

# CITY OF BATAVIA

---

**DATE:** January 14, 2019  
**TO:** Committee of the Whole-CD  
**FROM:** Scott Buening, Community Development Director  
**SUBJECT:** Ordinance 19-05 Annexing and Zoning Parts of the Main Street and Deerpath Road Right-of-Way

1. **Summary:** Annexation of Main Street and Deerpath Road right-of-way parcels.
2. **Background:** The City acquired these parcels in 2018 as part of the intersection improvements planned for Main Street and Deerpath Road. The City acquired these parcels and now they need to be annexed into the City. This annexation will ensure continuity of jurisdiction over the roadway and improvements, as well as policing authority over the areas annexed. The property will be zoned R0 upon annexation, and no rezoning is contemplated until possibly the adjacent property is developed.

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 bring all of the intersection of Main Street and Deerpath Road into the City limits. This will avoid confusion over jurisdiction in the event emergency response or maintenance is necessary in this area.
  - **Cons:** There are no cons associated with this proposal.
  - **Budget Impact:** The plat of annexation and recording costs will be approximately \$400.00.
  - **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 19-05 Annexing and Zoning Parts of the Main Street and Deerpath Road Right-of-Way.

**Attachments:**

1. Ordinance 19-05 Annexing and Zoning Parts of the Main Street and Deerpath Road Right-of-Way.
2. Plat of Annexation.

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 19-05**

**AN ORDINANCE ANNEXING AND ZONING PARTS OF THE MAIN STREET AND  
DEERPATH ROAD RIGHT-OF-WAY TO  
THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
\_\_\_\_ DAY OF \_\_\_\_\_, 2019**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This \_\_\_\_ day of \_\_\_\_\_, 2019

Prepared by:  
  
City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 19-05**

**AN ORDINANCE ANNEXING AND ZONING PARTS OF THE MAIN STREET AND  
DEERPATH ROAD RIGHT-OF-WAY TO THE CITY OF BATAVIA, KANE AND DUPAGE  
COUNTIES, ILLINOIS**

**WHEREAS**, the City of Batavia, Kane and DuPage Counties, Illinois, has acquired several parcels for intersection improvements to Main Street and Deerpath Road; and

**WHEREAS**, most of this roadway right-of-way is located within the City limits excepting two small sections at the northwest corner of the intersection; and

**WHEREAS**, the City of Batavia (“City”) desires to annex these sections of road into the City limits; and

**WHEREAS**, the property 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**, 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, the Township Road Commissioner 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 5/7-1-10, 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 19-05

---

**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 19-05 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 \_\_\_\_\_, 2019.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_

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	Malay					Stark				
5	Uher					Theilin Atac				
6	Cerrone					Rusotto				
7	McFadden					Brown				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstention(s)					
Total holding office: Mayor and 14 aldermen										

ATTEST:

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

Parcel: 0002  
Route: Main Street at Deerpath Road  
Section: 14-00084-00-CH  
County: Kane  
Job Number: R-55-001-97  
Owner: Paul J. Salce Family Trust, dated  
December 18, 1999  
Station: 506+08.16 to 509+97.69  
Parcel Index Number: 12-20-200-004

---

A part of the Northeast Quarter of Section 20, Township 39 North, Range 8 East of the Third Principal Meridian, Kane County, State of Illinois, described as follows.

Commencing at the intersection of the centerline of Deerpath Road with the centerline of Main Street; thence westerly along the centerline on Main Street, South 89 degrees 52 minutes 41 seconds West (bearings assumed for description purposes only), 530.84 feet to the west line of said Northeast Quarter; thence North 00 degrees 35 minutes 29 seconds East along said west line, 50.00 feet to the existing north right of way of Main Street; thence North 89 degrees 52 minutes 41 seconds East, 158.62 feet; thence South 00 degrees 35 minutes 29 seconds West, 1.90 feet to the Point of Beginning; thence North 89 degrees 52 minutes 41 seconds East, 313.19 feet; thence North 63 degrees 16 minutes 40 seconds East, 58.38 feet; thence North 89 degrees 52 minutes 41 seconds East, 23.49 feet to the existing westerly right of way of Deerpath Road; thence South 36 degrees 12 minutes 10 seconds West along said right of way, 54.79 feet to the north right of way of Main Street; thence South 89 degrees 52 minutes 41 seconds West along said north right of way, 356.67 feet; thence North 00 degrees 35 minutes 29 seconds East, 18.10 feet to the Point of Beginning.

