

# CITY OF BATAVIA

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**DATE:** April 20, 2018  
**TO:** Committee of the Whole-CD  
**FROM:** Scott Buening, Community Development Director  
**SUBJECT:** Ordinance 18-28 Vacation of Part of Goldenrod Drive Right-of-Way Turnaround

**Summary:** Approval of Ordinance 18-28 Vacation of Part of Goldenrod Drive Right-of-Way Turnaround.

**Background:** As part of the sale of nearby property, staff noted that we have a large amount of right-of-way for the Goldenrod Drive turnaround. While most hammerhead style turnarounds are 20 feet in length on each side, this one is 40 feet in length on each side. This excess right-of-way is not necessary for turnaround purposes, and can impact what the adjacent property owner can do with their property. The encroachment into the front yard affects the setback lines and can lead to problems if the owners wish to add on or rebuild their homes.

Staff has prepared a plat of vacation to vacate 20 feet of this right-of-way on each side. This land would revert to the adjacent property owners, adding to their lot area. The City would not charge them for this additional land similar to what we have done in most of our past roadway vacations. While it is possible we might see some additional property tax revenue from the vacation, the area is so small that it will likely have no effect on the tax levy.

We have sent a letter to both property owners advising them of the roadway vacation, and have not heard objections from either property owner.

**Alternatives:**

1. Vacate the portion of Goldenrod Drive, reserving a drainage and utility easement over the area vacated.
2. Do not vacate Goldenrod Drive.
  - a. **Pros-** Vacating this section of right-of-way will help square off the adjacent lot property boundary and will reduce the setback required for the existing homes and any proposed addition. It would clarify that the City has no ownership or maintenance responsibility for the area being vacated.
  - b. **Cons-** There are no cons to the proposal.
  - c. **Budget Impact-** The vacation would cost about \$500 for plat preparation and recording costs.
  - d. **Staffing Impact-** No staff impact.

**Timeline for actions:** This does not have a specific timeline.

**Staff recommendation:** Approval of Ordinance 18-28 Vacation of Part of Goldenrod Drive Right-of-Way Turnaround.

**Attachments:**

1. Ordinance 18-28 Vacation of Part of Goldenrod Drive Right-of-Way Turnaround.
2. Plat of Vacation.
3. Area Map.

**CITY OF BATAVIA, ILLINOIS**  
**ORDINANCE 18-28**  
**APPROVING A PLAT OF VACATION FOR GOLDENROD DRIVE**  
**TURNAROUND**

**ADOPTED BY THE**  
**MAYOR AND CITY COUNCIL**  
**THIS \_\_\_ 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

**CITY OF BATAVIA, ILLINOIS**

**ORDINANCE 18-28**

**APPROVING A PLAT OF VACATION FOR GOLDENROD DRIVE  
TURNAROUND**

**WHEREAS**, the City of Batavia has determined that part of the hammerhead turnaround right-of-way for Goldenrod Drive as described on the Plat of Vacation, attached as **Exhibit “A”** and legally described in **Exhibit “B”** is excess land no longer necessary to be retained as public right-of-way; and

**WHEREAS**, the City has determined that the public interest will be served by vacating said portion of the right-of-way; and

**WHEREAS**, the City is vacating this property such that it will revert to the respective adjacent property owners; and

**WHEREAS**, said City will reserve a drainage and public utility easement over all of that portion of the alley so vacated; and

**WHEREAS**, 65 ILCS 5/11-91-1 provides that the corporate authorities of any municipality may vacate a portion of a street or alley, provided same is done by ordinance and passed by an affirmative vote of at least 3/4ths of the aldermen then holding office; and

**WHEREAS**, it is in the best interests of the City of Batavia that the City vacate the above-described portion of Goldenrod Drive;

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATAVIA, KANE COUNTY AND DUPAGE COUNTY, ILLINOIS, as follows:

**SECTION 1:** The recitals set forth above are incorporated as if fully stated herein as a material term of this Ordinance.

**SECTION 2:** The Plat of Vacation of the property in the form attached as Exhibit “A” is hereby approved and accepted.

CITY OF BATAVIA, ILLINOIS ORDINANCE 18-28

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**SECTION 3:** The City hereby reserves a drainage and public utility easement over all of that portion of the right-of-way so vacated. Said easement runs to the City of Batavia and any other Public Utility under franchise with the City of Batavia.

