

"271 07 10

No. GFO-0169

AN ORDINANCE ACCEPTING AND AUTHORIZING THE EXECUTION OF PROPOSAL NO. UE11-01 WITH OROS & BUSCH APPLICATION TECHNOLOGIES, INC. FOR A THREE-YEAR TERM IN AMOUNT NOT TO EXCEED \$4,750,000.00 FOR THE REMOVAL AND BENEFICIAL USE OF UP TO 150,000 TONS OF FILTER PLANT LIME MATERIAL PRODUCED BY THE WATER PURIFICATION PLANT FOR THE OFFICE OF PUBLIC UTILITIES

WHEREAS, this Ordinance approves and authorizes execution of Proposal No. UE11-01 with Oros & Busch Application Technologies, Inc. for a three-year term in an amount not to exceed \$4,750,000.00 for the removal and beneficial use of up to 150,000 tons of Filter Plant Lime material produced by the Water Purification Plant for the Office of Public Utilities, and

WHEREAS, Competitive Sealed Proposals were sought to locate vendors for the removal and beneficial use of said Filter Plant Lime material pursuant to Section 38.38 of the Code of the City of Springfield, Illinois, and

WHEREAS, Oros & Busch submitted the lowest Proposal for the removal and beneficial use of Filter Plant Lime for a three-year term, and

WHEREAS, under this Proposal, Oros & Busch will haul the lime material to the old Peabody #10 mine in Kincaid, Illinois, as part of a mine reclamation project , and

WHEREAS, the proposal documents with Oros & Busch Application Technologies, Inc. shall be on file in the Office of the City Clerk and identified by Request for Proposal No. UE11-01.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:

Section 1. The Council of the City of Springfield, Illinois, hereby approves and accepts Proposal No. UE11-01, a copy of which shall be on file in the Office of the City Clerk, with Oros & Busch Application Technologies, Inc. for the removal and beneficial use of up to 150,000 tons of Filter Plant Lime material for a three-year term in an amount not to exceed Four Million Seven Hundred Fifty Thousand Dollars and No Cents (\$4,750,000.00) for the City of Springfield Office of Public Utilities.

Section 2. The Mayor and the City Clerk are hereby authorized and empowered to execute said proposal for the removal and beneficial use of Filter Plant Lime on behalf of the City of Springfield Office of Public Utilities.

Section 3. The Payment by the City of Springfield Office of Budget and Management to Oros & Busch Application Technologies, Inc. in the amount not to exceed Four Million Seven Hundred Fifty Thousand Dollars and No Cents (\$4,750,00.00) from Account Nos. 101-100-BB-4392-2305, 102-100-CABC-7703-1232 and 102-100-CABC-7707-1232 is hereby authorized, approved and directed.

Section 4. This Ordinance shall become effective immediately upon its passage and recording with the City of Springfield Office of the City Clerk.

PASSED: July 20, 2010  
RECORDED: July 22, 2010  
ATTEST: Caroline K. Kelly

SIGNED: July 22, 2010  
Timothy Davlin  
MAYOR  
Approved as to legal sufficiency:  
W 6-17-10  
Office of the Corporation Counsel/Date

Requested by the Office of Public Utilities/Mayor Davlin

272 07 10

**AN ORDINANCE ASCERTAINING THE PREVAILING  
RATES OF WAGES FOR SANGAMON COUNTY AS  
REQUIRED BY THE ILLINOIS PREVAILING WAGE ACT**

**WHEREAS**, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

**WHEREAS**, the State of Illinois has enacted "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, County, City or any public body or any political subdivision or by any one under contract for public works," approved June 26, 1941, as amended, (820 ILCS 130/0.01 *et. seq.*); and

**WHEREAS**, the aforesaid Act requires that the City of Springfield, Illinois, investigate and ascertain the prevailing rate of wages as defined in said act for laborers, mechanics and other workers in the locality of said City employed in performing construction of public works, for said City of Springfield.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:**

**Section 1:** That to the extent and as required by "An Act regulating wages of laborers, mechanics and other workers employed in any public works by State, county, city or any public body or any political subdivision or by anyone under contract for public works," approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the City of Springfield is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Sangamon County area as determined by the Department of Labor of the State of Illinois as of June of the current year, a copy of that determination being attached hereto and incorporated herein by reference. As required by said Act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department's June determination and apply to any and all public works construction undertaken by the City of Springfield. The definition of any terms appearing in this ordinance which are also used in aforesaid Act shall be the same as in said Act.

**Section 2:** That nothing contained herein shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the City of Springfield, Illinois, to the extent required by the aforesaid Act.

**Section 3:** That the City Clerk shall publicly post or keep available for inspection by any interested party in the Office of the City Clerk this determination or any revisions of such prevailing rate of wage. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

**Section 4:** That the City Clerk shall mail a copy of this determination or revised determination to any employer, and to any association of employers and to any person or association of employees who have filed their names and addresses requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

**Section 5:** That the City Clerk shall promptly file a certified copy of this ordinance with both the Secretary of State Index Division and the Department of Labor of the State of Illinois.

