

*Mayor*

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DEC 10 2003

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December 9, 2003

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SOUTHERN COMMERCIAL BANK BUILDING  
5515 SOUTH GRAND AVENUE  
ST. LOUIS, MISSOURI 63111

BANK OF HILLSBORO BUILDING  
P.O. BOX 7  
HILLSBORO, MISSOURI 63050

Mr. Mark T. Rey, P.L.S.  
Mr. Wayne G. Waller, P.E.  
Deer Hill Associates, Inc.  
103 East Mill Street  
Waterloo, Illinois 62298

### RE: Final Plat for Brellinger Subdivision

Gentlemen:

I have reviewed your final plat submittal for the Brellinger Subdivision and with regard thereto have the following comments, recommendations or remarks:

(1) Section 34-3-23(A) of the Subdivision Code requires that the plat be drawn based upon a survey closing within an error of closure of not more than one (1) foot in 5,000 feet. You need to add a note to the plat that indicates "Error of closure does not exceed one (1) foot in five thousand (5,000) feet (1' in 5,000)".

(2) The accurate distance and direction to the nearest established official monument must be shown on the plat. I did not see that on the plat?

(3) Reference to known and permanent monuments and benchmarks from which future surveys may be made together with elevations of any benchmark must be shown on the plat. In the northeast corner of the plat there is a reference to a benchmark but the elevation is not stated?

(4) Accurate metes and bounds legal description of the boundary of the subdivision is required to be depicted on the plat, with regard thereto:

(i) The narrative legal description on the final plat does not agree with the narrative legal description on the preliminary plat and the narrative legal description in the "Declaration of Restrictions for the Subdivision". Why are the two (2) legal descriptions different? The legal description on the "Declaration of Restrictions" must agree with the legal description on the plat. The final plat must agree with the preliminary plat the City approved and lots cannot be reconfigured and legal

descriptions changed on the final plat unless the City Council grants a variance for the same.

(ii) In the narrative legal description for Brellinger Subdivision, it must be labeled and referred to as "LEGAL DESCRIPTION: Brellinger Subdivision" instead of "LEGAL DESCRIPTION Brellinger - Phase I", since this is not a subdivision to be developed in phases, but is a stand alone subdivision to which additions will be added later.

(iii) In the narrative legal description in the ninth line, the call "North 20 Degrees, 26 Minutes, 47 Seconds East" is depicted on the plat drawing as "South 20 degrees 26 minutes 47 seconds East". The call on the plat drawing needs to be changed to N 20° 26' 47" E according to the North arrow on the plat. The narrative legal description and the calls on the plat drawing are required to agree.

(iv) Where monuments exist or are set, they should be referred to in the narrative legal description instead of being referred to as "points" in calls in the narrative legal description.

(v) In the thirteenth line of the narrative legal description, change "Direction" to "Conveyed" so that it reads "in that tract conveyed to Columbia Golf Club, Inc.,".

(5) Section 34-3-23(H) of the Subdivision Code requires the location and dimension of easements and statement of purpose for each easement. What is the reason for the extra wide easements on Lots 39 - 44, 31, 21, 55, 17 and 16, and 39? I am not objecting to that, I am just curious why they were as wide as they are.

(6) Section 34-3-23(J) of the Subdivision Code requires that the purpose for which sites, other than residential lots, are dedicated or reserved be stated on the plat.

(A) What is common ground 2 and 3 for? It has been reconfigured from what was on the preliminary plat and the bulk area of each has been changed. Is this ground set aside for entrance monuments? As heretofore stated, the final plat is required to agree with the preliminary plat and a variance will need to be granted by the City Council to allow the change that has been made.

(B) What is the westerly portion of Lot 12 shown hatched and the property west of that lot shown hatched supposed to represent?

(7) Section 34-3-23(M) of the Subdivision Code requires that the owner's dedication certificate on the plat must include the dedication of all streets and rights-of-way to be dedicated to the City, including Lovell Landing, Rueck Parkway, Rueck Road, LaCroix Way, Pfeffer Drive and Brellinger. Brellinger will have to be indicated to be a street, road or whatever it is intended to be referred to as.

