

CITY OF BATAVIA

DATE: May 21, 2018
TO: Mayor and City Council
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: The Committee of the Whole discussed this matter at their meeting on May 1, 2018. By a vote of 12-0 the Committee was supportive of the initiative, however they wanted to be sure the property owners were affirmatively notified of the proposed vacation, and therefore were assured the ability to make comments or object to the proposed action. Staff did send certified notices to each of the affected property owners on May 3, 2018, and receipts were received on May 15 and 16, 2018 for the respective property owners. Staff has not heard from either property owner regarding the proposed action other than the certified notice returns. Staff recommends proceeding with the vacation as proposed. The following is background information:

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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. Certified notices regarding the vacation added \$12.00 to this cost.

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

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

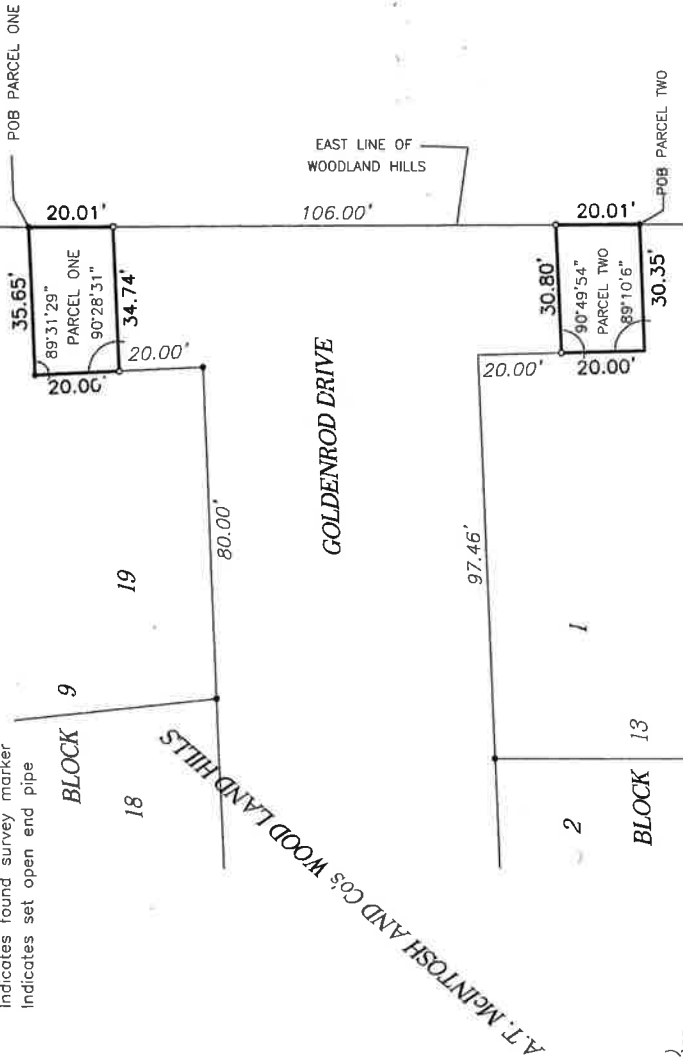
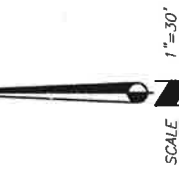
Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Uher					Stark				
5	Malay					Thelin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Ellen Posledni, City Clerk

PLAT OF VACATION

====LEGEND====
Boundary of property surveyed
Indicates found survey marker
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 930395 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.

STATE OF ILLINOIS }
COUNTY OF KANE }
SS

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.

STATE OF ILLINOIS }
COUNTY OF KANE }
SS

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.

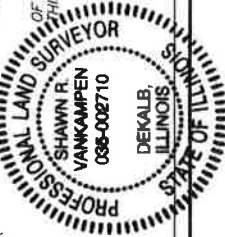
DATED THIS _____ DAY OF _____, 2018.

STATE OF ILLINOIS }
COUNTY OF DEKALB }
SS

JOHN CUNNINGHAM
COUNTY CLERK

ATTEST:

BY: _____



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 THIS _____ DAY OF _____, 2018.