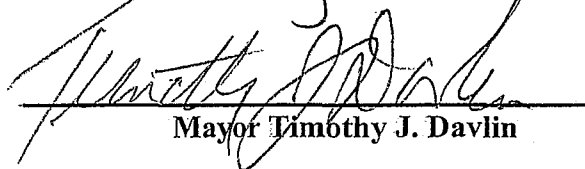
**Section 6:** That the City Clerk shall cause to be published in a newspaper of general circulation within the area a copy of this ordinance, and such publication shall constitute notice that the determination is effective and that this is the determination of the public body.

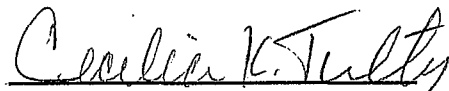
**Section 7:** That this ordinance shall become effective immediately upon its passage and recording by the City Clerk.

PASSED: July 20, 2010

SIGNED: July 20, 2010

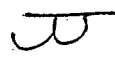
RECORDED: July 20, 2010

  
\_\_\_\_\_  
Mayor Timothy J. Davlin

ATTEST:   
City Clerk-Cecilia K. Tumulty

Approved as to legal sufficiency:

Requested by: Mayor Timothy J. Davlin

  
\_\_\_\_\_  
Office of Corporation Counsel / Date 16-30-10

AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT AMENDMENT NO. 1 TO THE ORIGINAL ENGINEERING SERVICES AGREEMENT WITH BLACK & VEATCH CORPORATION AND AUTHORIZING AN ADDITIONAL EXPENDITURE IN AN AMOUNT NOT TO EXCEED \$1,057,500.00 WITH SAID COMPANY FOR DALLMAN POWER PLANT UNIT NO. 33 FLUE GAS DESULPHURIZATION SYTEM UPGRADES FOR THE ELECTRIC DIVISION FOR THE OFFICE OF PUBLIC UTILITIES

WHEREAS, under Ordinance No. 321-06-09, the Council of the City of Springfield approved and authorized execution of a Professional Services Agreement with Black & Veatch Corporation in an amount not to exceed \$1,980,000.00 for modifications to the Dallman Power Plant Unit No. 33 Flue Gas Desulphurization System (FGDS) for the City of Springfield Office of Public Utilities Electric Division Generation Department, and

WHEREAS, said services covered engineering, construction management and start-up support services for the balance of plant equipment and modifications for the Dallman Unit 33 FGDS upgrade project, and were required due to the advent of stricter sulfur dioxide (SO<sub>2</sub>) limits for utility coal fired units, and

WHEREAS, Black & Veatch's original scope of services included engineering work for equipment upgrades and replacements to include replacing the booster fans, repairing various pumps, replacing or repairing duct work, replacing siding and miscellaneous electrical work, and

WHEREAS, this Ordinance approves and authorizes execution of Amendment No. 1 in an amount not to exceed \$1,057,500.00 to the Original Professional Services Agreement with Black & Veatch Corporation for said services, and

WHEREAS, this Agreement Amendment contains 20 work scope modifications the most significant of which include: 1) Draft Control modifications and electrical design, \$165,000.00; 2) Oxidation Air Rework, \$69,000.00; 3) additional as built drawings on previous upgrades on the piping and instrument drawings as well as electrical drawings, \$56,000.00; 4) booster fan lube oil skid design, \$65,000.00; 5) new scope construction and on-site start-up support, \$370,000.00; and 6) additional engineering for unforeseen conditions, \$150,000.00, and

WHEREAS, this project is being funded by the Electric Division 2008 Electric Revenue Bond Issue, and

WHEREAS, the original Ordinance and this Agreement Amendment bring the expenditure authorization with Black & Veatch to \$3,037,500.00 for these services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:

Section 1. The Council of the City of Springfield, Illinois, hereby approves and authorizes execution of Agreement Amendment No. 1 to the original Professional Services Agreement with Black & Veatch Corporation for additional engineering, construction management and startup support services for the balance of plant equipment and modifications for the Dallman Power Plant Unit No. 33 Flue Gas Desulphurization System (FGDS) upgrade project, a copy of which shall be on file with the City of Springfield Office of the City Clerk, and which authorizes further expenditures in the amount of One Million Fifty-Seven Thousand Five

Hundred Dollars and No Cents (\$1,057,500.00) under said Agreement on behalf of the City of Springfield Office of Public Utilities' Electric Division Generation Department.

Section 2. The Mayor and the City Clerk are hereby authorized and empowered to execute said Agreement Amendment on behalf of the City of Springfield Office of Public Utilities.

Section 3. The Payment by the City of Springfield Office of Budget and Management to Black & Veatch Corporation for the total maximum amount of Three Million Thirty-Seven Thousand Five Hundred Dollars and No Cents (\$3,037,500.00) from Account No. 102-100-CC-JB67-2306 is hereby authorized, approved and directed.

Section 4. This Ordinance shall become effective immediately upon its passage and recording with the City of Springfield Office of the City Clerk.