Said Parcel contains +/- 0.175 acres.

Parcel: 0006  
Route: Main Street at Deerpath Road  
Section: 14-00084-00-CH  
County: Kane  
Job Number: R-55-001-97  
Owner: Paul J. Salce Family Trust, dated December  
18, 1999  
Station: 509+97.69 (Main Street) to 112+80.00  
(Deerpath Road)  
Parcel Index Number: 12-20-200-004

---

A part of the Northeast Quarter of Section 20, Township 39 North, Range 8 East of the Third Principal Meridian, Kane County, State of Illinois, described as follows.

Commencing at the intersection of the centerline of Deerpath Road with the centerline of Main Street; thence westerly along the centerline of Main Street, South 89 degrees 52 minutes 41 seconds West (bearings assumed for description purposes only), 530.84 feet to the west line of said Northeast Quarter; thence North 00 degrees 35 minutes 29 seconds East along said west line 50.00 feet to the existing north right of way line of Main Street; thence North 89 degrees 52 minutes 41 seconds East, 158.62 feet; thence South 00 degrees 35 minutes 29 seconds West, 1.90 feet; thence North 89 degrees 52 minutes 41 seconds East, 313.19 feet; thence North 63 degrees 16 minutes 40 seconds East, 58.38 feet to the Point of Beginning; thence North 37 degrees 14 minutes 09 seconds East, 269.99 feet; thence South 52 degrees 45 minutes 51 seconds East, 14.06 feet to the existing westerly right of way line of Deerpath Road; thence South 36 degrees 12 minutes 10 seconds West along said westerly right of way, 255.79 feet; thence South 89 degrees 52 minutes 41 seconds West, 23.49 feet to the Point of Beginning.

Parcel contains +/- 4317.485 square feet OR +/- 0.099 acres.

