

FEB 02 2009


City Clerk

After Recording Return to:
Adams & Huetsch
321 Wedgewood Square
P.O.Box 647
Columbia, Illinois 62236

ORDINANCE NO. 2707

AN ORDINANCE TO VACATE A PORTION OF JENNIFER COURT RIGHT-OF-WAY, A MUNICIPAL STREET RIGHT-OF-WAY IN THE COLUMBIA LAKES III, PHASE 4 SUBDIVISIONS IN THE CITY OF COLUMBIA, ILLINOIS

WHEREAS, Section 5/7-101 of the Roads and Bridges Act of the Illinois Highway Code provides and requires that Illinois municipalities shall have the powers granted and duties imposed by said Act in addition to the powers granted by the Illinois Municipal Code; and, further, provides that Illinois municipalities shall have the power to vacate streets and alleys which are or will become part of the municipal street system provided they are vacated in the manner provided by the Illinois Municipal Code (605 ILCS 5/7-101);

WHEREAS, the Illinois Municipal Code allows and provides that the corporate authorities of each municipality in Illinois (being the City Council of the City of Columbia, Illinois in the case of the City of Columbia) may vacate streets, alleys and avenues (65 ILCS 5/11-61-2);

WHEREAS, Section 11-91-1 of Division 91 ("Vacating of Streets and Alleys", hereinafter referred to as the "Act") of the Illinois Municipal Code requires that whenever the Corporate Authorities determine that it is in the public interest to vacate a street, or part thereof, within an incorporated area, they may vacate the street, or part thereof, by an ordinance, (65 ILCS 5/11-91-1);

WHEREAS, the Act further requires that the ordinance vacating the street, or part thereof, must contain a legal description or permanent index number of the particular parcel of property acquiring title to the vacated property which ownership is determined by Section 11-91-2 of the Act (65 ILCS 5/11-91-2);

WHEREAS, the Act further requires that the street vacation ordinance shall be passed by the affirmative vote of at least three-fourths (3/4) of the aldermen holding office at the time of reference (65 ILCS 5/11-91-1);

WHEREAS, the Act further provides that a notice of public hearing and the conduct of a public hearing is required before a street vacation ordinance can be enacted if a street under the municipalities jurisdiction is located in an unincorporated area but no such notice and hearing is required if the street is located in an incorporated area of the City; and the portion of the subject street that is the subject of vacation in this ordinance is located in an incorporated area of the city (65 ILCS 5/11-91-1);

WHEREAS, the Act further provides that if there are any public service facilities locate in such street, or part of a street, to be vacated the vacation ordinance shall also reserve to the municipality or to the public utility that owns the public service facilities, such property, right-of-way and easements as, in the judgment of the corporate authorities, are necessary or desirable for continuing public service by means of those facilities and for the maintenance, renewal and reconstruction thereof (65 ILCS 5/11-91-1);

WHEREAS, the Act further provides that the determination of the corporate authorities that the nature and extent of the public use or public interest to be subserved is such as to warrant the vacation of said street, or part thereof, shall be conclusive, and the passage of a vacation ordinance to provide for the same is sufficient evidence of that determination (65 ILCS 11-91-9);

WHEREAS, the City Council of the City of Columbia, Illinois (the "City"), has found and determined and does hereby declare that the public interest is subserved by the vacation of the portion of Jennifer Court involved in this ordinance for the following reasons:

(1) The subject portion of Jennifer Court was originally intended to provide for the extension of Jennifer Court from the Columbia Lakes III subdivision into the Columbia Lakes IV Subdivision in the City to provide access to building lots in said Columbia Lakes IV Subdivision and as a result of the discovery of a household dumping site located at the subject location which is not subject to regulation under the applicable environmental law and authority as long as the site remains undisturbed, the extension of Jennifer Court at the subject location will no longer serve its originally intended purpose since the land at that location the Subdivider/Developer, Columbia Lakes Development, LLC, intends shall become and be maintained by the Columbia Lakes Homeowner's Association as common ground for open space and recreational uses and purposes in the Columbia Lakes III and IV Subdivisions; and,

(2) The vacation of the subject portion of Jennifer Court will relieve the City from the burden and responsibility of maintaining that portion of the street.