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

Prepared by:
W.E. Hanna Surveyors
License No. 184007413
508 Pine Street
DeKalb, Illinois 60115
(815) 756-2189
Fax 748-2532
info@hannasurveyors.com

FOR: CITY OF BATAVIA
JOB NO. WES 14392B

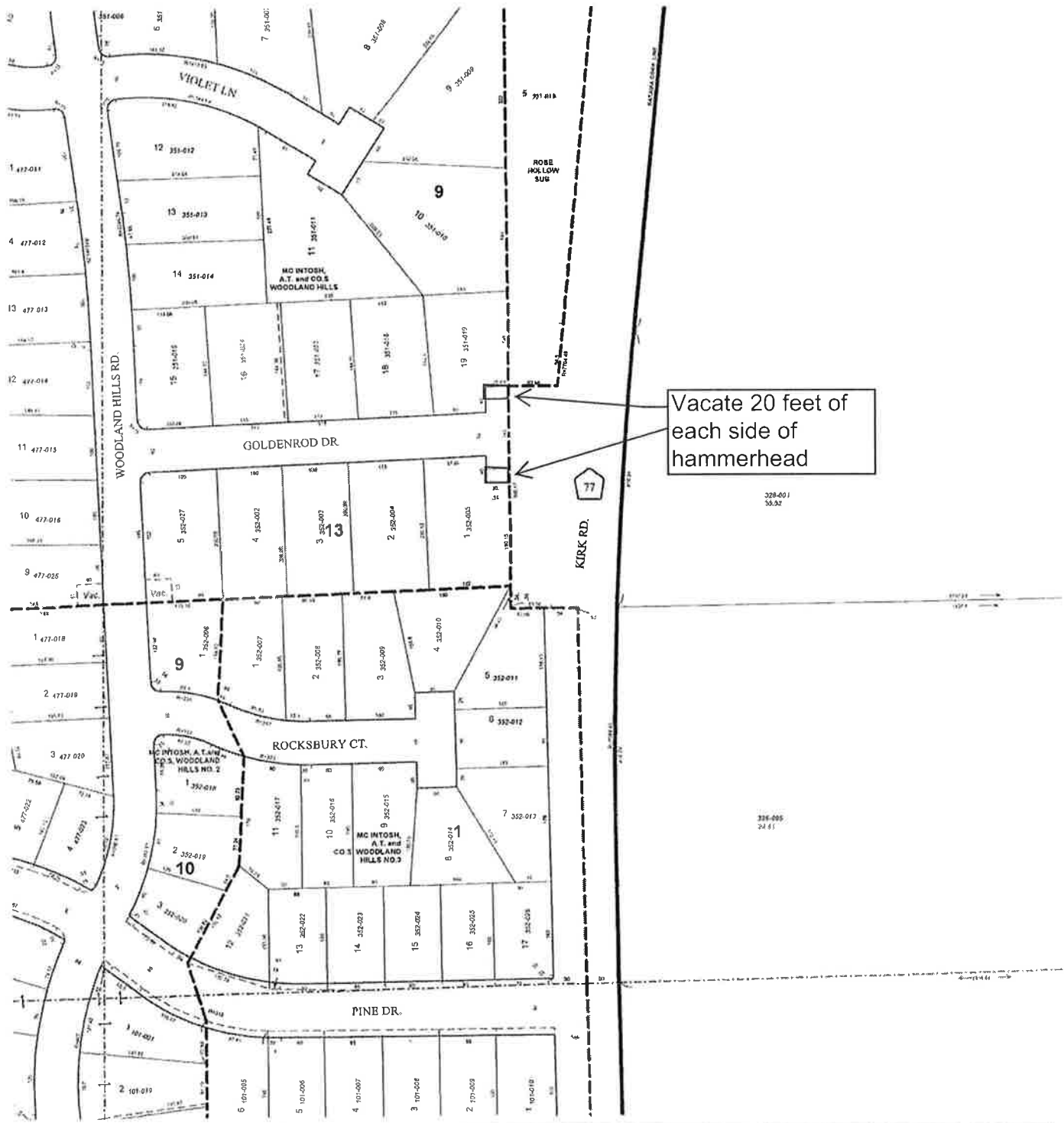
EXHIBIT B

PARCEL ONE:

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 $99^{\circ}31'29''$ 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 $90^{\circ}28'31''$ 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 1 J IN A. T. McINTOSH AND Co's WOODLAND HILLS AS RECORDED PER DOCUMENT NUMBER 9.30.395 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 $89.10^{\circ}06''$ 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 $90^{\circ}49'54''$ 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.



Kane County
GIS-Technologies
219 Batavia Ave
Geneva, IL 60134
giatech@co.kane.il.us

PLAT DATE
1/10/2017

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

12-24-3C

MAP PAGE ARCHIVES

THIS MAP PAGES NOT A SURVEY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA RELATED HEREIN, EITHER EXPRESS OR IMPLIED BY KANE COUNTY OR ITS EMPLOYEES. THIS MAP IS COMPILED FROM OFFICIAL RECORDS, INCLUDING PLATS, SURVEYS, RECORDS DEEDS, AND COMPACTS, AND ONLY CONTAINS INFORMATION PROVIDED FOR LOCAL, WPA MARKET PURPOSES. SEE THE RECORDS INCLUDES FOR MORE DETAILED LEGAL INFORMATION.