**SECTION 4:** The area vacated shall revert to the respective adjacent property owners.

**SECTION 5:** The Mayor and City Clerk are hereby authorized to sign and record the Plat of Vacation.

**SECTION 6:** This Ordinance shall become effective from and after its approval.

**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	Uher					Stark				
5	Malay					Thelin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent		Abstentions				
Total holding office:		Mayor and 14 aldermen								

ATTEST:

\_\_\_\_\_  
Ellen Posledni, City Clerk

# PLAT OF VACATION

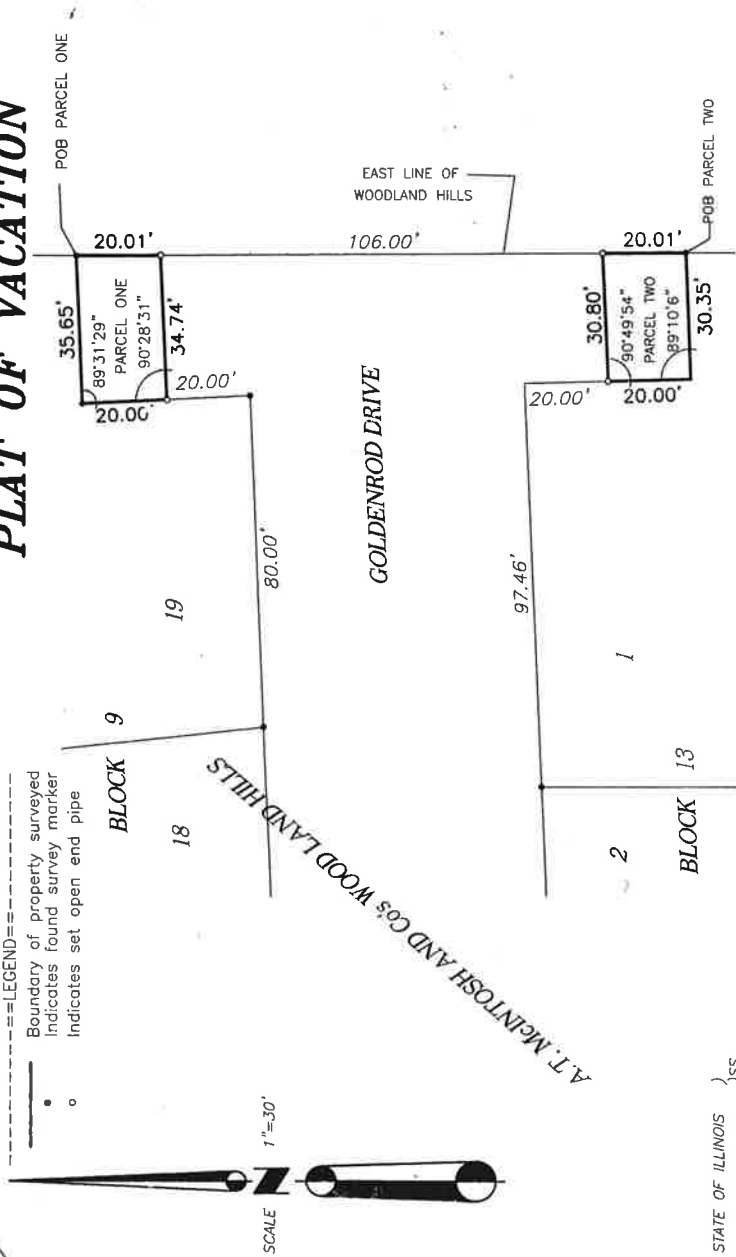
== LEGEND ==  
 - - - - - Boundary of property surveyed  
 • Indicates found survey marker  
 o Indicates set open end pipe