PASSED: July 20, 2010  
RECORDED: July 22, 2010  
ATTEST: Cecilia R. Tully

SIGNED: July 22, 2010  
Samuel J. Walden  
MAYOR

Approved as to legal sufficiency:  
W 6-30-10  
Office of the Corporation Counsel/Date

Requested by the Office of Public Utilities/Mayor Davlin

"274" "07" '10

No. 4951

AN ORDINANCE ACCEPTING BIDS AND AUTHORIZING THE EXECUTION OF CONTRACT UW11-05-27 – FACTORY STREET TANK-SURFACE PREPARATION AND COATING WITH TECORP, INC. IN THE TOTAL AMOUNT OF \$348,570.00 FOR THE WATER DIVISION FOR THE OFFICE OF PUBLIC UTILITIES

WHEREAS, by previous action, the Specifications Committee approved specifications for Contract UW11-05-27 – Factory Street Tank-Surface Preparation and Coating for the Office of Public Utilities' Water Division, and

WHEREAS, as described in said specifications, advertisement for bids for Contract UW11-05-27 was placed, and

WHEREAS, Tecorp, Inc. submitted the low responsive bid for general construction for the surface preparation and painting of the Factory Street ground storage tank, and

WHEREAS, the proposed contract documents and bid proposals are on file in the Office of the City Clerk and identified by Contract Index No. UW11-05-27.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:

Section 1. The Council of the City of Springfield, Illinois, hereby approves and accepts the bid from Tecorp, Inc. for Contract UW11-05-27 – Factory Street Tank-Surface Preparation and Coating in the total amount of Three Hundred Forty-Eight Thousand Five Hundred Seventy Dollars and No Cents (\$348,570.00) for the City of Springfield Office of Public Utilities' Water Division.

Section 2. The Mayor and the City Clerk are hereby authorized and empowered to execute said Contract with Tecorp, Inc. on behalf of the City of Springfield Office of Public Utilities.

Section 3. The Payment by the City of Springfield Office of Budget and Management to Tecorp, Inc. for the total maximum amount of Three Hundred Forty-Eight Thousand Five Hundred Seventy Dollars and No Cents (\$348,570.00) from Account No. 101-100-BB-ND18-2305 is hereby authorized, approved and directed.

Section 4. This Ordinance shall become effective immediately upon its passage and recording with the City of Springfield Office of the City Clerk.

PASSED: July 20, 2010

RECORDED: July 22, 2010

ATTEST: Cecilia K. Kelly

SIGNED: July 22, 2010

Timothy Walker  
MAYOR

Approved as to legal sufficiency:  
W 6-30-10

Office of the Corporation Counsel/Date  
Requested by the Office of Public Utilities/Mayor Davlin

275 07 10

No. GFO-0168

AN ORDINANCE ACCEPTING BIDS AND AUTHORIZING THE EXECUTION OF  
CONTRACT UE11-05-24 – STREET SWEEPER FOR DALLMAN POWER PLANT WITH KEY  
EQUIPMENT & SUPPLY CO. IN THE TOTAL AMOUNT OF \$193,805.00  
FOR THE OFFICE OF PUBLIC UTILITIES

WHEREAS, by previous action, the Specifications Committee approved specifications for Contract UE11-05-24 – Street Sweeper for Dallman Power Plant for the Office of Public Utilities, and

WHEREAS, as described in said specifications, advertisement for bids for Contract UE11-05-24 was placed, and

WHEREAS, Key Equipment & Supply Co. submitted the low bid meeting specifications for the purchase of a three-wheel broom Street Sweeper for the Dallman Power Plant, and

WHEREAS, the proposed contract documents and bid proposals are on file in the Office of the City Clerk and identified by Contract Index No. UE11-05-24.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:

Section 1. The Council of the City of Springfield, Illinois, hereby approves and accepts the bid from Key Equipment & Supply Co. for Contract UE11-05-24 – Street Sweeper for Dallman Power Plant in the total amount of One Hundred Ninety-Three Thousand Eight Hundred Five Dollars and No Cents (\$193,805.00) for the City of Springfield Office of Public Utilities.

Section 2. The Mayor and the City Clerk are hereby authorized and empowered to execute said Contract with Key Equipment & Supply Co. on behalf of the City of Springfield Office of Public Utilities.

Section 3. The Payment by the City of Springfield Office of Budget and Management to Key Equipment & Supply Co. for the total maximum amount of One Hundred Ninety-Three Thousand Eight Hundred Five Dollars and No Cents (\$193,805.00) from Account No. 102-100-CAB-LNH6-1504 is hereby authorized, approved and directed.

Section 4. This Ordinance shall become effective immediately upon its passage and recording with the City of Springfield Office of the City Clerk.

PASSED: July 20, 2010

RECORDED: July 22, 2010

ATTEST: Cecilia K. Tully

SIGNED: July 22, 2010

[Signature]  
MAYOR

Approved as to legal sufficiency:  
W 6-30-10

Office of the Corporation Counsel/Date

Requested by the Office of Public Utilities/Mayor Davlin

AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A RESIDENTIAL LEASE AGREEMENT WITH RICHARD MEIER AND PATRICIA MEIER FOR A ONE-YEAR TERM FOR THE ADMINISTRATIVE SERVICES DIVISION FOR THE CITY OF SPRINGFIELD OFFICE OF PUBLIC UTILITIES

WHEREAS, this ordinance approves and authorizes execution of a residential lease agreement, a copy of which shall be on file with the Office of the City Clerk, between the City of Springfield Office of Public Utilities' Administrative Services Division and Richard Meier and Patricia Meier for property commonly known as 1351 Dickey Road, and

WHEREAS, this property consists of approximately 16.39 acres with a single family residence on the premises, and is located in Pawnee, Illinois, and

WHEREAS, the tenant's monthly rent shall be \$550.00 for the lease of said property, and

WHEREAS, this lease agreement is effective for a one-year term that will expire June 30, 2011, unless cancelled with 30 days written notice or extended by mutual agreement in accordance with the lease provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:

Section 1. The Council of the City of Springfield, Illinois, hereby approves the residential lease agreement, a copy of which shall be on file with the Office of the City Clerk, with Richard Meier and Patricia Meier for property commonly known as 1351 Dickey Road, Pawnee, Illinois, the agreement term of which is July 1, 2010, through June 30, 2011, unless cancelled or extended in accordance with the lease provisions.

