

# Request for City Council Action

Date: September 7, 2010

<b>Agenda Section:</b> Consent  <b>No. 5</b>	<b>Originating Department:</b>  Planning Services/Legal
<b>Item:</b> A Resolution approving the Lone Oak Estates 3 <sup>rd</sup> plat and subdivision agreement located on Red Oak Drive  <b>No. 5. 11</b>	<b>Approved:</b>

**Background and Summary:**

Bruce Doerr and Jerry Wright have submitted a plat for Lone Oak Estates 3<sup>rd</sup> plat located on Red Oak Drive. The minor subdivision includes one residential lot and therefore, does not require Planning Commission review. The property is located outside of the City's zoning jurisdiction but is located within the City's subdivision jurisdiction. The City Staff Engineering Advisory Committee (E.A.C.) has reviewed the proposed subdivision and recommends approval of the subdivision plat with a few minor revisions.

Attached for City Council review are the following:

1. A Resolution containing the subdivision agreement for Lone Oak Estates 3<sup>rd</sup> plat. The Resolution approves the plat of the subdivision, instructs the City Clerk to sign the plat on behalf of the City, and authorizes the City Manager to execute the subdivision agreement.
2. A copy of the subdivision plat
3. A location map

**Additional Information:**

1. *Constituent/Advisory Body Impact:* The City Staff Engineering Advisory Committee has completed its review and recommends approval of the subdivision.
2. *Financial Impact:* Upon development, the community may experience an expanded tax base.
3. *Staff Impact:* none

**Recommended Action:**

It is recommended that the City Council move "To adopt the Resolution approving the subdivision plat and subdivision agreement for Lone Oak Estates 3<sup>rd</sup> Plat."

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ to \_\_\_\_\_

**RESOLUTION NO. 2010- R -\_\_**

**A RESOLUTION APPROVING THE LONE OAK ESTATES 3<sup>rd</sup> PLAT AND  
SUBDIVISION AGREEMENT  
(Red Oak Drive)**

WHEREAS, the City of Carbondale has adopted Ordinance No. 1558, commonly referred to as the Subdivision Ordinance and incorporated in the Revised Code of the City of Carbondale as Title 15, Chapter 3, adopted by Ordinance No. 73-74; and,

WHEREAS, Bruce Doerr and Jerry Wright, being the owners of all the real property described in that certain proposed plat of Lone Oak Estates 3<sup>rd</sup> plat, have presented said plat to the City and request approval of said plat; and,

WHEREAS, said proposed plat of the Lone Oak Estates 3<sup>rd</sup> plat, as presented by said owners is in substantial compliance with Title 15, Chapter 3 of the Carbondale Revised Code; and,

WHEREAS, the Engineering Advisory Committee recommends approval of the Lone Oak Estates 3<sup>rd</sup> plat and the subdivision agreement between the owners and the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:

1. That the proposed plat of that certain subdivision known and referred to as Lone Oak Estates 3<sup>rd</sup> plat, which plat was prepared and executed by John R. Youngman, an Illinois land

surveyor, which plat was executed by the owner of the real property described therein, and which plat is incorporated herein by reference, is hereby approved by the City Council subject to the terms and conditions contained herein.

2. That the approval of the plat of said Lone Oak Estates 3<sup>rd</sup> plat is conditioned upon the terms set forth in that certain subdivision agreement between the owners of the real property described in said plat and the City of Carbondale, a copy of which said agreement is attached hereto as Exhibit "A" and incorporated herein and hereby made a part hereof.

3. That the approval of said plat of said subdivision is further conditioned upon compliance by the owners of said property with the terms and conditions of said subdivision agreement and the provisions of Title 15, Chapter 3 of the Carbondale Revised Code.

4. That, subject to these conditions, the City Clerk is instructed to sign the final plat on behalf of the City of Carbondale and the City Manager is authorized to execute the proposed subdivision agreement in substantially the same form as the attached Exhibit "A" and the owners are authorized to file said plat with the County Clerk as provided by law.

5. That this Resolution be spread at length upon the minute records of the City Council of the City of Carbondale, Illinois.

This Resolution adopted at a regular meeting of the City Council of the City of Carbondale, Illinois, on the 7<sup>th</sup> day of September, 2010.

