

JUL 21 2008

ORDINANCE NO. 2670

AN ORDINANCE 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

Wally Jefferson
City Clerk

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 has 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 has disclosed that there is 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, EMI has requested that the City enact this ordinance 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, the City Council of the City has found and determined and does hereby declare that it is in the health, safety and welfare of the citizens of the City that this Ordinance be enacted 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. **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.

Section 3. **Penalty.** Any person violating this ordinance shall be subject to a fine of up to not to exceed \$750.00 for each violation, and each day a violation continues shall be deemed a separate offense.

Sections 4. **Definitions.** For purposes of this ordinance, "person" shall include any individual, partnership, co-partnership, firm, company, limited liability company, limited partnership, corporation, association, joint stock company, trust, estate, or any other legal entity, or their legal representatives, agents, successors or assigns.

For purposes of this Ordinance, "potable water" is any water used for human or domestic consumption, including but not limited to, water used for drinking, bathing, swimming, washing dishes or preparing food.

Section 5. **Severability.** If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of the ordinance as a whole or any portion not adjudged invalid.

Section 6. **Repealer.** 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; 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 7. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication in pamphlet form, as provide by law.

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

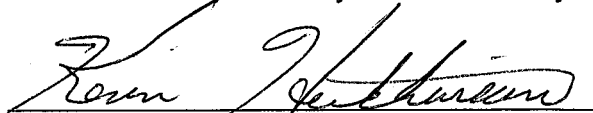
YEAS: Aldermen Ebersohl, Agne, Niemietz, Row, Oberkfell, Stumpf and Mayor
Hutchinson.

NAYS: Aldermen Unnerstall and Hejna.

ABSENT: None.


ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 21st day of July,
2008.



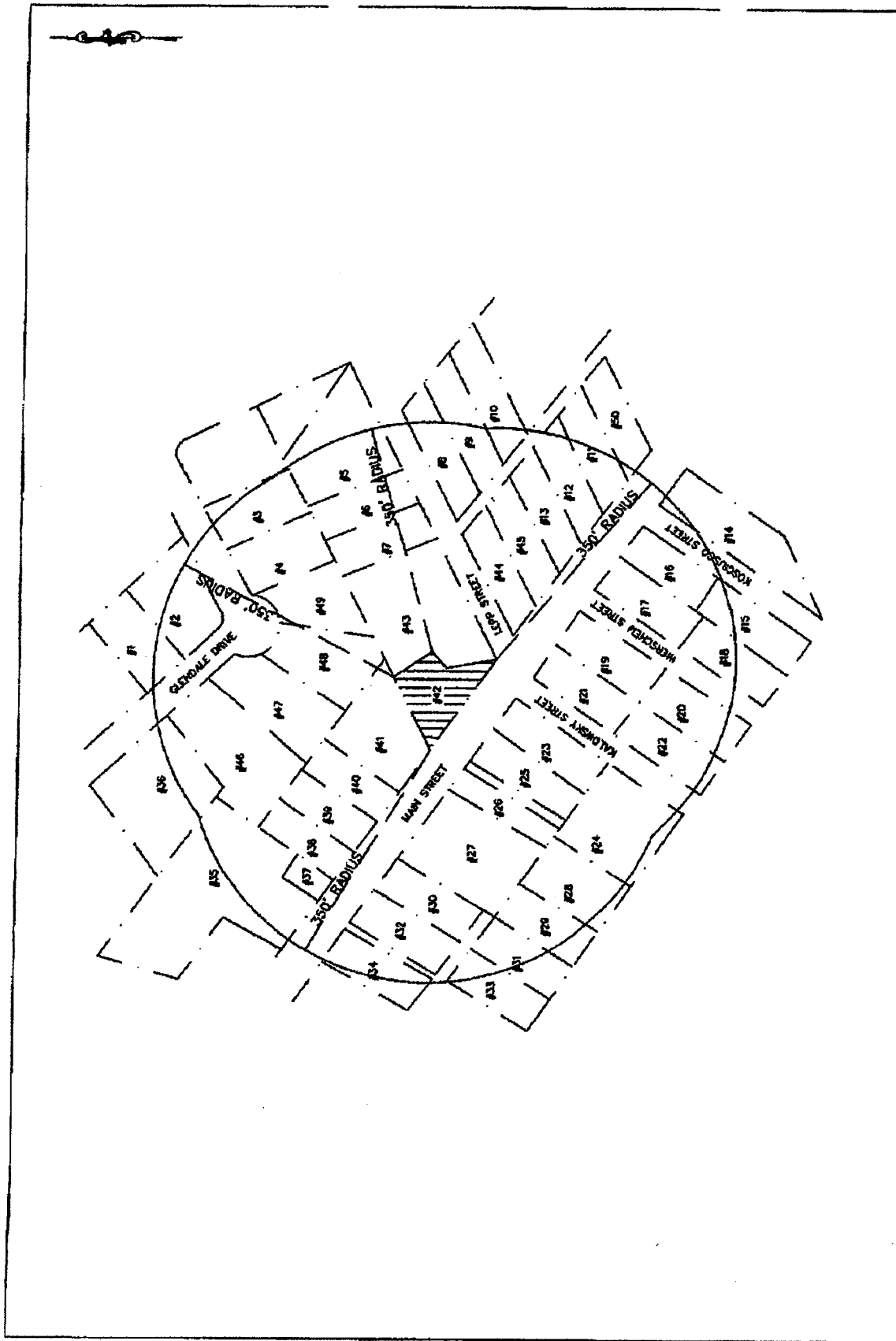
KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)