Section 2. The Mayor and the City Clerk are hereby authorized and empowered to execute said lease agreement on behalf of the City of Springfield Office of Public Utilities.

Section 3. This Ordinance shall become effective immediately upon its passage and recording with the City of Springfield Office of the City Clerk.

PASSED: July 20, 2010
RECORDED: July 22, 2010
ATTEST: Cecilia K. Tully

SIGNED: July 22, 2010
Mayor
Approved as to legal sufficiency:
6-30-10
Office of the Corporation Counsel/Date

Requested by the Office of Public Utilities/Mayor Davlin

277 07 10

**AN ORDINANCE AUTHORIZING EXECUTION OF AN ANNEXATION AGREEMENT WITH CHARLES R. MARTIN, MARY ROSE MARTIN AND JOHN R. MARTIN FOR REAL PROPERTY LOCATED ON WOODHAVEN ROAD**

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**WHEREAS**, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

**WHEREAS**, Charles R. Martin, Mary Rose Martin and John R. Martin ("Owners") own real property located on Woodhaven Road; and

**WHEREAS**, the Owners have filed a verified petition duly executed and sworn, that the City annex the following described real property:

Part of the Northwest Quarter of Section 17 and part of the Northeast Quarter of Section 18, all in Township 15 North, Range 4 West of the Third Principal Meridian, in Sangamon County, Illinois, more particularly described as follows:

Commencing at an iron pin found marking the Southwest corner of the Northwest Quarter of the aforesaid Section 17; thence North 90 degrees 00 minutes 00 seconds East 841.14 feet; thence North 00 degrees 00 minutes 00 seconds East 582.18 feet to a set iron pin marking the true point of beginning; thence North 75 degrees 51 minutes 38 seconds West 416.68 feet to a set iron pin; thence North 89 degrees 41 minutes 50 seconds West 594.37 feet to a found iron pin; thence North 02 degrees 44 minutes 45 seconds East 221.00 feet to a found iron pin; thence South 89 degrees 48 minutes 22 seconds East 645.77 feet to a found iron pin set in concrete; thence South 62 degrees 16 minutes 50 seconds East 328.67 feet to found iron pin set in concrete; thence South 68 degrees 27 minutes 47 seconds East 166.28 feet; thence South 21 degrees 29 minutes 46 seconds West 42.88 feet; thence South 51 degrees 35 minutes 08 seconds West 112.12 feet to the true point of beginning. Said tract contains 5.00 acres, more or less.

**WHEREAS**, it is in the best interest of the City of Springfield to enter into an annexation agreement with the Owners; and

**WHEREAS**, said annexation agreement shall be located in the Office of the City Clerk.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:**

**Section 1:** That the City Council hereby approves and authorizes the execution of an annexation agreement with Charles R. Martin, Mary Rose Martin and John R. Martin ("Owners") for property located on Woodhaven Road, legally described above. The Mayor and City Clerk are hereby authorized to execute the annexation agreement, which shall be located in the Office of the City Clerk, on behalf of the City of Springfield.

**Section 2:** That the Office of the City Clerk is hereby directed to record this ordinance, agreement and any easement, if applicable, with the Sangamon County Recorder of Deeds.

**Section 3:** That this ordinance shall become effective immediately upon its passage and recording by the City Clerk.

PASSED: July 20, 2010

RECORDED: July 22, 2010

ATTEST: Cecilia K. Tully  
City Clerk

Requested by: Mayor Timothy J. Davlin

SIGNED: July 22, 2010

Timothy J. Davlin  
Mayor Timothy J. Davlin

Approved as to legal sufficiency:

W, 6-30-10  
Office of Corporation Counsel / Date

277 07 10

**AN ORDINANCE AMENDING SECTION 90.34.3(a)(4), OF THE 1988 CITY OF SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, TO EXTEND THE HOURS OF OPERATION FOR SIDEWALK CAFÉ PERMITS, AS AMENDED**

**WHEREAS**, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

**WHEREAS**, Chapter 90, section 90.34.3(4), of the 1988 City of Springfield Code of Ordinances, as amended, provides that holders of a sidewalk cafe permit may begin sales at 11:00 a.m. on Monday through Sunday, and must conclude all sales and clear the cafe area no later than 9:00 p.m.; and

**WHEREAS**, beginning sales at 11:00 a.m. does not allow sufficient time for breakfast service; and

**WHEREAS**, it is in the best interest of the City to allow sales to begin at 7:00 a.m.; and

**WHEREAS**, concluding sales and clearing the area by 9:00 p.m. does not allow sufficient time for restaurants to complete outside dinner service; and

**WHEREAS**, it is in the best interest of the City to extend the hours of operation for sidewalk café permits from 9:00 p.m. until 12 a.m.; and