APPROVED: \_\_\_\_\_  
Brad Cole, Mayor

FOR: \_\_\_\_\_  
AGAINST: \_\_\_\_\_  
PASSED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
RECORDED: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Janet M. Vaught, City Clerk

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
P. Michael Kimmel, City Attorney



**SUBDIVISION AGREEMENT**

This Agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by and between Jerry Wright and Bruce Doerr, hereinafter referred to as "OWNERS", and the City of Carbondale, Illinois, a municipal corporation, hereinafter called the "CITY",

WITNESSETH:

WHEREAS, the OWNERS are the owners of the real property described on Exhibit A attached hereto and made a part of this Subdivision Agreement. OWNERS have submitted a final plat, plans and specifications for the development of real property described on Exhibit A and known as Lone Oak Estates Subdivision, 3<sup>rd</sup> Plat and hereinafter referred to as the "SUBDIVISION," and

WHEREAS, the OWNERS agree to the plans and specifications contained in the final plat of the SUBDIVISION, and

WHEREAS, the CITY has enacted a Subdivision Ordinance setting forth requirements for the development of subdivisions within the CITY'S limits and up to 1 ½ miles from the CITY limits and providing that an OWNER'S final plat, plans and

specifications must conform thereto before it may be entitled to be recorded and lots sold therefrom, and

WHEREAS, to comply with the requirements of the CITY'S Subdivision Ordinance it is necessary for the OWNERS herein to enter into an agreement with CITY guaranteeing that the OWNERS will construct the improvements proposed for the SUBDIVISION in accordance with the final plat, plans and specifications submitted therefore and in compliance with the City's Subdivision Ordinance and the requirements set forth in this agreement.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES HERETO:

Section 1. That the OWNER'S final plat for the development of the SUBDIVISION is attached hereto and made a part hereof by this reference.

Section 2. That the OWNERS shall construct or cause said improvements to be constructed in accordance with the final plat, plans and specifications attached hereto, and in compliance with the Subdivision Ordinance of the City, and the requirements of this Agreement.

Section 3. The OWNERS agree to install the required improvements as provided in Section 15-3-7 of the Carbondale Revised Code, if not otherwise indicated on the final plat, plans and specification, and as indicated on Exhibit B, attached hereto, and it is agreed that the City shall not be responsible for providing or installing any items for which a variance is

herewith requested and approved in said Subdivision at any time and shall remain the responsibility of the OWNERS and/or the property owners of the SUBDIVISION.

Section 4. The OWNERS further agree to the provisions of Exhibit C, attached hereto and made a part of this Subdivision Agreement, which shall be entitled Miscellaneous Agreements.

Section 5. The OWNERS agree to indemnify, save and keep the CITY harmless against all claims for damages, liabilities, judgements, costs, and expenses which may in any way come against the CITY for or on account of injuries to persons or property, real or personal, caused in any manner whatsoever by any act, deed, or omission to act, of the OWNERS or any contractor, subcontractor, or any servant, agent or employee of the OWNERS, contractor or subcontractor in the construction and maintenance of the improvements specified in the approved final plat, plans and specifications attached hereto, and the improvements required by this Agreement.

Section 6. During construction the CITY shall be permitted access to such development, to determine OWNER'S compliance with requirements of the City Subdivision Ordinance, the OWNER'S final plat, plans and specifications, and the terms of this Agreement.

Section 7. Upon completion of construction, a civil engineer registered by the State of Illinois, representing the OWNERS, or any subsequent purchaser, shall certify to CITY that construction has been completed in accordance with all or specific parts of the approved final plat, plans and specifications attached hereto and the CITY'S Subdivision

Ordinance and the Final Inspection Requirements for Subdivision Completion (as shown in Exhibit D attached hereto). Upon receipt of such certifications and "AS BUILT" drawings, the CITY shall cause to have inspected such construction and, if he approves, shall certify same to CITY. Upon receipt of such certifications the City Council shall by Resolution, authorize the release of this agreement.

Section 8. Upon execution of this Agreement the City Clerk shall affix the City Seal upon the final plat, and the City Manager shall cause the final plat, plans and specifications attached hereto be marked "APPROVED".

Section 9. The terms and conditions of this Agreement shall be binding upon the heirs, executors, administrators, successors and assigns or parties hereto.

Section 10. The original executed copy of this agreement shall be recorded with the Jackson County Recorder, and shall be retained by the City Clerk. A copy of the Original, file marked document shall be provided to the OWNERS.

This Agreement was authorized by a Resolution of the City of Carbondale.

Dated the day and year first written above.

