as Document # 283607, in Envelope # 2-173A, being the Point of Beginning for the herein described tract; thence continuing along the said north quarter-quarter section line, South 89 Degrees, 33 Minutes, 45 Seconds East, a distance of 118.84 feet and to an old iron bar; thence departing the north quarter-quarter section line, South 01 Degrees, 20 Minutes, 45 Seconds West, a distance of 75.25 feet to an old iron bar; thence South 89 Degrees, 35 Minutes, 24 Seconds East, a distance of 633.69 feet and to an old iron bar; thence South 00 Degrees, 23 Minutes, 40 Seconds West, a distance of 943.60 feet and to an iron bar set at the most easterly north corner for the above-referenced "Brellinger" subdivision; thence along the northeasterly bounds of the same for the following courses and distances, North 49 Degrees, 55 Minutes, 53 Seconds West, a distance of 976.75 feet and to a concrete monument at the common rear corner for Lots # 21 and # 22 of the "Brellinger" subdivision; thence North 00 Degrees, 28 Minutes, 08 Seconds East, a distance of 395.52 feet and to the Point of Beginning, containing 11.11 acres, more or less.

(subject to the subdivider being responsible for the maintenance and repair of the same for a period of two [2] years [730 days] from the date of the enactment of this Ordinance) including the following:

(1) Streets. Each and every part and item of a system of public street surfacing for the transportation of pedestrians and vehicles (motor driven or otherwise) in the "Brellinger First Addition" Subdivision in the City, the construction of said public street surfacing having been inspected by the City and having been found to have been constructed in compliance with the pertinent codes and ordinances of the City.

(2) Sanitary Sewers. Each and every part and item of a system for the collection, transportation, and treatment of sewerage installed anywhere in the "Brellinger First Addition" Subdivision in the City, with the exception of those lateral pipes and/or lines which transport the sewerage of a single building into a common sewer main commonly known as a house service, the same having been inspected by

and for the City and having been found to have been constructed in compliance with the pertinent codes and ordinances of the City.

(3) Water. Each and every part and item of a system for the distribution of potable water installed by the Developer anywhere in the "Brellinger First Addition" Subdivision in the City, except the pipes and/or lateral lines which transport potable water from the water main of the City to a single building commonly known as a house service, the same having been inspected by the City and having been found to have been constructed in compliance with the pertinent codes and ordinances of the City.

(4) Storm Sewers. Each and every part and item of a system of storm sewers installed in the "Brellinger First Addition" Subdivision in the City by the Developer, for the purpose of the retention, detention, collection, transport and flow of surface and storm waters anywhere within the "Brellinger First Addition" Subdivision in the City, the same having been inspected by the City and having been found to have been constructed in compliance with the pertinent codes and ordinances of the City.

Nothing contained herein shall transfer ownership of nor obligate the City to perform any maintenance on any surface or subsurface drainage easement, storm water drainage way, structure or improvement in the "Brellinger First Addition" Subdivision except for the storm sewers and the appurtenances directly appertaining thereto (such as storm sewer transmission lines, manholes and catch basins, etc.). It is the intent of the City and the Subdivider that the property owners shall maintain that part of any drainage easement or drainage way lying within the boundaries of their property or that the lot owners in the Subdivision will establish a property owners' association to provide for the maintenance of drainage easements and drainage ways lying within the boundaries of the Subdivision, except for the storm sewage systems as aforesaid.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

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

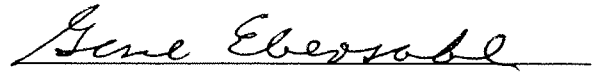
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf.

NAYS: None.

ABSENT: Mayor Hutchinson.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor, this 16th day of June, 2008.



GENE EBERSOHL, Mayor Pro Tem

ATTEST:



WESLEY J. HÖEFFKEN, City Clerk

(SEAL)