**PARCEL ONE:**  
 THAT PART OF GOLDENROD DRIVE ADJACENT TO BLOCK 9 IN A.T. MCINTOSH AND Co.'s WOODLAND HILLS AS RECORDED PER DOCUMENT NUMBER 930385 DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID GOLDENROD DRIVE WITH THE EAST LINE OF SAID WOODLAND HILLS; THENCE WESTERLY ALONG THE NORTH LINE OF SAID GOLDENROD DRIVE, 35.65 FEET TO A CORNER OF LOT 19 IN BLOCK 9 OF SAID WOODLAND HILLS; THENCE SOUTHERLY AT AN ANGLE OF 89°31'29" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG AN EAST LINE OF SAID LOT 19, A DISTANCE OF 20.00'; THENCE EASTERLY AT AN ANGLE OF 90°28'31" MEASURED CLOCKWISE FROM SAID EAST LINE, 34.74' TO SAID EAST LINE OF SAID WOODLAND HILLS; THENCE NORTHERLY ALONG SAID EAST LINE, 20.00' TO THE POINT OF BEGINNING, ALL IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.

**PARCEL TWO:**  
 THAT PART OF GOLDENROD DRIVE ADJACENT TO BLOCK 13 IN A.T. MCINTOSH AND Co.'s WOODLAND HILLS AS RECORDED PER DOCUMENT NUMBER 930395 DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID GOLDENROD DRIVE WITH THE EAST LINE OF SAID WOODLAND HILLS; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID GOLDENROD DRIVE, 30.35 FEET TO A CORNER OF LOT 10 IN BLOCK 13 OF SAID WOODLAND HILLS; THENCE NORTHERLY AT AN ANGLE OF 89°10'06" MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG AN EAST LINE OF SAID LOT 1, A DISTANCE OF 20.00'; THENCE EASTERLY AT AN ANGLE OF 90°49'54" MEASURED COUNTERCLOCKWISE FROM SAID EAST LINE, 30.80' TO SAID EAST LINE OF SAID WOODLAND HILLS; THENCE SOUTHERLY ALONG SAID EAST LINE, 20.00' TO THE POINT OF BEGINNING, ALL IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.

Note: The City of Batavia hereby reserves a drainage, public utility, ingress and egress and access easement over that portion of the above described vacated drive.

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



STATE OF ILLINOIS } SS  
 COUNTY OF KANE }

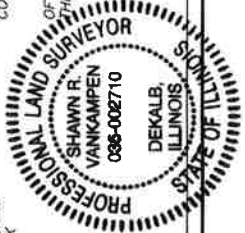
THIS IS TO CERTIFY THAT THE CITY OF BATAVIA, ILLINOIS, AS OWNER OF PROPERTY HEREON SHOWN AND DESCRIBED DOES HEREBY ACCEPT THE VACATION OF SAID PROPERTY FOR THE USES AND PURPOSES THEREIN SET FORTH.  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BY: \_\_\_\_\_ ATTEST: \_\_\_\_\_

STATE OF ILLINOIS } SS  
 COUNTY OF DEKALB }

THIS IS TO CERTIFY THAT I HAVE PREPARED THE ATTACHED PLAT FOR THE PURPOSE OF DEPICTING THAT PORTION OF LAND VACATED BY ORDINANCE NO. \_\_\_\_\_ ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

*Shawn R. Van Kampen*  
 SHAWN R. VAN KAMPEN  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710  
 LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2018