BY: \_\_\_\_\_  
Allen D. Gill, City Manager

ATTEST: \_\_\_\_\_  
Janet M. Vaught, City Clerk

OWNERS:

BY: \_\_\_\_\_  
Jerry Wright

BY: \_\_\_\_\_  
Bruce Doerr

Exhibit A page 1 of 1 page

SUBDIVISION AGREEMENT dated \_\_\_\_\_

Lone Oak Estates Subdivision, 3<sup>rd</sup> Plat

**LEGAL DESCRIPTION**

A subdivision of a part of the southeast quarter of the Northwest Quarter and a part of the Southwest Quarter of the Northeast Quarter all in Section 23, Township 9 South, Range 2 West of the Third Principal Meridian. Comprising Lot 1 inclusive

Initial \_\_\_\_\_ City Manager  
\_\_\_\_\_ Owners



Exhibit B page 2 of 2 pages

SUBDIVISION AGREEMENT dated \_\_\_\_\_

Lone Oak Estates Subdivision, 3<sup>rd</sup> Plat

J. Landscape Development: As per code.

K. Street Signs: Existing

L. Privately Developed Facilities: None.

Initial \_\_\_\_\_ City Manager  
\_\_\_\_\_ Owners

Exhibit C page 1 of 1 page

SUBDIVISION AGREEMENT dated \_\_\_\_\_

Lone Oak Estates Subdivision, 3<sup>rd</sup> Plat

**MISCELLANEOUS AGREEMENTS**

- 1) A copy of the subdivision covenants recorded with the County shall be submitted to the Planning Services Division.

Initial \_\_\_\_\_ City Manager  
\_\_\_\_\_ Owners

Exhibit D page 1 of 1 pages

SUBDIVISION AGREEMENT dated \_\_\_\_\_

Lone Oak Estates Subdivision, 3<sup>rd</sup> Plat

**FINAL INSPECTION REQUIREMENTS FOR SUBDIVISION COMPLETION**

SUBDIVISION NAME: Lone Oak Estates Subdivision, 3<sup>rd</sup> Plat

The following items are required as part of the subdivision agreement. Final acceptance of the improvements and dedication to the City shall not occur until all elements have been satisfied.

	<u>Date Completed</u>
1. Final field inspections of the improvements shall be requested in writing by the developer. Certification of the performance of these inspections shall include the list of deficiencies found and the names of the inspecting personnel.	
Water main.....	_____
Street, storm sewer, sidewalk.....	_____
Sanitary sewer.....	_____
2. Deficiencies corrected:	
Water main.....	_____
Street, storm sewer, sidewalk.....	_____
Sanitary sewer.....	_____
3. Satisfactory test results certified by Illinois Professional Engineer:	
Water main	
Pressure.....	_____
Sanitary sewer	
Air/infiltration/exfiltration.....	_____
Flexible pipe deflection.....	_____
Street, storm sewer, sidewalk	
Aggregate base course density.....	_____
Bituminous concrete density.....	_____
Portland cement concrete strength.....	_____
Pavement Cores .....	_____
4. Applicable permits secured:	
Water main	
Operating Permit.....	_____
5. Material certification provided:	
Certification that "the Project was completed in a good workmanlike manner and Approved Materials used".	
Water main.....	_____
Street, storm sewer, sidewalk.....	_____
Sanitary sewer.....	_____
6. IDOT form BC141 "Affidavit" shall be provided:	
Water main.....	_____
Street, storm sewer, sidewalk.....	_____
Sanitary sewer.....	_____
7. As-built drawings provided by Illinois Professional Engineer:	
Water main.....	_____
Street, storm sewer, sidewalk.....	_____
Sanitary sewer.....	_____
8. Bill of Sale signed by owner/developer.	
Water main.....	_____
Street, storm sewer, sidewalk.....	_____
Sanitary sewer.....	_____
9. Construction costs provided by owner/developer.	
Water main.....	_____ \$
Street, storm sewer, sidewalk.....	_____ \$

Sanitary sewer.....\$ \_\_\_\_\_

Initial \_\_\_\_\_ City Manager  
\_\_\_\_\_ Owners



# LONE OAK ESTATES

## 3RD PLAT



BEING A SUBDIVISION OF A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND  
A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER ALL IN SECTION 23,  
TOWNSHIP 9 SOUTH, RANGE 2 WEST OF THE THIRD PRINCIPAL MERIDIAN.  
COMPRISING LOT 1 INCLUSIVE.