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 hereby and herewith reserves a permanent and perpetual municipal and public utility easement and telecommunication easement in, over, along, under, through and across all of the land described in the next successive Section 3 of this Ordinance, which land is the subject of the street vacation involved herein, for municipal, public and telecommunication services heretofore installed therein or which the City shall hereafter authorized to be constructed and installed therein and for the maintenance, renewal and reconstruction thereof.

Section 3. The City hereby vacates the following described portion of the right-of-way for Jennifer Court in the Columbia Lakes III, Phase 4 Subdivision in the City:

ALL OF THE RIGHT-OF WAY OF JENNIFER COURT AS SHOWN ON THE PLAT OF "COLUMBIA LAKES III ~ PHASE 4", BEING A SUBDIVISION OF PART OF U.S. SURVEY 644, CLAIM 501, TOWNSHIP 1 SOUTH, RANGE 10 WEST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF COLUMBIA, MONROE COUNTY, ILLINOIS, REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF MONROE COUNTY, ILLINOIS, IN ENVELOPE 2-188A, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 244 OF "COLUMBIA LAKES III ~ PHASE 4"; THENCE AT AN ASSUMED BEARING OF SOUTH 08°29'54" EAST, ALONG THE EASTERLY LINE OF "COLUMBIA LAKES III ~ PHASE 4", A DISTANCE OF 50.91 FEET TO THE MOST NORTHERLY CORNER OF LOT 229 OF "COLUMBIA LAKES III ~ PHASE 4"; THENCE ALONG THE NORTHWESTERLY LINE OF LOT 229, THE FOLLOWING COURSES AND DISTANCES: ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 135.00 FEET, A CENTRAL ANGLE OF 08°53'58", AND A CHORD OF 20.95 FEET WHICH BEARS SOUTH 64°18'02" WEST, AN ARC LENGTH OF 20.97 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 59°51'03" WEST, A DISTANCE OF 49.31 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 84°47'03", AND A CHORD OF 33.71 FEET WHICH BEARS SOUTH 17°27'31" WEST, A DISTANCE OF 36.99 FEET TO A POINT WHICH LIES ON THE EASTERLY RIGHT-OF-WAY LINE OF A PUBLIC ROAD KNOWN AS LAKE SHORE DRIVE (50' WIDE); THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF LAKE SHORE DRIVE, BEING A CURVE TO THE LEFT HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 10°25'55", AND A CHORD OF 95.45 FEET WHICH BEARS NORTH

30°08'57" WEST, AN ARC LENGTH OF 95.59 FEET TO THE SOUTHWEST CORNER OF LOT 244 OF "COLUMBIA LAKES III ~ PHASE 4"; THENCE ALONG THE SOUTHEASTERLY LINE OF LOT 244, THE FOLLOWING COURSES AND DISTANCES: ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 84°47'03", AND A CHORD OF 33.71 FEET WHICH BEARS SOUTH 77°45'26" EAST, AN ARC LENGTH OF 36.99 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 59°51'03" EAST, A DISTANCE OF 49.31 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 185.00 FEET, A CENTRAL ANGLE OF 12°22'55", AND A CHORD OF 39.90 FEET WHICH BEARS NORTH 66°02'30" EAST, AN ARC LENGTH OF 39.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.12 ACRES MORE OR LESS.