**WHEREAS**, for clarification purposes, Section 90.34.3.(a)(2) is being amended regarding the prohibition of glass containers being used to serve alcoholic beverages.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:**

**Section 1:** That the City Council hereby amends Chapter 90, Section 90.34.3(a)(2) and Section 90.34-3(a)(4) of the 1988 Springfield City Code of Ordinances, as amended, as follows:

**CHAPTER 90. ALCOHOLIC BEVERAGES**

**§ 90.34.3. Permit conditions.**

- (a) Sidewalk cafe permits shall be subject to the following conditions:
- (1) The alcoholic beverages authorized for sale by the primary classification shall be the same as those authorized for sale in a sidewalk cafe.
  - (2) Alcoholic beverages may not be served ~~only~~ in a glass container ~~made of a product that does not easily shatter or break; including, but not limited to glass.~~

- (3) Between the street side perimeter of said service area and the curb of said street, there shall be a pedestrian passageway measuring no less than five feet in width, provided however, that whenever permanent obstructions are located between the perimeter of the service area and the curb, the required passageway may be reduced to four feet in width as measured from such perimeter to such obstruction.
- (4) All holders of a sidewalk cafe permit may begin sales at ~~11:00~~ 7:00 a.m. on Monday through Sunday, and must conclude all sales and clear the cafe area no later than ~~9:00~~ 12:00 a.m.
- (5) All holders of a sidewalk cafe permit may provide non-amplified live entertainment in sidewalk cafe area if performed by no more than two instrumentalists, one who may be a vocalist.
- (6) All holders of a sidewalk cafe permit, their employees, or customers shall not remove alcoholic liquor from the sidewalk cafe area, except for a permittee or their employee carrying alcoholic liquor directly between the establishment and the sidewalk restaurant area.
- (7) All holders of a sidewalk cafe permit or their employees shall not sell or serve or allow customers to consume alcoholic liquor in the sidewalk cafe unless customers are seated in the seating provided in accordance with the approved site plans.
- (8) Any tables and chairs, as well as any temporary barrier, used in connection with the permitted service area shall be removed from the public right-of-way no later than 30 minutes after the service area is to be cleared, as required in (a)(4) of this section.
- (9) Condiments, dishes and other service items shall not be permitted on tables when unoccupied.
- (10) The permittee shall promptly remove any litter deposited on or in the vicinity of the surface space used by the permittee resulting from the activity or activities conducted by the permittee on or adjoining such space.
- (11) The permittee shall at all times conduct such activity or activities in an orderly fashion and in such a manner as to protect the public health and safety.
- (12) Such permit area shall be used for business purposes only during the hours specified on the permit authorizing such use, and neither before nor after such hours.
- (13) The permittee shall comply with all health and sanitation regulations.
- (14) The permit issued pursuant to this section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.

(15) Where exigent circumstances exist and a police officer or other authorized officer or employee of the city gives notice to a permittee to temporarily move from a location, such permittee shall comply with the notice.

For purposes of this subsection, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire or other emergency situations at or near such locations, or a parade, demonstration, or other such event or occurrence at or near such location.

(16) Any umbrella in a sidewalk cafe shall be no less than six and one-half feet above ground level.

(17) All sidewalk cafes shall be located only in the exact location described in the approved application. Approved furnishings may not be modified or substituted.

(18) A sidewalk cafe service area shall not extend more than five feet from the permanent structure of the licensed premises, however, the service area may extend to no more than ten feet if the conditions required in (a)(3) of this section are still met by doing so.

(19) The licensee shall be allowed to provide a temporary barrier to the service area. The commission shall approve the arrangement and type of such barrier prior to its use.

(b) All holders of a sidewalk cafe permit shall be subject to an annual renewal in accordance with section 90.24.

(Ord. No. 355-5-96, § 1, Exh. A, 5-21-96; Ord. No. 371-6-97, § 1(Exh. A), 6-17-97, Ord. No. 497-08-06, § 2, 8-1-06)

**Section 2:** That the City Clerk is hereby directed to publish this ordinance in pamphlet form.

**Section 3:** That this ordinance shall become effective immediately upon its passage, recording and publication in pamphlet form.

**PASSED:** July 20, 2010  
**RECORDED:** July 22, 2010  
**ATTEST:** Cecilia K. Tumulty  
City Clerk Cecilia K. Tumulty

**Requested by:** Alderman Cahnman

**SIGNED:** July 22, 2010  
Timothy J. Davlin  
Mayor Timothy J. Davlin

**Approved as to legal sufficiency:**  
JJ, 7-20-10  
Office of Corporation Counsel /Date

279 07 10

**AN ORDINANCE TO INCREASE THE NUMBER OF CLASS "D" LIQUOR LICENSES BY ONE FOR CANCUN III INC., 3028 STANFORD AVENUE**

**WHEREAS**, Cancun III Inc. has applied for a Class "D" liquor license for the business known as Cancun Restaurant located at 3028 Stanford Avenue; and

**WHEREAS**, all phases of the application process have been met; and

**WHEREAS**, it is necessary under Section 90.17 of the 1988 City of Springfield Code of Ordinances, as amended, to control the number of Class "D" Liquor Licenses authorized per classification.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:**

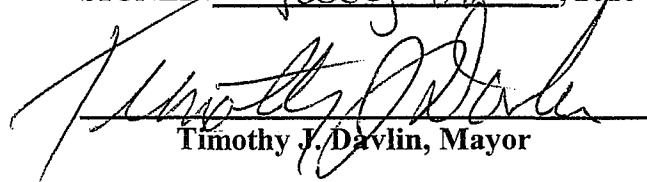
**Section 1:** That the City Council hereby authorizes an increase in the number of Class "D" liquor licenses.

