

# CITY OF BATAVIA

---

**DATE:** February 14, 2019  
**TO:** Mayor and City Council  
**FROM:** Scott Buening, Community Development Director  
**SUBJECT:** Sale of City-Owned Property at 2150 Main Street

1. **Summary:** Acceptance of bid for the sale of City-owned property at 2150 Main Street.
2. **Background:** The City Council passed Resolution 19-001-R authorizing advertisement of land for sale at 2150 Main Street (PIN 12-20-401-025). Staff advertised this land for sale in the Daily Heard on January 28, 2019, with a deadline to submit bids by February 13, 2019. We received one bid for the land at the minimum bid price of \$275,000. This is in compliance with State Statutes regarding acceptance of a bid at 80% of the appraised value which in this case was \$264,967. Staff recommends acceptance of the bid and to sign the sales contract for this land. The Council needs to approve this with a 2/3 majority vote of the corporate authorities.
3. **Alternatives, including no action if viable:**
  1. Motion to accept the bid and authorize execution of the sales contract.
  2. Reject the bid.
    - **Pros:** Selling the property would put the sold parcel back on the tax rolls. Selling the property would relieve the City from maintenance responsibilities of that land.
    - **Cons:** We would no longer have control over the sold property other than for utility and drainage purposes. We would retain an easement for existing and future public utilities.
    - **Budget Impact:** We would receive annual property tax revenues.
    - **Staffing Impact:** No impact on staffing.
4. **Timeline for actions:** The bid can be withdrawn at any time, so time is of the essence to move ahead with the sale.
5. **Staff recommendation:** Staff recommends accepting the bid as submitted and authorize execution of the sales contract, subject to attorney review.

## **Attachments:**

1. Bid/sales contract.
2. Map of Property.
3. Resolution 19-001-R Authorizing the Sale of Land.

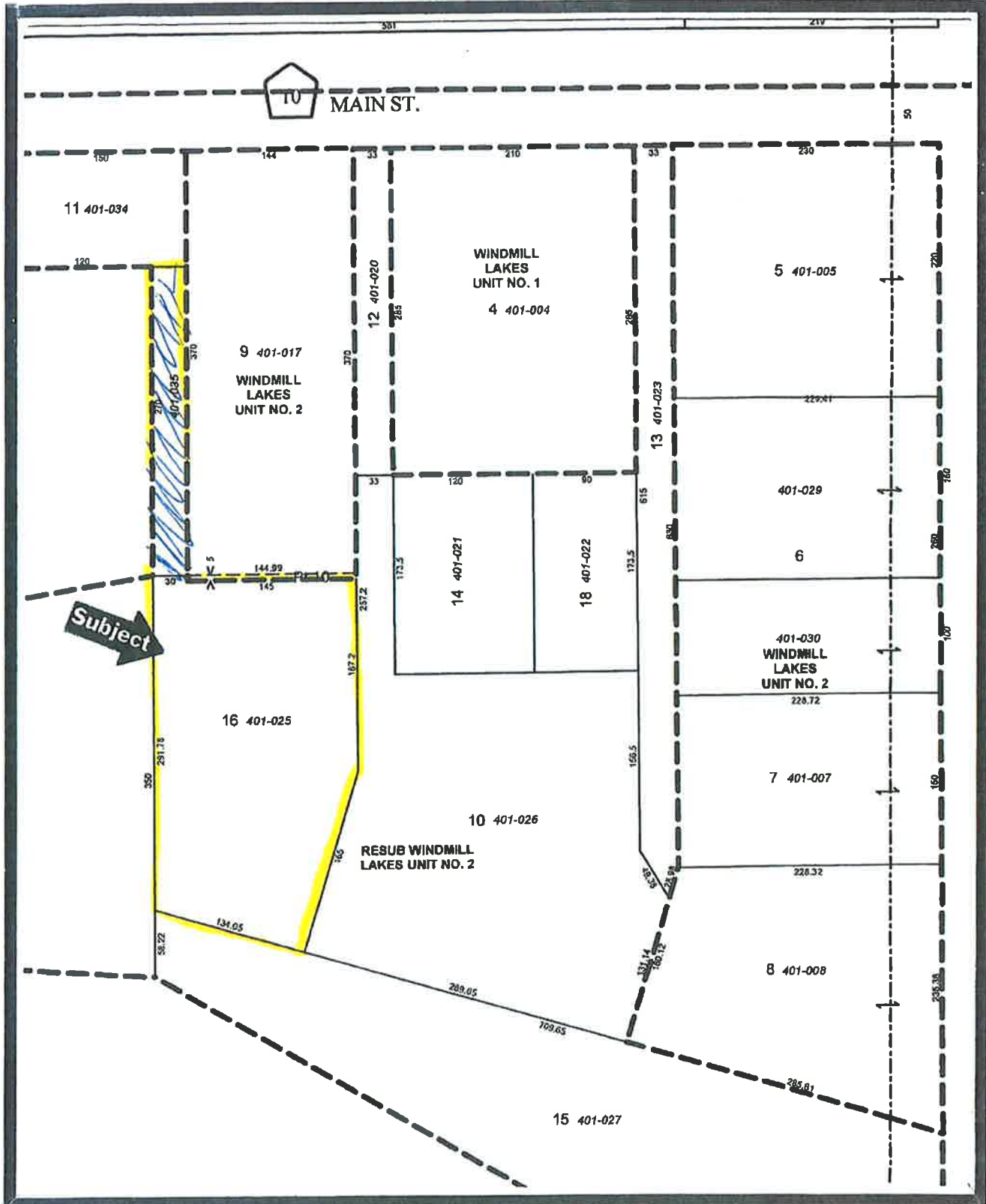


COMMERCIAL REAL ESTATE PURCHASE AND SALE AGREEMENT

This Commercial Real Estate Purchase and Sale Agreement ("Agreement") is made by and between CITY OF BATAVIA, a(n) ("Seller") and TIMPANOGOS PARTNERS, LLC OR ASSIGNEE, a(n) LLC ("Buyer"). The Agreement Date shall be the date of execution of this Agreement by the party last executing the Agreement.