ENVIRONMENTAL MANAGEMENT, INC. <small>Civil/Environmental Engineers</small>		GROUNDWATER ORDINANCE AREA	
1154 N. Bradford Road - Suite 104 - L 43711 St. Louis, MO 63111 217/738-9448 • 217/738-9472 (Fax)		PLANS PREPARED FOR NEIGHBORHOOD SERVICE COLUMBIA, ILLINOIS	
APPROVED BY: MJK DESIGNED BY: MBR DRAWN BY: MBR		SCALE 	
1154 N. Bradford Road - Suite 104 - L 43711 St. Louis, MO 63111 217/738-9448 • 217/738-9472 (Fax)		FIGURE 1 DATE: JANUARY 2008 JOB NO.: REV. NAME: POTERDING	

CITY OF COLUMBIA**GROUNDWATER ORDINANCE**

PARCEL INDEX NUMBERS

Map ID #	Parcel #	Map ID #	Parcel #
1	04-16-250-011	26	04-16-254-012
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
9	04-16-253-002	34	04-16-254-003
10	04-16-253-003	35	04-16-252-015
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

PARCEL NUMBER	OWNER NAME
04-16-250-011-000	NICOLETTI MRS VERTA
04-16-250-012-000	KUERGELEIS RUTH E
04-16-252-005-000	WILLIAMS DOUG C
04-16-252-006-000	MUELLER LESTER
04-16-252-007-000	WOODWARD JERRY & JOANN
04-16-252-008-000	REIS ELLEN J
04-16-252-009-000	CARTER ZACHERY L & KELLY L TIEFENBRUN
04-16-252-010-000	SAMMELMAN ROBERT R & DEANNA J
04-16-252-011-000	RUSKAUP GARY & LISA LAFORGE
04-16-252-015-000	BIERMAN CARL & CRISTI
04-16-252-016-000	WEISENBORN BETTY DURRER
04-16-252-017-000	BIERMAN CARL J
04-16-252-018-000	BANKS-GEORGE JAMIE J & BETSY A
04-16-252-019-000	HILEMAN ALMOS & IRMA
04-16-252-020-000	NEWTON NORMAN D & BERNICE R
04-16-252-021-000	WELCO L L C
04-16-252-022-000	WELCO L L C
04-16-252-023-000	JOHNSON PATRICIA A
04-16-252-024-000	HEUMAN CHRISTINA M
04-16-252-025-000	PUCKETT JACK K & STEVEN C
04-16-253-001-000	REYNOLDS CHARLEY G TRUST
04-16-253-002-000	MAY DARRELL P & MARY L TRUST
04-16-253-003-000	MAY DARRELL P & MARY L TRUST
04-16-253-004-000	TERVEER BRUCE A
04-16-253-005-000	SMITH RUSSELL AND LUCINDA
04-16-253-006-000	SEACORD WM E & EVELYN V
04-16-253-007-000	KRACK JAMES L
04-16-253-008-000	KREBEL STEPHEN T & JOANN
04-16-253-009-000	RAHN RALPH G TRUST
04-16-254-003-000	SCHAEFER NANCY R
04-16-254-004-000	WYNNE CHRISTINE M
04-16-254-005-000	GROSSMANN MARK & KIM PODHRASKY
04-16-254-009-000	PULCHER MICHAEL W & CARA M
04-16-254-010-000	ECKERT MARCELLUS & JEAN TRUST
04-16-254-011-000	ECKERT MARCELLUS & JEAN TRUST
04-16-254-012-000	ELTS INC
04-16-254-013-000	SPIHLMANN MICHAEL R
04-16-254-014-000	GOATEY ROBIN L & TERESA L
04-16-254-015-000	KAEMPFE MARTIN & JACQUELINE TR