State of Illinois) s.s.  
County of Jackson)

We, Bruce Doerr and Jerry Wright, having been duly sworn upon oath do depose and say that we are the owners of that part of the Southeast Quarter of the Northwest Quarter and that part of the Southwest Quarter of the Northwest Quarter, all in Section 23, Township 9 South, Range 2 West of the Third Principal Meridian, County of Jackson, State of Illinois, as shown platted hereon, and have caused the said plat to be hereafter known as LONE OAK ESTATES 3RD PLAT, comprising Lot 1 inclusive. We do hereby state to the best of our knowledge and belief the lot shown platted hereon lies within Murphysboro School District 18B.

Further, we do hereby dedicate to the public use the roads, and easements shown platted hereon, releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

\_\_\_\_\_  
Bruce Doerr

\_\_\_\_\_  
Jerry Wright

State of Illinois) s.s.  
County of Jackson)

I, \_\_\_\_\_, a Notary Public in and for the County of Jackson in the State of Illinois, do hereby certify that Bruce Doerr and Jerry Wright, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2010

\_\_\_\_\_  
Notary Public

State of Illinois) s.s.  
County of Jackson)

I, JOHN R. YOUNGMAN, Illinois Professional Land Surveyor No. 2441, do hereby certify the foregoing plat to be a true and correct representation of my survey of LONE OAK ESTATES 3RD PLAT, being a subdivision of a part of the Southeast Quarter of the Northwest Quarter and a part of the Southwest Quarter of the Northwest Quarter, all in Section 23, Township 9 South, Range 2 West of the Third Principal Meridian, County of Jackson, State of Illinois, comprising Lot 1 inclusive. I further certify that I have set on iron pin with an aluminum survey cap in concrete at the Northwest Corner and the Southwest Corner of Lot 1 from which all future surveys in this subdivision shall begin.

I hereby certify that no part of the property covered by this subdivision is located within a special flood hazard area as identified by the Federal Emergency Management Agency as shown on the FLOOD HAZARD BOUNDARY MAP, COMMUNITY PANEL NUMBER 17077CQ3500, MAY 2, 2008, and that the property covered by this subdivision is situated within 1 1/2 miles of the City of Carbondale, an incorporated city which has adopted a city plan and is exercising the special powers authorized by division 12 of Article 11 of the Illinois Municipal Code. I further certify that to the best of my knowledge and belief, that no part of this subdivision is located within 500 feet of a major stream or water course with an upstream drainage tributary in excess of 640 acres.

I further certify that to the best of my knowledge and belief that this professional service conforms to the current Illinois Minimum Standards for Subdivision Survey, and that this is a true and correct survey and is as shown platted hereon.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Illinois Professional Land Surveyor's Seal at Murphysboro, Illinois.

This \_\_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
John R. Youngman  
Illinois Professional Land Surveyor No. 2441  
License Expires 11-30-2010

State of Illinois) s.s.  
County of Jackson)

I, LARRY REINHARDT, Clerk in and for the County of Jackson, in the State of Illinois, and keeper of the records and official seal thereof, do hereby certify that on this day I have made a search of the records available in my office and have found all current taxes assessed against that part of the Southeast Quarter of the Northwest Quarter and that part of the Southwest Quarter of the Northwest Quarter, all in Section 23, Township 9 South, Range 2 West of the Third Principal Meridian, County of Jackson, State of Illinois, shown on the foregoing plat as LONE OAK ESTATES 3RD PLAT, comprising Lot 1 inclusive, to have been paid in full.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the County of Jackson, of Murphysboro, Illinois.

This \_\_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
Larry Reinhardt, County Clerk

