

CITY OF BATAVIA

DATE: April 16, 2018
TO: Committee of the Whole-CD
FROM: Scott Buening, Community Development Director
SUBJECT: Ordinance 18-26 Annexing part of 908 Bernadette Lane

1. **Summary:** Annexation of part of property at 908 Bernadette Lane.
2. **Background:** This is a property that acquired part of the old railroad right-of-way recently along Bernadette Lane. They approached the City about erecting a fence and we advised them that we needed the property to be annexed in order for the City to issue any permits on this land. They agreed to annex the property and plan to eventually construct a shed on this property as well.

As we had agreed with other similar annexations, the City would prepare the plat of annexation and handle all the paperwork necessary to complete the annexation. The property will be zoned R-0 upon annexation, with a possible rezoning to R-1L at a future date. The property would be in Ward 2 after annexation.

The City Council will need to pass the attached Ordinance in order to annex the property into the City limits.

3. **Alternatives, including no action if viable:**

- Annex the property
- Do not annex the property

- **Pros** Annexing the property will allow the property owners to receive building permits from the City on all of their property, and keep the City electric utility for both parcels. The City will realize a small increase in property taxes as well.
- **Cons** There are no cons associated with the annexation.
- **Budget Impact** The plat of annexation and recording costs will be approximately \$275.00.
- **Staffing Impact** No impact on staffing.

4. **Timeline for actions:** If the Ordinance is passed by the City Council, the annexation would be effective upon recording the Ordinance.
5. **Staff recommendation:** Staff recommends approval of Ordinance 18-26 Annexing part of property at 908 Bernadette Lane.

Attachments:

1. Ordinance 18-26 Annexing part of property at 908 Bernadette Lane.
2. Petition to Annex.
3. Plat of Annexation.
4. Area Map.

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 18-26**

**AN ORDINANCE ANNEXING AND ZONING PART OF 908 BERNADETTE LANE TO
THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
___ DAY OF _____, 2018**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This ___ day of _____, 2018

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 18-26**

**AN ORDINANCE ANNEXING AND ZONING PART OF 908 BERNADETTE LANE TO
THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS**

WHEREAS, the City of Batavia, Kane and DuPage Counties, Illinois (“City”), has received a petition to annex from the property owner of part of 908 Bernadette Lane; and

WHEREAS, the parcel is currently unincorporated, is now contiguous to the City limits and eligible for annexation; and

WHEREAS, the property is designated by PIN 12-28-229-007 and is legally described in **EXHIBIT “A”** and the Plat of Annexation is attached as **EXHIBIT “B”** (“Territory”); and

WHEREAS, the said Territory is not within the corporate limits of any municipality but is contiguous to the City of Batavia; and

WHEREAS, the City is desirous of having this property annexed into the City of Batavia; and

WHEREAS, legal notices regarding the intention of the City to annex said Territory have been sent to all public bodies required to receive such notice by State Statute including the Fire District Trustees, the Township Supervisor, Clerk and Trustees and the Corporate Authorities of Kane County; and

WHEREAS, all petitions, documents, and other necessary legal requirements are in full compliance with the terms of said annexation, the Statutes of the State of Illinois, specifically 65 ILCS 5/7-1-8, and the requirements of the Batavia Municipal Code; and

WHEREAS, it is in the best interest of the City of Batavia that the Territory described and depicted in **EXHIBITS “A” and “B”** be annexed thereto and the territory be zoned R0 Single Family pursuant to the City of Batavia Municipal Code;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois as follows:

SECTION 1: That the Territory described as attached hereto on **EXHIBITS “A” and “B”** is hereby annexed to the City of Batavia, Kane and DuPage Counties, Illinois.

SECTION 2: That said Territory described as attached on **EXHIBITS “A” and “B”** is hereby zoned R0 Single Family, under the terms and conditions of the Batavia Municipal Code.