Exhibit B

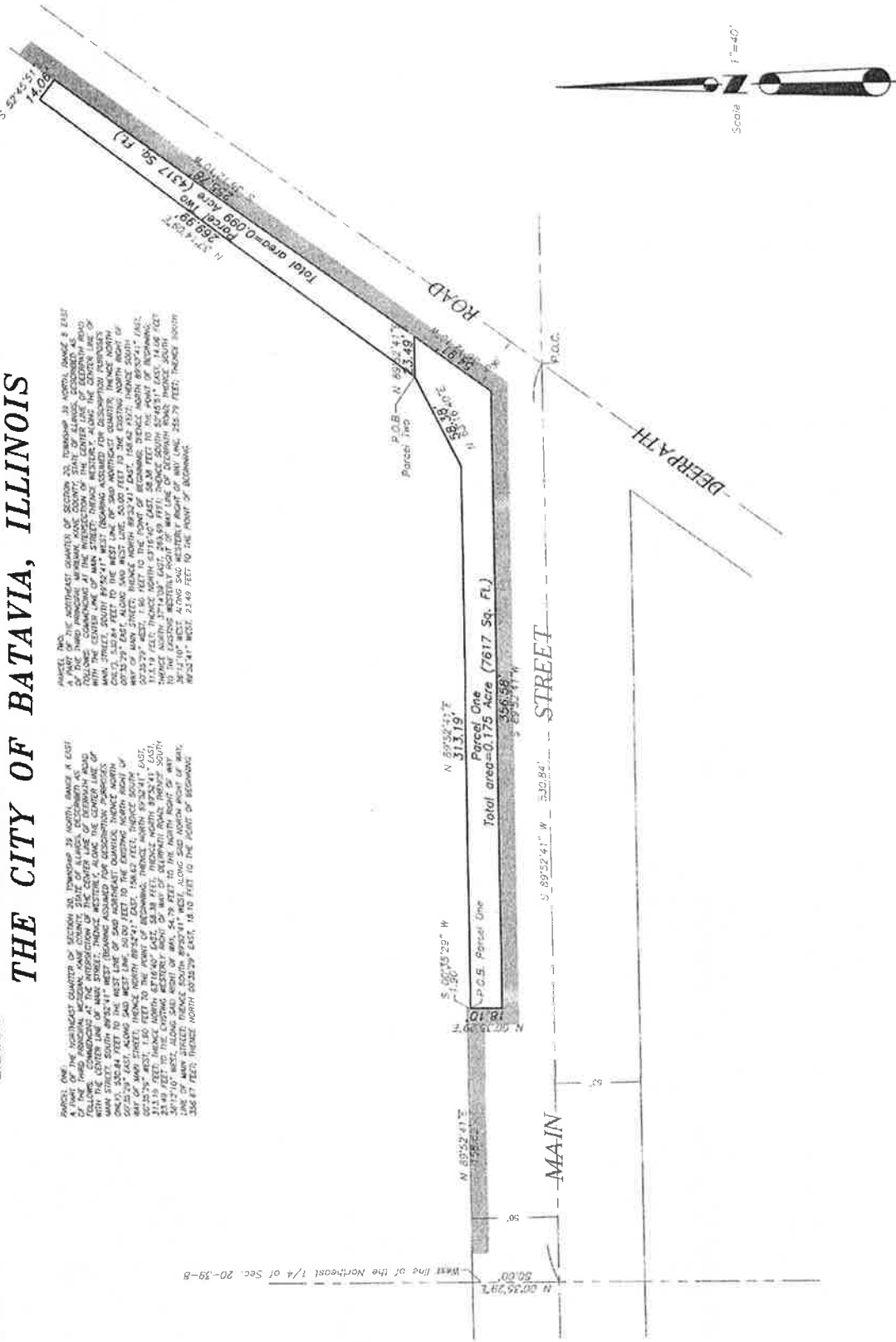
# MAP OF TERRITORY HEREBY ANNEXED TO THE CITY OF BATAVIA, ILLINOIS

P.L.N. 12-20-200-004

**PARCEL ONE:** THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 35 NORTH, RANGE 8 EAST, COUNTY OF DEKALB, ILLINOIS, COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF DEERPATH ROAD WITH THE CENTER LINE OF MAIN STREET, THENCE WESTERLY ALONG THE CENTER LINE OF MAIN STREET A SOUTH 89°52'41" WEST BEARING ASSUMED FOR DISCUSSION PURPOSES OF 507.53' EAST, ALONG SAID WEST LINE, 50.00 FEET TO THE EXISTING NORTH RIGHT-OF-WAY OF MAIN STREET, THENCE NORTH 89°52'41" EAST, 113.19 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89°52'41" EAST, 23.49 FEET TO THE CHURCH RESTRICTION POINT OF WAY LINE OF DEERPATH ROAD, THENCE SOUTH 89°52'41" WEST, 18.10 FEET TO THE POINT OF BEGINNING.

**PARCEL TWO:** THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 35 NORTH, RANGE 8 EAST, COUNTY OF DEKALB, ILLINOIS, COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF DEERPATH ROAD WITH THE CENTER LINE OF MAIN STREET, THENCE WESTERLY ALONG THE CENTER LINE OF MAIN STREET A SOUTH 89°52'41" WEST BEARING ASSUMED FOR DISCUSSION PURPOSES OF 507.53' EAST, ALONG SAID WEST LINE, 50.00 FEET TO THE EXISTING NORTH RIGHT-OF-WAY OF MAIN STREET, THENCE NORTH 89°52'41" EAST, 113.19 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89°52'41" EAST, 23.49 FEET TO THE CHURCH RESTRICTION POINT OF WAY LINE OF DEERPATH ROAD, THENCE SOUTH 89°52'41" WEST, 18.10 FEET TO THE POINT OF BEGINNING.

Water line of the Northeast 1/4 of Sec. 20-39-B



STATE OF ILLINOIS )  
 COUNTY OF DEKALB )  
 ) SS

-----  
 Boundaries of property hereby annexed  
 -----  
 Indicates existing corporate limits

THIS IS TO CERTIFY THAT I, SHAWN R. VONKAMPEN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710, HAVE PREPARED THE ATTACHED PLAT FOR ANNEXATION OF SAID TERRITORY TO THE CITY OF BATAVIA, ILLINOIS. SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID ANNEXATION. ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF.

DATED AT DEKALB, ILLINOIS THIS 26TH DAY OF DECEMBER, 2018.

*Shawn R. VonKampen*  
 SHAWN R. VONKAMPEN  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710  
 LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2020



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 14392C