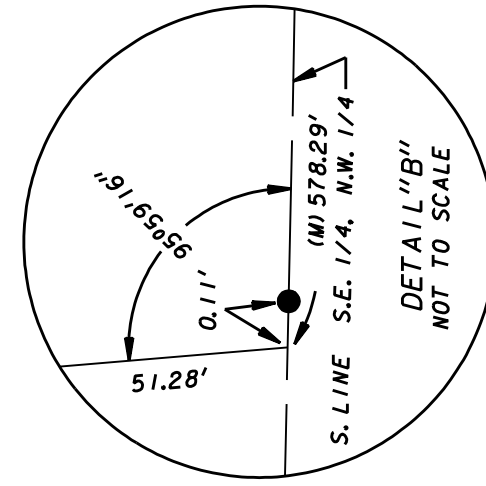
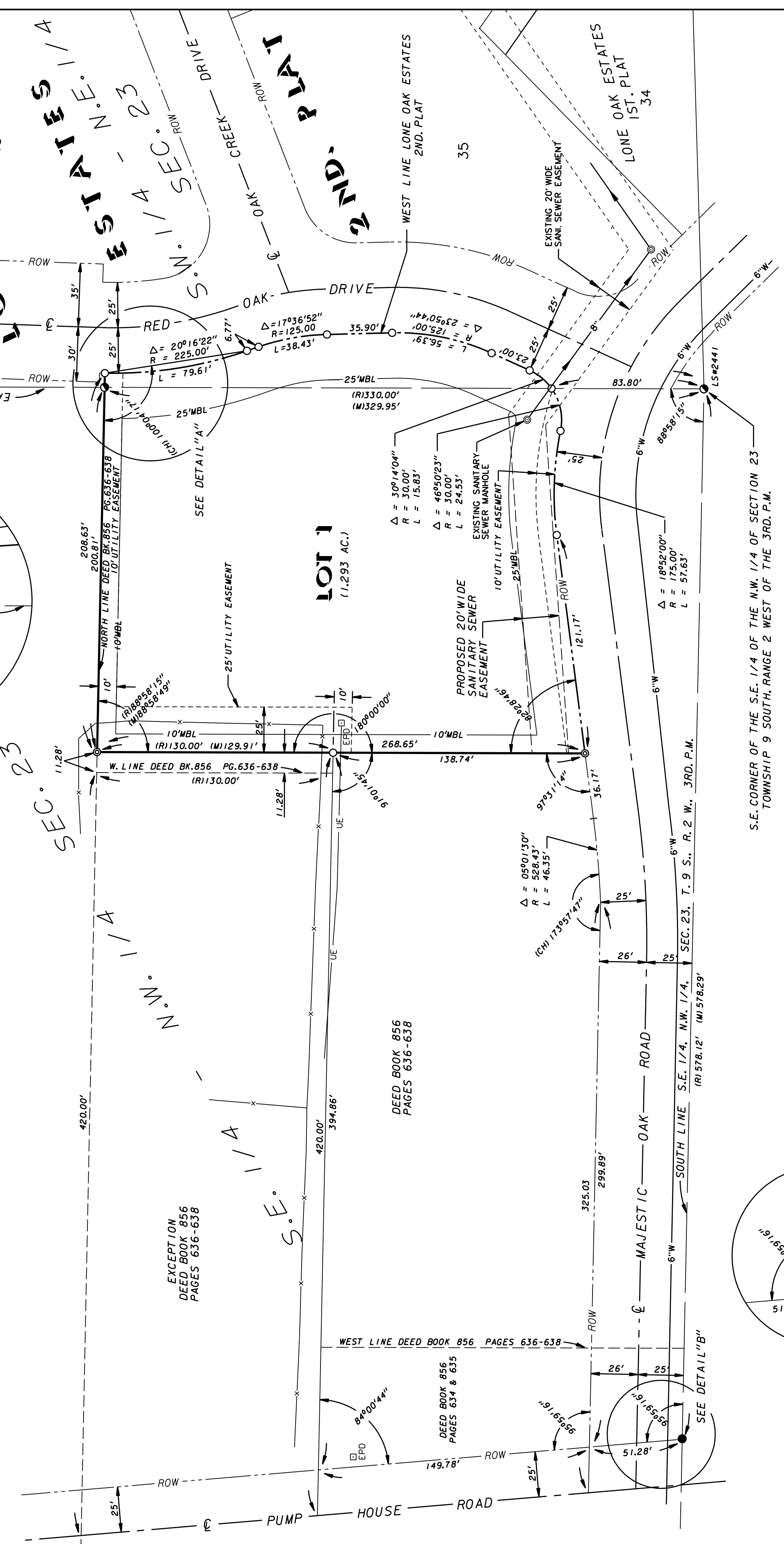
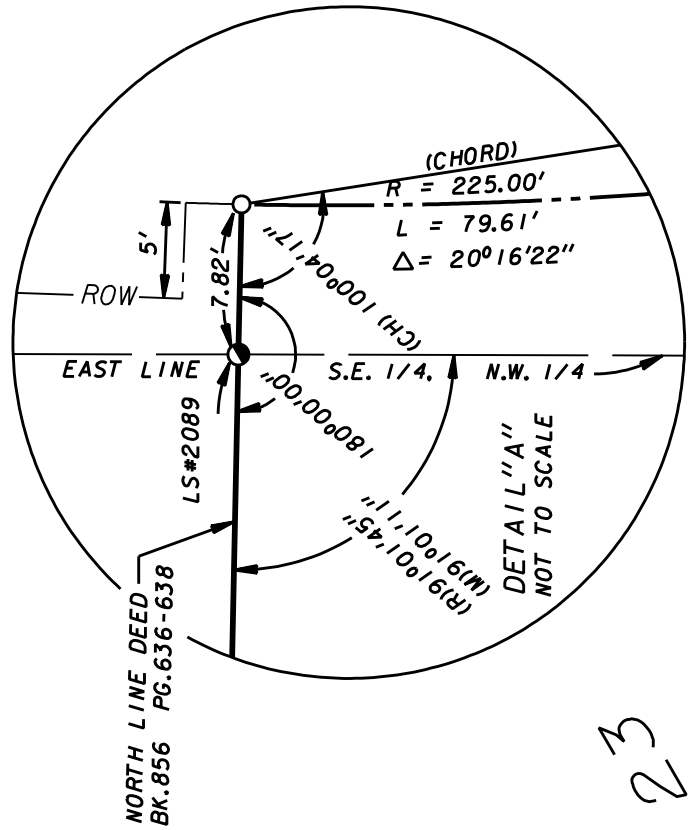
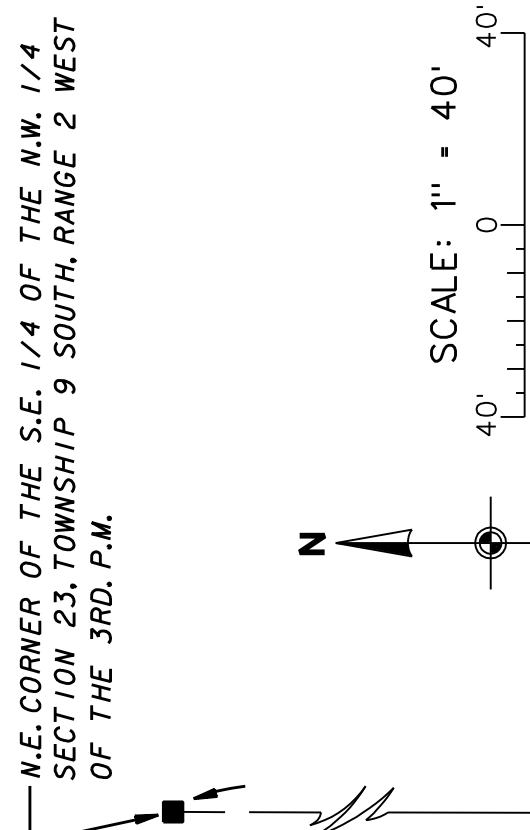
State of Illinois) s.s.  
County of Jackson)

