

CITY OF BATAVIA

DATE: May 14, 2018
TO: Committee of the Whole-CD
FROM: Scott Buening, Community Development Director
SUBJECT: Ordinance 18-38 Annexing 511 Pine Street

1. **Summary:** Annexation of property at 511 Pine Street.

2. **Background:** This is one of the properties that have one of our older utility agreements. A prior property owner signed an agreement in exchange for the connection to the City water and sewer system in 1989, and later connected to City water in 1998. The original agreement required annexation once the property was contiguous, and the owner at that time was proceeding through the annexation process since the property is contiguous. However, no final action was taken on the property at that time for unknown reasons. The current property owner, Matthew Weber, has submitted a petition to annex as part of that agreement at the request of staff.

As mentioned the property has City water and service already. Electric utility lines are located in the Pine Street right-of-way, but the prior agreement does not require connection within any specific time. The agreement also does not require any specific payment of fees other than utility connection fees and payment of their fair share of sidewalk improvements if they occur in the future. The plat of annexation was already prepared for this property as part of the original petition. As we had agreed with other annexations, the City would handle all the paperwork necessary to complete the annexation. The property will be zoned R-0 upon annexation, and may be rezoned to R-1L sometime in the future. The property would be in Ward 6 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 connect to future utility services, and would reduce the size of an unincorporated “island”. The City will realize an increase in property taxes as well as head taxes after the 2020 census. The City already maintains Pine Street in front of this property.
- **Cons** There are no cons with this proposal.
- **Budget Impact** The recording costs will be approximately \$50.00.
- **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 18-38 Annexing 511 Pine Street.

Attachments:

1. Ordinance 18-38 Annexing 511 Pine Street.
2. Petition to Annex.
3. Plat of Annexation.
4. Utility Connection Agreement.
5. Area Map.

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 18-38**

**AN ORDINANCE ANNEXING AND ZONING 511 PINE STREET 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 18-38**

**AN ORDINANCE ANNEXING AND ZONING 511 PINE STREET 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 511 Pine Street; 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 12-23-351-014 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, Township Highway Commissioner, 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 18-38

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 18-38 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					Thelin 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

Lot 5 of Pine Subdivision, Batavia Township, Kane County, Illinois

PIN 12-23-451-014

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, Matt Weber, 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 herein 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.



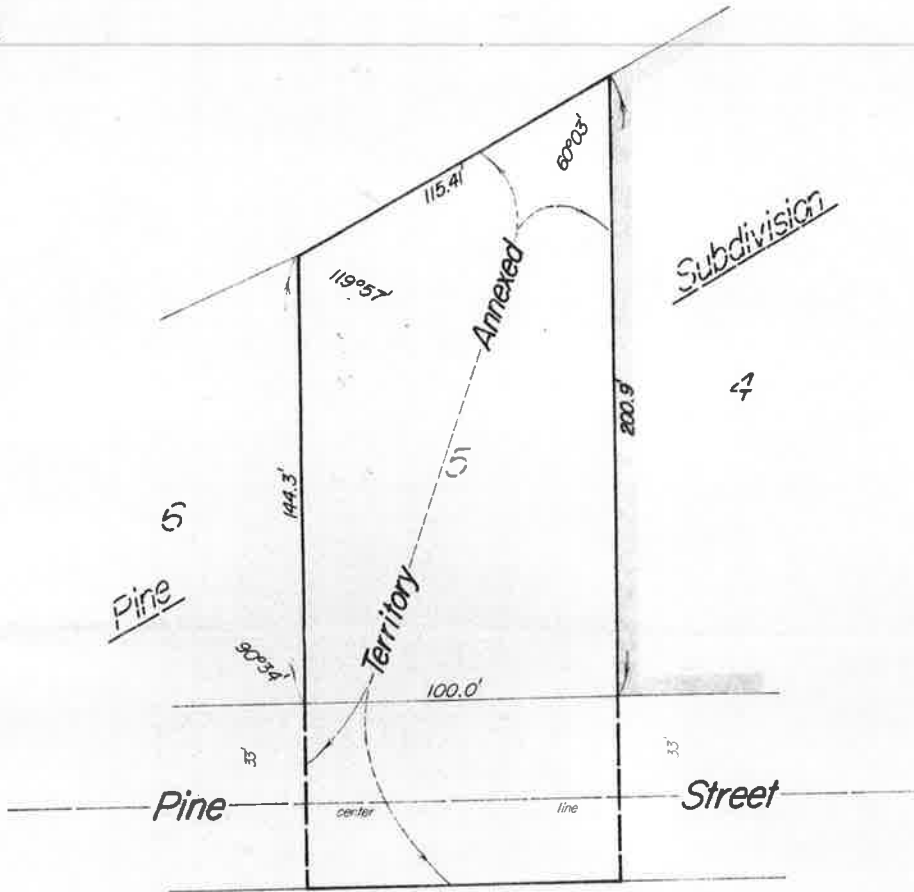
Owner

Owner

Accurate Map of Territory Annexed to the
City of Batavia
 Kane County Illinois



Indicates Present Corporate Limits



State of Illinois))ss This is to certify that the plat hereon drawn is a correct representation of Lot
 County of Kane) 5, Pine Subdivision, Batavia, Kane County, Illinois and that part of Pine Street
 lying southerly of and adjacent thereto, in Batavia Township, Kane County,
 Illinois as shown. All distances are given in feet and decimal parts thereof.