CITY OF BATAVIA, ILLINOIS ORDINANCE 18-26

SECTION 3: That the City Clerk is hereby directed to record with the Kane County Recorder and to file with the County Clerk a certified copy of this Ordinance, together with an accurate map of the Territory annexed appended to said Ordinance.

SECTION 4: That the official zoning map of the City of Batavia is hereby amended in conformance with the terms of this Ordinance.

SECTION 5: This Ordinance 18-26 shall be in full force and effect upon its passage, presentation and approval according to law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ___ day of _____, 2018.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ___ day of _____, 2018.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Mueller					Stark				
5	Uher					Theilin Atac				
6	Cerrone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Ellen Poseldni, City Clerk

EXHIBIT A

Description of Property Hereby Annexed:

THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF D.W. CARLISLE'S SUBDIVISION, THENCE SOUTH 9 DEGREES 58 MINUTES 30 SECONDS WEST, 230.70 FEET TO THE NORTHWEST CORNER OF COLONIAL VILLAGE, UNIT NO. 5; THENCE NORTH 80 DEGREES 01 MINUTE 30 SECONDS WEST, 50 FEET TO THE CENTER LINE OF THE BURLINGTON NORTHERN INC.; THENCE NORTH 9 DEGREES 58 MINUTES 30 SECONDS EAST, 230.70 FEET TO A POINT; THENCE SOUTH 80 DEGREES 01 MINUTE 30 SECONDS EAST, 50 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF D.W. CARLISLE'S SUBDIVISION, THENCE SOUTH 9 DEGREES 58 MINUTES 30 SECONDS WEST 66 FEET; THENCE NORTH 80 DEGREES 01 MINUTE 30 SECONDS WEST, 50 FEET TO THE CENTER LINE OF THE BURLINGTON NORTHERN INC.; THENCE NORTH 9 DEGREES 58 MINUTES 30 SECONDS EAST, 66 FEET; THENCE SOUTH 80 DEGREES 01 MINUTE 30 SECONDS EAST, 50 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF BATAVIA, KANE COUNTY, ILLINOIS.

