

ORDINANCE NO. 2652

MAY 05 2008

AN ORDINANCE TO APPROVE A MULTIPLE PURPOSE EASEMENT FOR MUNICIPAL RETAINING WALL, FENCING AND STORM WATER FACILITY FOR THE CITY OF COLUMBIA OLD TOWN RENOVATION PROJECT FROM: THE IMMACULATE CONCEPTION ROMAN CATHOLIC CHURCH AND THE DIOCESE OF BELLEVILLE OF THE ROMAN CATHOLIC CHURCH AND TO AUTHORIZE THE MAYOR TO EXECUTE AND THE CITY ATTORNEY TO RECORD THE SAME FOR AND ON BEHALF OF THE CITY


City Clerk

WHEREAS, the City of Columbia, Illinois (the "City") has determined to construct and install a retaining wall for the stabilization of an earthen embankment, a fence and a storm water management facility in connection with the renovation and improvement involved in the City's Old Town Renovation Project in the City;

WHEREAS, it is necessary and appropriate that the City acquire right-of-way easements for the same from owners of property in which the City is going to install said improvements and their appurtenances for its subject Old Town Renovation project;

WHEREAS, (1) the Immaculate Conception Roman Catholic Church (the "Church") and (2) the Diocese of Belleville of the Roman Catholic Church (the "Diocese"), as the owners of the property to be encumbered by said municipal easement have both agreed to provide the required multiple purpose easement to the City on the terms set forth in the Multiple Purpose Easement which is approved and authorized by this ordinance; and,

WHEREAS, it is necessary and appropriate that the City enact this ordinance to approve and authorize the City to acquire the easement on the terms set forth in the easement and commit the City to do and perform its obligations under said easement so that the City can acquire the subject easement required for the accomplishment of its Old Town Renovation Project and the construction and installation of the City improvements involved therein.

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. Attached hereto is the Multiple Purpose Easement from the above-described property owners for the subject easement. The City hereby approves the form of the Multiple Purpose Easement, as signed by the property owners aforesaid, and does hereby authorize and direct the Mayor to sign the same (acknowledging the City's acceptance of the easement involved and the City's agreement to do and perform the City's obligations undertaken in the easement) and does hereby authorize and direct the City Clerk to attest the same and affix thereto the corporate seal of the City.

Section 3. The City Council hereby authorizes and directs the City Attorney, Tom D. Adams, to record in the office of the Monroe County, Illinois Recorder the fully executed and attested Multiple Purpose Easement aforesaid and thereafter to file the same with the permanent real estate records of the City.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Alderman Row moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Unnerstall, 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 the City Council and APPROVED by the Mayor this 5th day of May, 2008.



KEVIN B. HUTCHINSON, Mayor

ATTEST:


WESLEY J. HOEFFKEN, City Clerk

(SEAL)