I, JANET M. VAUGHT, Clerk in and for the City of Carbondale, in the County of Jackson, State of Illinois and keeper of the records and official seal thereof, do hereby certify that on this day of \_\_\_\_\_, A.D. 2010, in \_\_\_\_\_ session assembled, the City Council did accept and approve the foregoing plat of LONE OAK ESTATES 3RD PLAT, being a subdivision of part of the Southeast Quarter of the Northwest Quarter and part of the Southwest Quarter of the Northwest Quarter, all in Section 23, Township 9 South, Range 2 West of the Third Principal Meridian, County of Jackson, State of Illinois, comprising Lot 1 inclusive, said subdivision being bounded within 1 1/2 miles of the City of Carbondale, an incorporated city which has adopted a city plan and is exercising the special power authorized by division 12 of Article 11 of the Illinois Municipal Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Carbondale, Illinois.

This \_\_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
Janet M. Vaught, City Clerk




### SUBDIVISION PLAT

SCALE	1" = 40'	FILE NO.	E-9238
DATE	AUG. 2010	DESIGN FILE	9238PLAT08W
DRAWN BY	SJR	SHEET NO.	1 OF 1
<b>J. T. BLANKINSHIP, INC.</b> CONSULTING ENGINEERS & LAND SURVEYORS ILLINOIS PROFESSIONAL DESIGN FIRM NO. 1394 P.O. BOX 40 401 S. 17TH STREET MURPHYSBORO, ILLINOIS 62866 PHONE 618-651-1771			

**Min S/D 11-01  
Lone Oak Estates 3rd Plat**

September 7, 2010

 Subject Property

0 250 500 Feet  