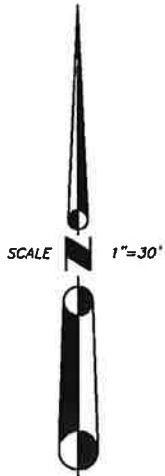
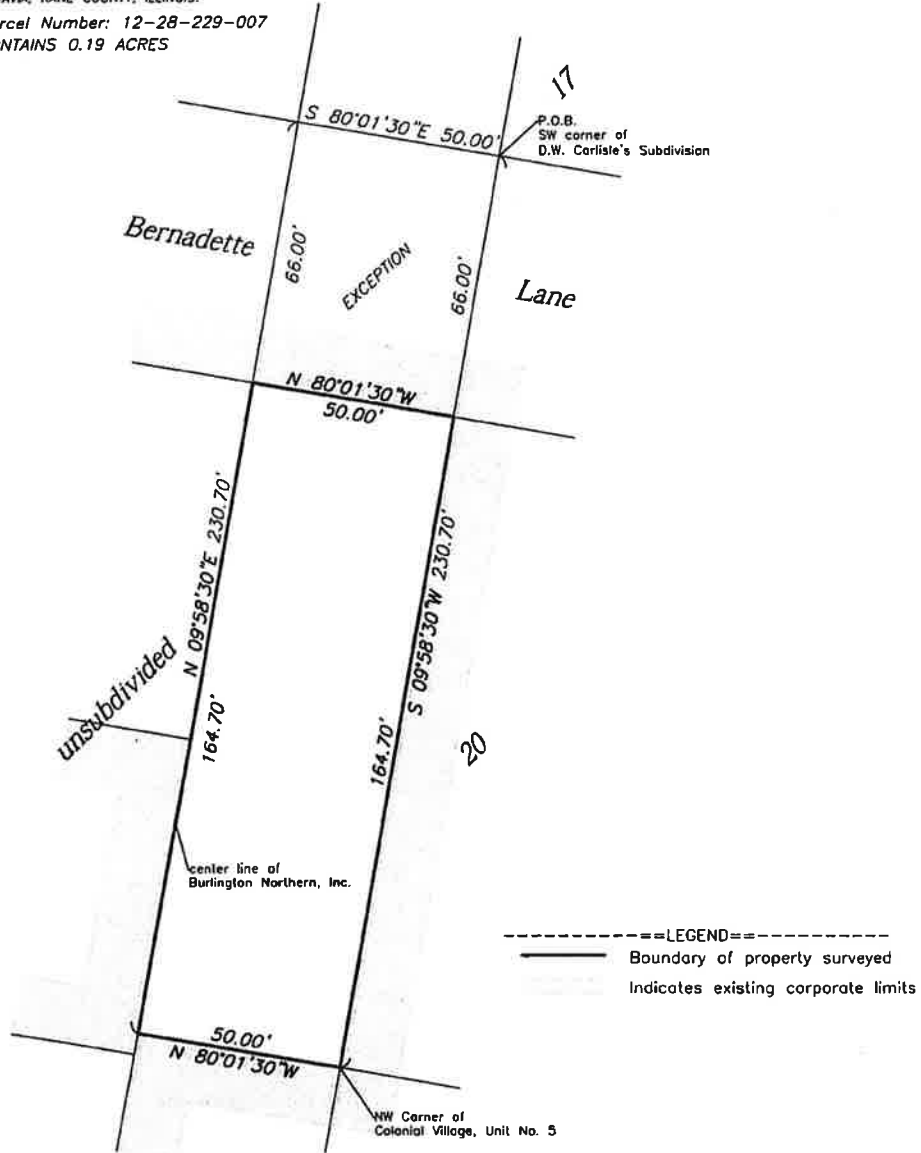
PARCEL NUMBER: 12-28-229-007

MAP OF TERRITORY HEREBY ANNEXED TO THE CITY OF BATAVIA, ILLINOIS

DESCRIPTION OF PROPERTY HEREBY ANNEXED:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF D.W. CARLISLE'S SUBDIVISION, THENCE SOUTH 9 DEGREES 58 MINUTES 30 SECONDS WEST, 230.70 FEET TO THE NORTHWEST CORNER OF COLONIAL VILLAGE, UNIT NO. 5; THENCE NORTH 80 DEGREES 01 MINUTE 30 SECONDS WEST, 50 FEET TO THE CENTER LINE OF THE BURLINGTON NORTHERN INC.; THENCE NORTH 9 DEGREES 58 MINUTES 30 SECONDS EAST, 230.70 FEET TO A POINT; THENCE SOUTH 80 DEGREES 01 MINUTE 30 SECONDS EAST, 50 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THAT PART OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF D.W. CARLISLE'S SUBDIVISION, THENCE SOUTH 9 DEGREES 58 MINUTES 30 SECONDS WEST 66 FEET; THENCE NORTH 80 DEGREES 01 MINUTE 30 SECONDS WEST, 50 FEET TO THE CENTER LINE OF THE BURLINGTON NORTHERN INC.; THENCE NORTH 9 DEGREES 58 MINUTES 30 SECONDS EAST, 66 FEET; THENCE SOUTH 80 DEGREES 01 MINUTE 30 SECONDS EAST, 50 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF BATAVIA, KANE COUNTY, ILLINOIS.

Parcel Number: 12-28-229-007
CONTAINS 0.19 ACRES



-----LEGEND-----
 ————— Boundary of property surveyed
 - - - - - Indicates existing corporate limits

STATE OF ILLINOIS)
)SS
 COUNTY OF DEKALB)

THIS IS TO CERTIFY THAT I, SHAWN R. VanKAMPEN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2017 HAVE PREPARED THE ATTACHED PLAT FOR ANNEXATION PURPOSES AND THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID ANNEXATION. ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF, STANDARDS FOR A BOUNDARY SURVEY.