04-16-254-020-000	GRAY GENE & JOY
04-16-254-021-101	KERKSICK KELLY K
04-16-254-021-102	SIEMERS EDMOND L & LORI T
04-16-255-001-000	HALTENHOF GUY E & VIOLA TRUST
04-16-255-002-000	THREE GUYS DEVELOPMENT INC
04-16-255-003-000	BARBER ROBERT C
04-16-255-004-000	METTER JOSEPH A
04-16-255-005-000	HASLER MARK J
04-16-255-007-000	NOLTE LARRY A & NICOLLE L
04-16-255-008-000	BECHERER SCOTT A & PEGGY A
04-16-255-009-000	GREGOIRE MATTHEW R
04-16-255-010-000	HALL-KEEL TONYA E

SITE ADDRESS

133 GLENDALE DRIVE~COLUMBIA, IL 62236
117 GLENDALE DRIVE~COLUMBIA, IL 62236
140 GLENDALE DRIVE~COLUMBIA, IL 62236
134 GLENDALE DRIVE~COLUMBIA, IL 62236
128 GLENDALE DRIVE~COLUMBIA, IL 62236
124 GLENDALE DRIVE~COLUMBIA, IL 62236
122 GLENDALE DRIVE~COLUMBIA, IL 62236
118 GLENDALE DRIVE~COLUMBIA, IL 62236
112 GLENDALE DRIVE~COLUMBIA, IL 62236
942 N MAIN STREET~COLUMBIA, IL 62236
936 N MAIN STREET~COLUMBIA, IL 62236
932 N MAIN STREET~COLUMBIA, IL 62236
928 N MAIN STREET~COLUMBIA, IL 62236
924 N MAIN STREET~COLUMBIA, IL 62236
918 N MAIN STREET~COLUMBIA, IL 62236
906 N MAIN STREET~COLUMBIA, IL 62236
904 N MAIN STREET~COLUMBIA, IL 62236
119 E LEPP STREET~COLUMBIA, IL 62236
123 E LEPP STREET~COLUMBIA, IL 62236
131 E LEPP STREET~COLUMBIA, IL 62236
833 N METTER AVENUE~COLUMBIA, IL 62236
829 N METTER AVENUE~COLUMBIA, IL 62236
825 N METTER AVENUE~COLUMBIA, IL 62236
836 N MAIN STREET~COLUMBIA, IL 62236
830 N MAIN STREET~COLUMBIA, IL 62236
826 N MAIN STREET~COLUMBIA, IL 62236
822 N MAIN STREET~COLUMBIA, IL 62236
818 N MAIN STREET~COLUMBIA, IL 62236
814 N MAIN STREET~COLUMBIA, IL 62236
937 N MAIN STREET~COLUMBIA, IL 62236
931 N MAIN STREET~COLUMBIA, IL 62236
927 N MAIN STREET~COLUMBIA, IL 62236
932 N RAPP AVENUE~COLUMBIA, IL 62236
N RAPP AVENUE~COLUMBIA, IL 62236
916 N RAPP AVENUE~COLUMBIA, IL 62236
913 N MAIN STREET~COLUMBIA, IL 62236
907 N MAIN STREET~COLUMBIA, IL 62236
903 N MAIN STREET~COLUMBIA, IL 62236
117 W KALOWSKY STREET~COLUMBIA, IL 62236
914 N RAPP AVENUE~COLUMBIA, IL 62236
915 N MAIN STREET SUITE 1~COLUMBIA, IL 62236
915 N MAIN STREET SUITE 2~COLUMBIA, IL 62236
839 N MAIN STREET~COLUMBIA, IL 62236
833 N MAIN STREET~COLUMBIA, IL 62236
825 N MAIN STREET~COLUMBIA, IL 62236
821 N MAIN STREET~COLUMBIA, IL 62236
811 N MAIN STREET~COLUMBIA, IL 62236
114 W KALOWSKY STREET~COLUMBIA, IL 62236
115 WIERSCHEM STREET~COLUMBIA, IL 62236
114 WIERSCHEM STREET~COLUMBIA, IL 62236
115 KOSCIUSCO STREET~COLUMBIA, IL 62236