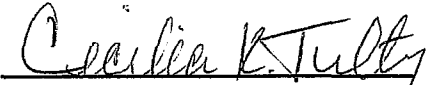
**Section 2:** That this ordinance shall take effect immediately upon its passage and recording by the City Clerk.

PASSED: July 20, 2010

SIGNED: July 22, 2010

RECORDED: July 22, 2010


  
Timothy J. Davlin, Mayor

ATTEST:   
Cecilia K. Tumulty, City Clerk

REQUESTED BY:

Approved as to legal sufficiency:

Liquor Control Commission  
Mayor Timothy J. Davlin

 16-30-10  
Office of Corporation Counsel / Date

280 07 10

**AN ORDINANCE AUTHORIZING AN INCREASE IN THE NUMBER OF CLASS "B" LIQUOR LICENSES BY ONE FOR CAFÉ ANDIAMO LLC, 206 S. 6<sup>TH</sup> STREET**

**WHEREAS**, Café Andiamo LLC, has applied for a Class "B" liquor license for the business known as Andiamo Express located at 206 S. 6<sup>th</sup> Street; and

**WHEREAS**, all phases of the application process have been satisfactorily met; and

**WHEREAS**, in order for the Local Liquor Control Commission to issue said license it is necessary to control the number of licenses authorized per classification pursuant to Chapter 90, Section 90.17 of the 1988 City of Springfield Code of Ordinances, as amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:**

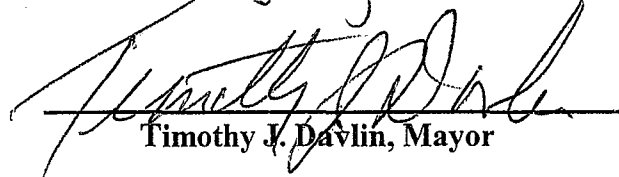
**Section 1:** That the City Council hereby authorizes an increase in the number of Class "B" liquor licenses.

**Section 2:** That this ordinance shall take effect immediately upon its passage and recording by the City Clerk.

**PASSED:** July 20, 2010

**SIGNED:** July 22, 2010

**RECORDED:** July 22, 2010

  
Timothy J. Davlin, Mayor

**ATTEST:** Cecilia K. Tumulty  
Cecilia K. Tumulty, City Clerk

**REQUESTED BY:**

**Approved as to legal sufficiency:**

Liquor Control Commission  
Mayor Timothy J. Davlin

JJ, 6-30-10  
Office of Corporation Counsel / Date

**AN ORDINANCE ANNEXING CERTAIN DESCRIBED REAL PROPERTY  
LOCATED ON WOODHAVEN ROAD (MARTIN, ET AL.)**

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**WHEREAS**, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

**WHEREAS**, Charles R. Martin, Mary Rose Martin and John R. Martin ("Petitioners") have filed a verified petition duly executed and sworn, that the City annex the following described real property:

Part of the Northwest Quarter of Section 17 and part of the Northeast Quarter of Section 18, all in Township 15 North, Range 4 West of the Third Principal Meridian, in Sangamon County, Illinois, more particularly described as follows:

Commencing at an iron pin found marking the Southwest corner of the Northwest Quarter of the aforesaid Section 17; thence North 90 degrees 00 minutes 00 seconds East 841.14 feet; thence North 00 degrees 00 minutes 00 seconds East 582.18 feet to a set iron pin marking the true point of beginning; thence North 75 degrees 51 minutes 38 seconds West 416.68 feet to a set iron pin; thence North 89 degrees 41 minutes 50 seconds West 594.37 feet to a found iron pin; thence North 02 degrees 44 minutes 45 seconds East 221.00 feet to a found iron pin; thence South 89 degrees 48 minutes 22 seconds East 645.77 feet to a found iron pin set in concrete; thence South 62 degrees 16 minutes 50 seconds East 328.67 feet to found iron pin set in concrete; thence South 68 degrees 27 minutes 47 seconds East 166.28 feet; thence South 21 degrees 29 minutes 46 seconds West 42.88 feet; thence South 51 degrees 35 minutes 08 seconds West 112.12 feet to the true point of beginning. Said tract contains 5.00 acres, more or less.

Commonly known as a location on Woodhaven Road and as further described on the plat of annexation attached hereto as Exhibit "A"; and

**WHEREAS**, said property is contiguous to the City of Springfield; that no part thereof is included in the corporate limits of any municipality; that the City of Springfield is the Owner, and said Petitioners are the tenants of said property and the only electors who reside upon or occupy any territory within the above-described property; and

**WHEREAS**, trustees of the Rochester Public Library District, Rochester Fire Protection District, the Rochester Township Board of Trustees and Darrell Maxhei, the Woodside Township Commissioner of Highways, have been given notice of this annexation in accordance with 65 ILCS 5/7-1-1.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:**

**Section 1:** That the above-described real property be and the same is hereby annexed to the City of Springfield, Illinois, pursuant to the provisions of 65 ILCS 5/7-1-8.