DATED AT DEKALB, ILLINOIS THIS 2ND DAY OF APRIL, 2018

FOR: CITY OF BATAVIA
 JOB NO. WES 14392A

SHAWN R. VanKAMPEN
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710
 LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2018

Prepared by:
 W.E. Hanna Surveyors
 508 Pine Street
 DeKalb, Illinois 60115
 (815) 756-2189
 Fax 748-2532
 info@hannasurveyors.com
 License # 184007413

STATE OF ILLINOIS)
COUNTY OF KANE) SS
CITY OF BATAVIA .)

ANNEXATION PETITION

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BATAVIA, ILLINOIS

We, the undersigned, Dan A. Mezger, hereby petition the City Council of Batavia, Illinois for annexation of the below described property and state as follows:

- 1. That the undersigned are the owners of certain lands hereinafter described, and that there are no electors residing thereon.
2. That the land hereinafter described and sought to be annexed is not within the corporate limits of any municipality.
3. That the land hereinafter described and sought to be annexed is contiguous to the City of Batavia, Illinois.
4. That the land hereinafter described and hereinafter sought to be annexed is legally described as follows, to-wit: See Exhibit "A"
5. The area and land sought to be annexed is presently zoned by the County of Kane as Farm Land.
6. That the undersigned Petitioners herein are requesting that the said land be annexed to the City of Batavia, Kane County, Illinois, and zoned under the Batavia Ordinance as R-0 Residential.

WHEREFORE, your Petitioners request that the City Council of the City of Batavia, Kane County, Illinois, may favorably consider this Petition and by its proper vote and ordinance annex said lands within the corporate limits of the City of Batavia, Illinois:

AND FURTHER, your Petitioners request that the City Council of the City of Batavia shall by proper vote and ordinance zone said lands as R-0 Residential at the time of said annexation, and that said land be accepted for R-0 Residential zoning.