Section 4. The legal description of the particular parcel of property belonging to the Columbia Lakes Development, LLC, an Illinois Limited Liability Company, acquiring title to the vacated right-of-way of Jennifer Court in the Columbia Lakes III, Phase 4 Subdivision, is as follows:

PART OF U.S. SURVEY 644, CLAIM 501, TOWNSHIP 1 SOUTH, RANGE 10 WEST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF COLUMBIA, MONROE COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN WHICH MARKS THE MOST EASTERLY CORNER OF LOT 244 OF "COLUMBIA LAKES III ~ PHASE 4", REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF MONROE COUNTY, ILLINOIS, IN ENVELOPE 2-188A; THENCE NORTH 36°35'51" WEST, ALONG THE EASTERLY LINE OF "COLUMBIA LAKES III ~ PHASE 4", A DISTANCE OF 173.89 FEET TO A CONCRETE MONUMENT FOUND; THENCE NORTH 89°45'01" EAST, DEPARTING THE EASTERLY LINE OF "COLUMBIA LAKES III ~ PHASE 4", A DISTANCE OF 60.01 FEET TO AN IRON PIN SET; THENCE SOUTH 80°25'49" EAST, A DISTANCE OF 210.00 FEET TO AN IRON PIN SET; THENCE NORTH 09°34'11" EAST, A DISTANCE OF 110.00 FEET TO AN IRON PIN SET; THENCE SOUTH 80°25'49" EAST, A DISTANCE OF 280.00 FEET TO AN IRON PIN SET; THENCE SOUTH 09°34'11" WEST, A DISTANCE OF 110.00 FEET TO AN IRON PIN SET; THENCE SOUTH 80°25'49" EAST, A DISTANCE OF 140.53 FEET TO AN IRON PIN SET; THENCE SOUTH 25°20'09" EAST, A DISTANCE OF 26.74 FEET TO AN IRON PIN SET; THENCE SOUTH 27°35'53" WEST, A DISTANCE OF 444.00 FEET TO AN IRON PIN SET; THENCE NORTH 61°37'49" WEST, A DISTANCE OF 134.48 FEET TO AN IRON PIN SET; THENCE NORTH 28°22'11" EAST, A DISTANCE OF

110.00 FEET TO AN IRON PIN SET; THENCE NORTH 61°37'49" WEST, A DISTANCE OF 82.73 FEET TO AN IRON PIN SET; THENCE NORTH 80°25'49" WEST, A DISTANCE OF 196.48 FEET TO AN IRON PIN SET WHICH LIES ON THE AFOREMENTIONED EASTERLY LINE OF "COLUMBIA LAKES III ~ PHASE 4"; THENCE NORTH 23°42'04" WEST, ALONG THE EAST LINE OF "COLUMBIA LAKES III ~ PHASE 4", A DISTANCE OF 108.76 FEET TO AN IRON PIN FOUND; THENCE NORTH 08°29'54" WEST, CONTINUING ALONG THE EASTERLY LINE OF "COLUMBIA LAKES III ~ PHASE 4", A DISTANCE OF 50.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.68 ACRES, MORE OR LESS.

which above-described property is common ground located in the Columbia Lakes IV Subdivision in the City of Columbia, Illinois.

Section 5. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith, to the extent of such conflict, are hereby repealed.

Section 6. This Ordinance shall be in full force and effect from and after the recording in the Office of the Monroe County, Illinois Recorder of the final subdivision plat for the Columbia Lakes IV Subdivision in the City of Columbia, Illinois (following the approval of said subdivision plat by the City of Columbia, Illinois City Council by the enactment of an appropriate ordinance) and following its passage by a three-fourths (3/4) vote of the Alderman of the City of Columbia, Illinois City Council holding office and approval by the Mayor, as provided by law.

Alderman Oberkfell 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, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

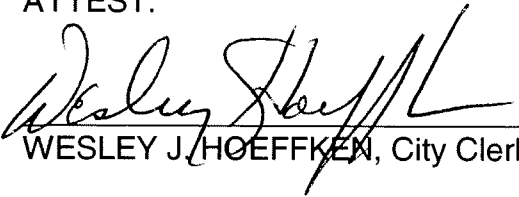
ABSTENTIONS: None.

PASSED by three-fourths (3/4) vote of the Aldermen of the City of Columbia, Illinois holding office and APPROVED by the Mayor this 2nd day of February, 2009.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)