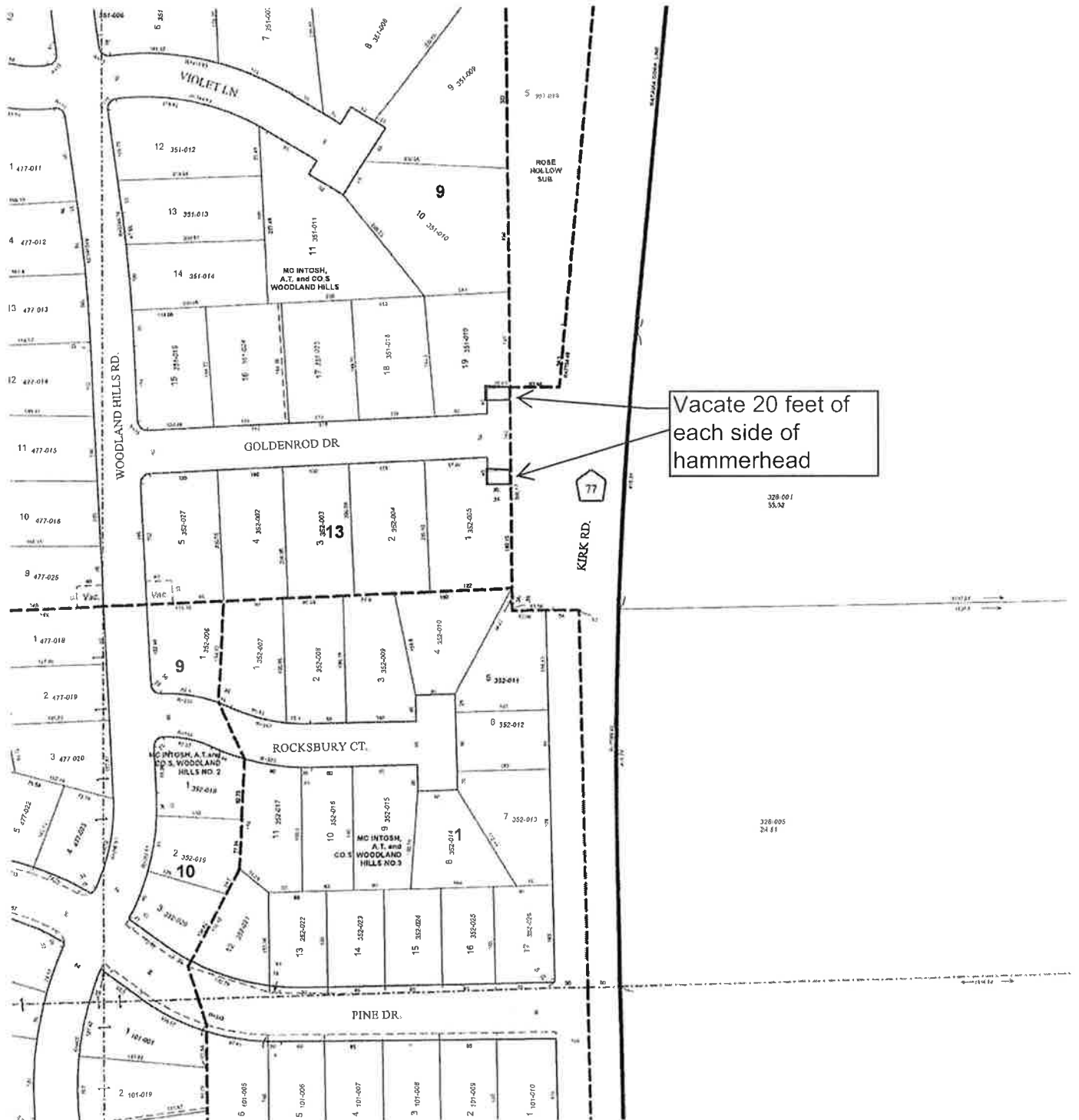
JOHN CUNNINGHAM  
 COUNTY CLERK

FOR: CITY OF BATAVIA  
 JOB NO. WES 14392B

STATE OF ILLINOIS } SS  
 COUNTY OF KANE }

I, JOHN CUNNINGHAM, COUNTY CLERK OF KANE COUNTY, ILLINOIS DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO UNPAID FORFEITED TAXES AND NO REDEEMABLE TAXES AGAINST ANY OF THE TRACT OF LAND INCLUDED IN THE ATTACHED PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ATTACHED PLAT.

GIVEN UNDER MY HAND SEAL OF THE COUNTY OF KANE AT \_\_\_\_\_, ILLINOIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.



Kane County  
GIS-Technologies  
719 Batavia Ave  
Geneva, IL 60134  
gis@kane.org

PLOT DATE  
1/29/2017

**BATAVIA TWP.**  
SW1/4 SW1/4 SEC. 24 T.39N R.8E  
KANE COUNTY, ILLINOIS

Scale: 1" = 100'  
**12-24-3C**

MAP PAGE LOCATOR

THIS MAP DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELIVERED HEREIN, EITHER EXPRESS OR IMPLIED BY KANE COUNTY OR ITS EMPLOYEES. THIS MAP IS COMPILED FROM OFFICIAL RECORDS, INCLUDING PLATS, SURVEYS, RECORDS, DEEDS, AND CONTRACTS, AND ONLY CONTAINS INFORMATION RECORDED FOR LOCAL GOVERNMENT PURPOSES. SEE THE RECORDS DOCUMENTS FOR MORE DETAILED LEGAL INFORMATION.