**Section 2:** A certified copy of this Ordinance together with the plat attached hereto at Exhibit "A" shall be filed for recordation in the Sangamon County Recorder of Deeds office, filed with the Sangamon County Clerk and sent by certified or registered mail to the election authorities having jurisdiction in the territory annexed, the post office branches serving the territory annexed, and the Clerk of the Township from which said territory has been annexed.

**Section 3:** That the City Clerk is hereby directed to send a copy of this ordinance to Comcast.

**Section 4:** That this ordinance shall become effective immediately upon its passage and proper recording.

PASSED: July 20, 2010

RECORDED: July 22, 2010

ATTEST: Cecilia K. Tumulty  
City Clerk Cecilia K. Tumulty

Requested by: Mayor Timothy J. Davlin

SIGNED: July 22, 2010

Timothy J. Davlin  
Mayor Timothy J. Davlin

Approved as to legal sufficiency:

J 16-30-10  
Office of Corporation Counsel / Date

282 07 10

**AN ORDINANCE ANNEXING CERTAIN DESCRIBED REAL PROPERTY WITH  
NO ASSIGNED ADDRESS LOCATED IN PALISADES SUBDIVISION**

**WHEREAS**, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

**WHEREAS**, the following described property is owned by the City of Springfield:

Part of the Southeast Quarter of the Northwest Quarter of Section 7, Township 15 North, Range 4 West of the Third Principal Meridian, further described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northeast Quarter of the said Section 7 marked by an iron pin; thence North 89 degrees 59 minutes 27 seconds West along the quarter section line a distance of 1470.00 feet to an iron pipe; thence North 00 degrees 32 minutes 36 seconds East a distance of 698.03 feet to Southwest corner of Lot 87 of Palisades Subdivision, Plat Number 2 in said Section 7, said Southwest corner of Lot 87 being the point of beginning; thence North 89 degrees 59 minutes 27 seconds West a distance of 30.00 feet to a point; thence North 00 degrees 32 minutes 36 seconds East a distance of 30.00 feet to a point; thence South 89 degrees 59 minutes 27 seconds East a distance of 30.00 feet to a point; thence South 00 degrees 32 minutes 36 seconds West a distance of 30.00 feet to a point of beginning. Said tract contains 0.021 acre, more or less, situated in the County of Sangamon, State of Illinois.

Tax ID Number: Pt 23-07.0-100-008

**WHEREAS**, said property is contiguous to the City of Springfield; that no part thereof is included in the corporate limits of any municipality; that said Petitioners are the owners of said property; and no electors reside upon or occupy any lands within the above-described territory; and

**WHEREAS**, trustees of the Rochester Public Library District, Rochester Fire Protection District, the Rochester Township Board of Trustees and Darrell Maxhei, the Woodside Township Commissioner of Highways, have been given notice of this annexation in accordance with 65 ILCS 5/7-1-1.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:**

**Section 1:** That the above-described real property be and the same is hereby annexed to the City of Springfield, Illinois, pursuant to the provisions of 65 ILCS 5/7-1-8.

**Section 2:** A certified copy of this Ordinance together with the plat attached hereto at Exhibit "A" shall be filed for recordation in the Sangamon County Recorder of Deeds office, filed with the Sangamon County Clerk and sent by certified or registered mail to the election authorities having jurisdiction in the territory annexed, the post office branches serving the territory annexed, and the Clerk of the Township from which said territory has been annexed.

**Section 3:** That the City Clerk is hereby directed to send a copy of this ordinance to Comcast.

**Section 4:** That this ordinance shall become effective immediately upon its passage and proper recording.

PASSED: July 20, 2010

RECORDED: July 22, 2010

ATTEST: Cecilia K. Tully  
City Clerk Cecilia K. Tully

Requested by: Mayor Timothy J. Davlin

SIGNED: July 22, 2010

Timothy J. Davlin  
Mayor Timothy J. Davlin

Approved as to legal sufficiency:

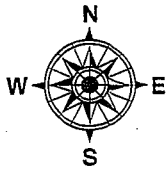
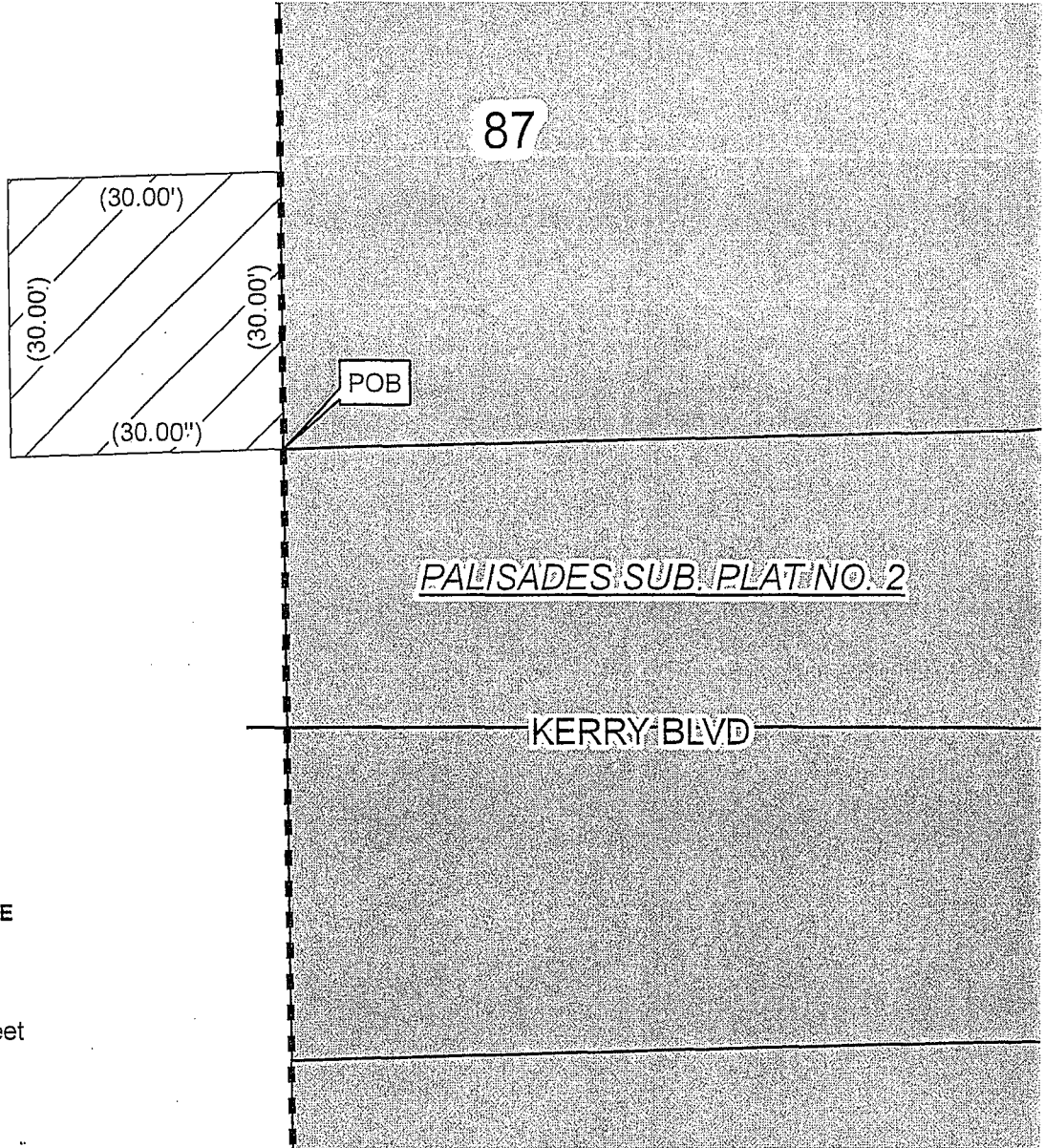
TJ 16-30-10  
Office of Corporation Counsel / Date

282 07 10

PIN: Pt 23-07.0-100-013  
No Address Assigned





# ANNEXATION PLAT

SE 1/4, NW 1/4, Sec 7, T15N, R4W, 3rd PM



1 inch = 20 feet

282 07 10

-  Subdivision Boundary
-  Proposed Annexation
-  City of Springfield
-  (30.00') Record Distance

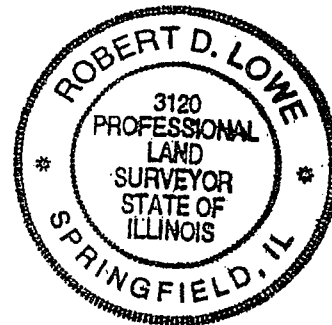
**NOTE:**

The parcel shown is based on the Plat of Subdivision for Palisades Subdivision Plat 2 recorded as Document Number 2000R11167 and the Deed recorded as Document Number 2010R09502 in the Sangamon County Recorder's Office.

I hereby certify that the above plat correctly represents and identifies the parcel of record to be annexed to the City of Springfield, Illinois.

*Robert D. Lowe*  
 \_\_\_\_\_  
 Illinois Professional Land Surveyor No. 3120  
 License Expires 11/30/2010

05-18-10  
 \_\_\_\_\_  
 Date



Annexation  
Legal Description

Part of the Southeast Quarter of the Northwest Quarter of Section 7, Township 15 North, Range 4 West of the Third Principal Meridian, further described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northeast Quarter of the said Section 7 marked by an iron pin; thence North 89 degrees 59 minutes 27 seconds West along the quarter section line a distance of 1470.00 feet to an iron pipe; thence North 00 degrees 32 minutes 36 seconds East a distance of 698.03 feet to Southwest corner of Lot 87 of Palisades Subdivision, Plat Number 2 in said Section 7, said Southwest corner of Lot 87 being the point of beginning; thence North 89 degrees 59 minutes 27 seconds West a distance of 30.00 feet to a point; thence North 00 degrees 32 minutes 36 seconds East a distance of 30.00 feet to a point; thence South 89 degrees 59 minutes 27 seconds East a distance of 30.00 feet to a point; thence South 00 degrees 32 minutes 36 seconds West a distance of 30.00 feet to a point of beginning. Said tract contains 0.021 acre, more or less, situated in the County of Sangamon, State of Illinois.

JAN 28 2010