MAILING ADDRESS

133 GLENDALE DR~COLUMBIA, IL 62236
480 DD RD APT 202~COLUMBIA, IL 62236
140 GLENDALE DR~COLUMBIA, IL 62236
134 GLENDALE DR~COLUMBIA, IL 62236
128 GLENDALE DR~COLUMBIA, IL 62236
124 GLENDALE DR~COLUMBIA, IL 62236
122 GLENDALE DR~COLUMBIA, IL 62236
118 GLENDALE DR~COLUMBIA, IL 62236
112 GLENDALE DR~COLUMBIA, IL 62236
932 N MAIN~COLUMBIA, IL 62236
8928 MAPLE CIRCLE~OVERLAND PARK, KS 66207
932 N MAIN ST~COLUMBIA, IL 62236
928 N MAIN~COLUMBIA, IL 62236
924 N MAIN~COLUMBIA, IL 62236
918 N MAIN~PO BOX 795~COLUMBIA, IL 62236
906 N MAIN ST~COLUMBIA, IL 62236
906 N MAIN ST~COLUMBIA, IL 62236
119 E LEPP~COLUMBIA, IL 62236
123 E LEPP~COLUMBIA, IL 62236
C/O LORRAINE C PUCKETT~131 E LEPP ST~COLUMBIA, IL 62236
C/O JOHN REYNOLDS~8766 D RD~WATERLOO, IL 62298
829 N METTER~COLUMBIA, IL 62236
829 N METTER~COLUMBIA, IL 62236
836 N MAIN ST~COLUMBIA, IL 62236
830 N MAIN~COLUMBIA, IL 62236
826 N MAIN~COLUMBIA, IL 62236
822 N MAIN~COLUMBIA, IL 62236
818 N. MAIN~COLUMBIA, IL 62236
814 N MAIN~COLUMBIA, IL 62236
937 NORTH MAIN~COLUMBIA, IL 62236
931 N MAIN~COLUMBIA, IL 62236
927 N MAIN~COLUMBIA, IL 62236
932 N RAPP~COLUMBIA, IL 62236
916 N RAPP~COLUMBIA, IL 62236
916 N RAPP~COLUMBIA, IL 62236
317 DRUSCILLA LN~WATERLOO, IL 62298
907 N MAIN ST~COLUMBIA, IL 62236
903 N MAIN~COLUMBIA, IL 62236
117 W KALOWSKY~COLUMBIA, IL 62236
914 N RAPP~COLUMBIA, IL 62236
915 N MAIN SUTIE A~COLUMBIA, IL 62236
317 DRUSCILLA LN~WATERLOO, IL 62298
C/O KIMBERLY SMOOT~4636 SVENSON DR~SPRINGFIELD, IL 62711
306 E MILL ST~WATERLOO, IL 62298
825 N MAIN~COLUMBIA, IL 62236
821 N MAIN~COLUMBIA, IL 62236
811 N MAIN ST~COLUMBIA, IL 62236
114 W KALOWSKY~COLUMBIA, IL 62236
115 WIERSCHEM~COLUMBIA, IL 62236
114 WIERSCHEM~COLUMBIA, IL 62236
115 KOSCIUSCO~COLUMBIA, IL 62236