

ORDINANCE NO. 2488

AN ORDINANCE TO APPROVE DEEDS FOR WATERLINE EASEMENTS FROM: (1) MACK W. JONES AND CATHERINE G. JONES, 310 WEST FIFTH STREET; (2) BENJAMIN C. BUSBY AS THE TRUSTEE OF THE BENJAMINE C. BUSBY TRUST, 4060 MISSISSIPPI AVENUE; (3) HOLY FAMILY ROMAN CATHOLIC CHURCH, 116 CHURCH STREET; AND (4) THE VILLAGE OF CAHOKIA WITH CITY HALL AT 103 MAIN STREET, ALL LOCATED IN THE VILLAGE OF CAHOKIA, ILLINOIS AND TO AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER THE SAME FOR AND ON BEHALF OF THE CITY

WHEREAS, the City of Columbia, Illinois (the "City") has determined to extend a sixteen inch (16') diameter waterline from the Rectory of the Holy Family Roman Catholic Church located at 116 Church Street in Cahokia, Illinois to connect to the Illinois-American Water Company Water Service System at or near the northeast corner of property at 3300 Mississippi Avenue (a/k/a Illinois Route No. 3) in Cahokia, Illinois which belongs to the ConocoPhillips Oil Company on which said company owns and operates a petroleum refueling terminal;

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 its potable waterline and waterline facilities and appurtenances for its subject Illinois Route No. 3 potable waterline project;

WHEREAS, (1) Mack W. Jones and Catherine G. Jones, his wife, of 310 West Fifth Street; (2) Benjamin C. Busby, as Trustee of the Benjamin C. Busby Trust, of 4060 Mississippi Avenue; (3) the Holy Family Roman Catholic Church of 116 Church Street by Bishop Edward Braxton; and (4) the Village of Cahokia with City Hall at 103 Main Street by its Mayor, Frank Bergmann, have agreed to sell the required waterline easements for right-of-way located along the frontages of their properties in Cahokia, Illinois to the City for the price and/or on the terms set forth in the Waterline Easement Deeds which are 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 easements for the payment of the price and subject to the terms set forth in the easement deeds so that the City can acquire the subject easements required for the accomplishment of its waterline project.

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 are the Waterline Easement Deeds from the above-described property owners for the subject waterline easements. The City hereby approves the form of the Waterline Easement Deeds, 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 easements involved and the City's agreement to do and perform the City's obligations undertaken in the deeds) 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 St. Clair County, Illinois Recorder the fully executed and attested Waterline Easement Deeds aforesaid and thereafter to file them 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 Koesterer moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Agne, and the roll call vote was as follows:

YEAS: Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row and Huch.

NAYS: None.

ABSENT: Mayor Hutchinson.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 7th day of August, 2006.

MICHAEL CONRAD, Mayor Pro Tem

ATTEST:

WESLEY J. HOEFFKEN, City Clerk

(SEAL)