Dated at Geneva, Illinois, June 2, 1989

John O. Skaw

Illinois Registered Land Surveyor No. 2395

State of Illinois))ss This is to certify that this Accurate Map of Territory Annexed is identified as
 County of Kane) that incorporated into and made a part of the City of Batavia Ordinance No.
 _____, adopted by the City Council of said City on the ____ day of
 _____, 1989.

By: _____ Attest: _____

D O N A H U E and T H O R N H I L L, I N C.

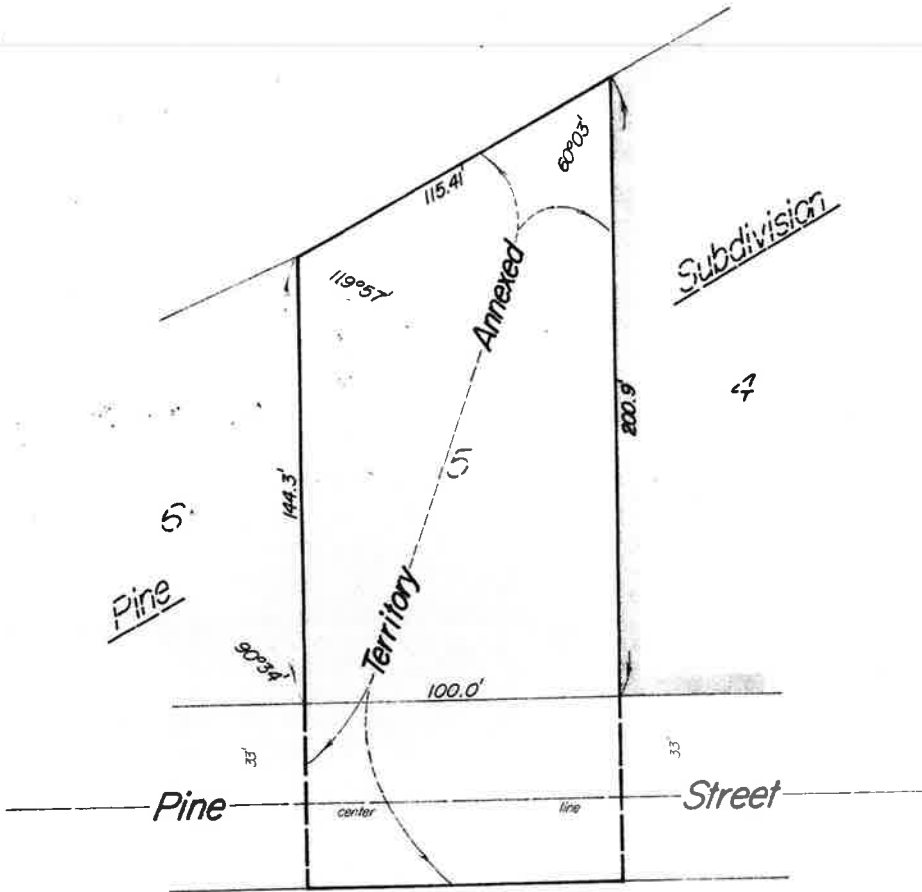
GENEVA ILLINOIS

(312) 232-7418

Accurate Map of Territory Annexed to the
City of Batavia
 Kane County Illinois



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 _____, adopted by the City Council of said City on the ____ day of
 _____, 1989.

By: _____ Attest: _____

DONAHUE and THORNHILL, INC.

GENEVA ILLINOIS

(312) 232-7418

AGREEMENT

This Agreement entered into this 2 day of June,
1989, by and between DALE C MARTIN,
hereinafter referred to as "Owners", and the City of Batavia, Illinois,
a municipal corporation, hereinafter referred to as "City".

Witnesseth

Whereas, the Owners are the owners of property described in
Exhibit A, attached hereto, and made a part hereof, located at
Pine Sub Plot 5; and,
511 Pine St

Whereas, said property is not currently in the City of
Batavia, Illinois; and,

Whereas, Owners are desirous of connecting to the SEWER
and _____ of the City of Batavia but can not currently
annex to the City of Batavia because their said property is not
contiguous to the corporate limits of the City;

Therefore, the parties hereto in exchange for mutual con-
siderations agree as follows:

1. That Owners shall be permitted to connect to the SEWER
and _____ of the City of Batavia upon payment of
connection and other charges.

2. That when Owner's property become contiguous to the City of Batavia, they will petition the City to annex the said lands and will agree to pay any of the charges specified in Ordinance No. 87-17.

In Witness Whereof we have attached our hands and seals on the day and year first indicated above.



City of Batavia

By: _____

Mayor

Attest: _____

Clerk

This document was prepared by

Ralph S. Beck
Attorney at Law
P.O. Box 205
Batavia, Illinois



Subject Property

451

505

511

515

607

615

621

667

651

642

678

612

618

626

Pine St

Pine St

Pine St

MADONNA'S CREEK

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community