(8) Section 34-3-23(N) of the Subdivision Code requires reference to recorded subdivision plats within 300 feet of adjoining platted land by record name, date, and reference to place of recording (plat envelope, etc.). You will need to indicate the same for Briar Lake Estates Subdivision that is adjoining the subject property to the south.

(9) Section 34-3-23(O) of the Subdivision Code requires reference by book, page and document number where the "Declaration of Covenants, Conditions and Restrictions" are recorded. In Monroe County, you will refer to the document number since the recorder no longer uses book and page references for the recording; in St. Clair County you would still use the reference to book, page and document number. The restrictions would be recorded at the same time as the plat is recorded in each of those Counties.

(10) Section 34-3-1 of the Subdivision Code requires that the final plat and the detailed data must conform to the approved preliminary plat as well as to the improvement plans if the improvements plans were submitted before the final plat. In that regard:

(A) All of the lots in the subdivision have been reconfigured and the bulk area of each has been changed from what was approved on the preliminary plat. Why was this done? The final plat does not conform to the preliminary plat for this reason.

(B) Common grounds 3 and 4 have been reconfigured from what was depicted on the preliminary plat and the bulk area of each has been enlarged. Is this area set aside for entrance monuments? The final plat does not conform to the preliminary plat in this regard either.

Final plat approval will require a variance to be granted by the City Council to relieve of the requirement in the Subdivision Code that the final plat must comply with the approved preliminary plat. Otherwise, a revised preliminary plat submittal will be required.

(11) With regard to the "Declaration of Covenants, Conditions and Restrictions", please be advised:

(A) The legal description on the restrictions no longer agree with the legal description on the plat. This is because the legal description on the preliminary plat was different than the legal description on the final plat submittal. The legal description on the restrictions must agree with the legal description on the final plat that will be recorded.

(B) On page 16, Section 25, entitled "SITE DISTANCE AT INTERSECTIONS" (as referenced in my prior review of the restrictions), "at elevations between two (2) and six (6) feet above their roadways . . ." will have to be changed to ". . . between the heights of three (3) and twelve (12) feet above the established street grade . . ." or, if you prefer, to ". . . between the heights of two (2)

and twelve (12) feet above the established street grade", as is required by Section 17.42.040 (l) of the Columbia Municipal Code. A copy of Section 17.42.040 of the Code is enclosed.

(12) The owner's dedication certificate must be changed to the one now being used. A copy is enclosed. The owner's certificate has been changed to include telecommunications per the request of Harrisonville Telephone Company. As indicated above, the dedication certificate must include a dedication to the City of the rights-of-way for LaCroix Way, Rueck Parkway, Rueck Road, Lovell Landing, Pfeffer Drive and Brellinger (which will have to be indicated to be a street, drive, way, road or whatever it is intended to be).

(13) The surveyor certificate refers to FIRM Community Panels 1705100020D & 1705090020E for Monroe County. **I will need to check with our City Engineer to see if those are the currently effective panels since a revised FIRM for Columbia took effect March 17, 2003.** What about the part of the subdivision that is in St. Clair County? Is it in a flood zone pursuant to the applicable FIRM for that County. What is the applicable FIRM panel for St. Clair County?

(14) **Section 34-4-6 of the Subdivision Code prohibits streets that are longer than 1,300 lineal feet. In the ordinance for final plat approval, we will need a variance from strict application of Section 34-4-6 of the Subdivision Code for LaCroix Way which is longer than 1,300 lineal feet.**

Please advise how you wish to proceed regarding final plat approval.

Very truly yours,



TOM D. ADAMS  
Corporate Legal Counsel  
City of Columbia, Illinois

TDA/mp

Enc.

cc:  Lester Schneider, Mayor (w/o Enc.)  
Kenneth Vaughn, City Engineer (w/o Enc.)  
Dennis A. Brand, Trustee of Brellinger Trust  
Mark C. Scoggins, Attorney for Brellinger Trust