3/18/18

Owner

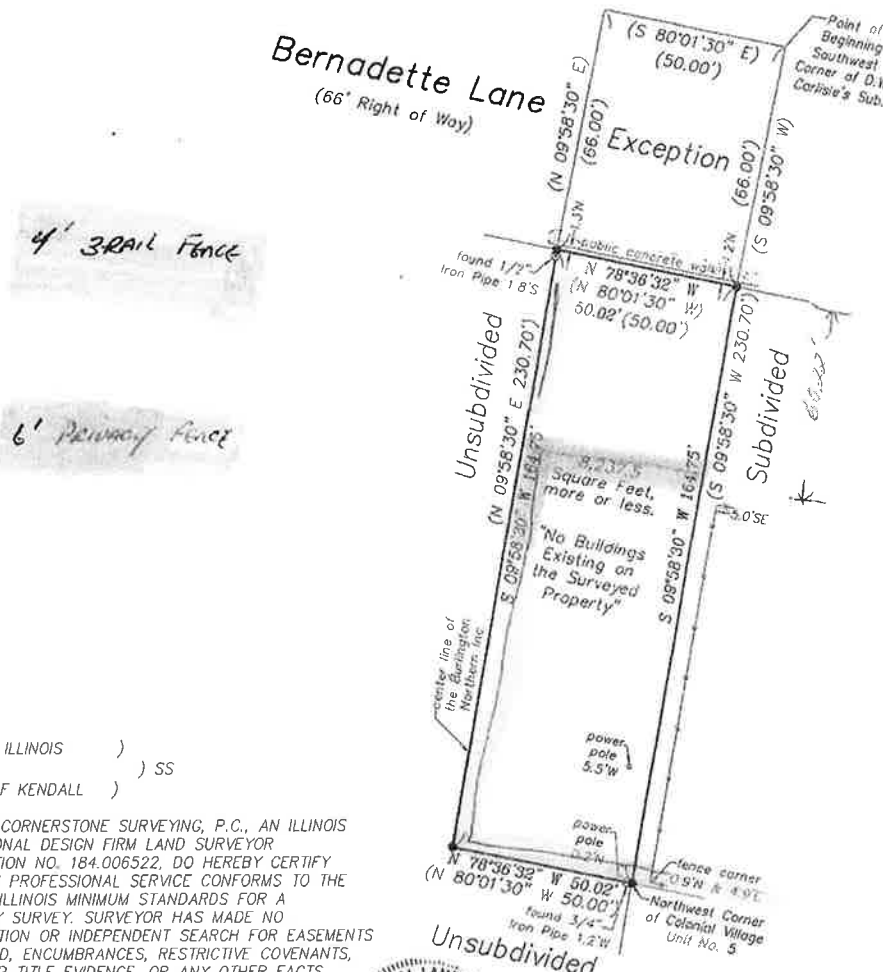
Owner

PLAT OF SURVEY

THAT PART OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF D.W. CARLISLE'S SUBDIVISION, BEING THE POINT OF BEGINNING; THENCE SOUTH 9 DEGREES 58 MINUTES 30 SECONDS WEST, 230.70 FEET TO THE NORTHWEST CORNER OF COLONIAL VILLAGE, UNIT NO. 5; THENCE NORTH 80 DEGREES 01 MINUTES 30 SECONDS WEST, 50 FEET TO THE CENTER LINE OF THE BURLINGTON NORTHERN INC.; THENCE NORTH 9 DEGREES 58 MINUTES 30 SECONDS EAST, 230.70 FEET TO A POINT; THENCE SOUTH 80 DEGREES 01 MINUTES 30 SECONDS EAST, 50 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS: THAT PART OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF D.W. CARLISLE'S SUBDIVISION, THENCE SOUTH 9 DEGREES 58 MINUTES 30 SECONDS WEST 66 FEET; THENCE NORTH 80 DEGREES 01 MINUTES 30 SECONDS WEST, 50 FEET TO THE CENTER LINE OF THE BURLINGTON NORTHERN INC.; THENCE NORTH 9 DEGREES 58 MINUTES 30 SECONDS EAST 66 FEET; THENCE SOUTH 80 DEGREES 01 MINUTES 30 SECONDS EAST, 50 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF BATAVIA, KANE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: VACANT LOT ADJACENT TO 908 BERNADETTE LANE, BATAVIA, ILLINOIS.

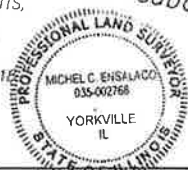


STATE OF ILLINOIS)
) SS
 COUNTY OF KENDALL)

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION NO. 184.006522, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATED AT YORKVILLE, ILLINOIS ON JANUARY 10, 2018

Michel C. Ensalaco



Scale: 1" = 30'

○ = Found 3/4" Dia. Iron Pipe
 ⊙ = Found 1/2" Dia. Iron Pipe
 ● = Set Iron Pipe 1/2" Dia. x 24"

N = North E = East
 S = South W = West

(XX.XX) = Record Distance
 XX.XX' = Measured Distance

Fence = ---+---+---+
 Concrete = [hatched box]

Michel C. Ensalaco, P.L.S. #2768, Exp. 11/30/2018
 Eric C. Pokorny, P.L.S. #3818, Exp. 11/30/2018

TODD SURVEYING

Professional Land Surveying Services
 "Cornerstone Surveying PC"
 759 John Street, Suite D
 Yorkville, IL 60560
 Phone: 630-892-1309 Fax: 630-892-5544

Survey is only valid if original seal is shown in red.

Client:	Donat & Donat, P.C.
Book #:	2327 (Drawn By: AHMEZ) Plot # 4495
Reference:	
Field Work Completed:	01/05/2018
Rev. Date	Rev. Description
Project Number:	2017-2038