

ORDINANCE NO. 2561

STATE OF ILLINOIS
CITY OF COLUMBIA
FILED FOR RECORD

MAY 21 2007

Debra J. Joffre
City Clerk

**AN ORDINANCE TO ACCEPT OWNERSHIP BY
DEDICATION OF THE DD ROAD PUBLIC STREET
IMPROVEMENTS, SANITARY SEWER SYSTEM, WATER
DISTRIBUTION SYSTEM, AND STORM SEWER SYSTEM
FOR LOT NO. 1 OF THE ALTERNATIVE FOR SENIORS,
INC. SUBDIVISION IN THE CITY OF COLUMBIA, ILLINOIS**

WHEREAS, Alternative for Seniors, Inc. and Illinois Corporation, (the "Developer") is the owner in fee of the property comprising Lot No. 1 of the Alternative for Seniors, Inc. Subdivision (the "Subdivision") in the City of Columbia, Illinois (the "City"), which lot is more particularly described and depicted on the final subdivision plat for said subdivision recorded in the Monroe County, Illinois Recorder's Office in Plat Envelope 2-223B, on February 14, 2007, as Document No. 312467, (reference to such subdivision plat to be had for more particular information concerning said lot and said subdivision);

WHEREAS, the Developer has completed the construction and installation of City required improvements to "DD" Road adjoining Lot No. 1 of the subdivision; has complete the construction and installation of the sanitary sewerage system, potable public water distribution system, and the storm sewerage system in said subdivisions and the same have been inspected by the City Engineer or his designee and have been found to have been constructed and installed in compliance with the requirements of the City of Columbia, Illinois (the "City") Subdivision Code and other applicable Codes and Ordinances of the City;

WHEREAS, the Developer has made and delivered to the City the required Bill of Sale and "As-Built" drawings for the capital infrastructure improvements installed in said subdivisions which documents are in good and proper form and have been accepted by the City;

WHEREAS, the Developer has obtained and delivered to the City's Attorney a good and sufficient "Maintenance Guarantee Letters of Credit" issued by The Bank of Edwardsville, to wit: Letter of Credit No. 859, dated May 14, 2007, in the sum of Sixty Four Thousand Six Hundred Twenty Dollars (\$64,620.00) for Lot No. 1 of the Alternative for Seniors Subdivision, to secure and guarantee performance of required maintenance, repair and replacement of the public infrastructure capital improvements constructed and installed in and for said Lot in said subdivision for the ordinance required two (2) year period, which Maintenance Guarantee is required by City ordinance;

WHEREAS, the City has received the required Certificate from the Developer's Engineer indicating the infrastructure capital improvements installed in the Alternative for Seniors, Inc. Subdivision have been installed in accordance with the requirements of the

City's Codes and Ordinances, which certification has been approved as to form by the City Engineer; and,

WHEREAS, it is necessary and appropriate that the City Council accept by dedication the ownership of the public infrastructure capital improvements described above for the Lot No. 1 of the Alternative for Seniors, Inc. subdivision in the City.

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 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 accepts the ownership by dedication the City required improvements to "DD" Road adjoining Lot No. 1 of the Alternative for Seniors, Inc. subdivision, said public street improvements having been constructed and installed in accordance with the requirements of the Codes and Ordinances of the City pertaining thereto.

Section 3. The City hereby accepts by dedication the storm sewers installed in the Lot No. 1 of the Alternative for Seniors, Inc. Subdivision for the purpose of the collection, transport and flow of surface and storm waters in said subdivisions, which storm sewers have been installed and constructed in the easements created therefor as said public utility easements are depicted on and created by the final plat of the Alternative for Seniors, Inc. Subdivision, said storm sewers having been constructed and installed in accordance with the Codes and Ordinances of the City pertaining thereto.

Section 4. The City hereby accepts the ownership by dedication and the maintenance responsibility for the sanitary sewerage system constructed and installed in Lot No. 1 of the Alternative for Seniors, Inc. Subdivision for the collection, transport and treatment of sewerage, which sewerage system was installed and constructed at the direction of the City by the Developer, and was installed in the utility easements provided therefor as depicted on and created by the final plat for the Alternative for Seniors, Inc. Subdivision, with the exception of those lateral pipes which transport the sewerage of a single building into a common sewerage main, commonly known and referred to as a "house service".

Section 5. The Performance Guarantee Letter of Credit (being Letter of Credit Number 837, dated June 14, 2006 and extended April 18, 2007, in the sum of Three Hundred Twenty Five Thousand Dollars (\$325,000.00), issued by The Bank of Edwardsville and provided to the City by the Developer to secure performance of the construction and installation of the infrastructure capital improvements aforesaid in the

Alternative for Seniors, Inc. Subdivision, and the surety thereon, The Bank of Edwardsville, is hereby released and discharged.

Section 6. All ordinances or resolutions, or parts of ordinances or resolutions, in conflict herewith, to the extent of such conflict, are hereby repealed.

Section 7. This Ordinance shall be in full force and effect immediately upon its passage and approval, as provided by law.

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, Oberfell, Stumpf and

Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 21st day of May, 2007.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)