ARTICLE 1: DEFINED TERMS

- 1.01 CITY OF BATAVIA is the owner of record and Seller of certain real property described below.
1.02 TIMPANOGOS PARTNERS, LLC OR ASSIGNEE is the Buyer.
1.03 The Property is certain real estate which is commonly known as LOT 16 PIN 1220401025, consisting of LAND (improvements) and having tax identification number(s) of 122040125. The legal description of the Property is [or shall be] attached hereto as Exhibit A.
1.04 The Purchase Price is \$ 275,000, consisting of:
(a) 5,000 which shall be deposited with BUYERS ATTORNEY ("Escrowee") within 5 business days of the Agreement Date ("Initial Earnest Deposit"); and
(b) which shall also be deposited with Escrowee within days of ("Supplemental Earnest Deposit"); and
(c) [Balance of purchase price] to be paid by Buyer to Seller at closing by certified check, cashier's check, or wire transfer, plus or minus prorations and credits (if any) as described below.
1.05 (a) NA is Seller's Broker and/or designated agent.
(b) NA is Buyer's Broker and/or designated agent.
1.06 Due Diligence period shall be the period commencing upon the Agreement Date and extending for days thereafter, unless extended by a writing executed by both Seller and Buyer, or shortened by a writing executed by Buyer.
1.07 Address of the parties for notice:
(a) Seller: CITY OF BATAVIA
(b) Buyer: TIMPANOGOS PARTNERS, LLC OR ASSIGNEE
with a copy to:
Seller's Attorney
NICHOLAS CRONAUER
Buyer's Attorney, 1101 DEKALB AVE
SYCAMORE IL 60178
1.08 Buyer's intended use of the Property is DEVELOPMENT - SELFSTORAGE ("Intended Use").



**CITY OF BATAVIA, ILLINOIS  
RESOLUTION 19-001-R**

**RESOLUTION AUTHORIZING THE SALE OF MUNICIPALLY OWNED  
REAL ESTATE LOCATED AT 2150 MAIN STREET BATAVIA, IL**

**WHEREAS**, the City of Batavia ("City") has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

**WHEREAS**, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the City owns a parcel of real estate located at 2150 Main Street Batavia, IL and legally described in Exhibit "A" ("Subject Property"); and

**WHEREAS**, the Subject Property is approximately 1.17 acres in size, is currently vacant and zoned SB-Service Business District and is identified by PIN 12-20-401-025; and

**WHEREAS**, the City has determined that the Subject Property is no longer needed for municipal purposes and is, therefore, surplus property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows;

**SECTION 1.** The recitals set forth above are incorporated in this Resolution as the material findings of Mayor and City Council.

**SECTION 2.** City staff are hereby authorized and directed to advertise the Subject Property for sale and to sell the Subject Property at the best price offered, provided that the offer is at least eight percent (80%) of the value of the property as appraised and is subject to the minimum following terms and conditions:

- A. Earnest money in the amount of ten percent (10%) is required within five (5) days from the date the contract is signed, and the escrow money shall become nonrefundable after thirty (30) days;
- B. Closing shall be set in the contract and will no be more than sixty (60) days from the date the contract is signed;
- C. The sale shall be "as is";
- D. Title shall be transferred by quit claim deed;
- E. The City will not provide a survey or title insurance but will cooperate with the buyer if the buyer desires to obtain a survey and purchase title insurance;
- F. Only cash offers are acceptable;
- G. If the buyer wants a formal, escrow closing, the escrow closing costs and other

CITY OF BATAVIA, ILLINOIS RESOLUTION 19-001-R

associated title costs shall be the buyer's responsibility;

H. Easements over existing utilities and drainage, as appropriate, shall be reserved to the City.


**SECTION 3.** The City reserves the right to reject all offers if they are not in the best interest of the City.

**SECTION 4.** The best offer consistent with the terms and conditions as advertised shall be reduced to a written contract to be approved by the City Council.

**SECTION 5.** This Resolution shall be published in a newspaper of local circulation after passage.


**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 22nd day of January, 2019.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 22nd day of January, 2019.

  
 Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien	X				Salvati	X			
2	Callahan	X				Wolff	X			
3	Meitzler	X				Chanzit	X			
4	Malay	X				Stark	X			
5	Uher	X				Theelin Atac	X			
6	Cerone	X				Russotto	X			
7	McFadden	X				Brown	X			
Mayor Schielke										
VOTE:		14 Ayes	0 Nays	0 Absent	0 Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

  
 Ellen Posledni, City Clerk

**EXHIBIT A**

**Legal Description**

LOT 16 OF RESUBDIVISION OF PART OF UNIT NO. 2, WINDMILL LAKES, BATAVIA, IN THE CITY OF BATAVIA KANE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 13, 1993 AS DOCUMENT 93K79562, IN KANE COUNTY, ILLINOIS.