

CITY OF BATAVIA

DATE: July 15, 2019
TO: Committee of the Whole-CD
FROM: Scott Buening, Community Development Director
SUBJECT: Ordinance 19-52 Annexing 2S129 Hart Road
Ordinance 19-53 Annexing 2S676 Hart Road

Summary: Annexation of properties at 2S129 and 2S676 Hart Road.

- 1. Background:** As part of our efforts to annex the unincorporated “islands”, we have first solicited for voluntary annexations from the areas that are being sought after for annexation. This is a set of voluntary annexations where each of the property owners submitted voluntary petitions to annex. None of these properties are currently on City utilities, the City maintains streets surrounding these areas, and the 2S676 Hart Road parcel is wholly bounded by the City limits. The parcel at 2S129 Hart Road is owned by the Immanuel Lutheran Church and is adjacent to the main parish to the north of this property. The City would take over ownership and maintenance of the section of Hart Road adjacent to 2S129 Hart Road but is maintaining this section already per agreements with the Batavia Township Highway Road District. The City already owns and maintains the section of Hart Road in front of 2S676 Hart Road.

A plat of annexation was prepared for each of these properties as part of these petitions. As we had agreed with other annexations, the City would handle all the paperwork necessary to complete the annexation. The properties will be zoned R-0 upon annexation and the property at 2S129 Hart Road may be rezoned to PFI in the future if requested by the church. The properties would be in Ward 6 after annexation.

The City Council will need to pass the attached Ordinances in order to annex the properties into the City limits.

- 2. Alternatives, including no action if viable:**

- Annex the properties
- Do not annex the properties

- **Budget Impact:** The total cost per plat for documents and recording is about \$250.00.
- **Staffing Impact:** No impact on staffing.

- 3. Timeline for actions:** If the Ordinances are passed by the City Council, the annexations would be effective the following day.

- 4. Staff recommendation:** Staff recommends approval of Ordinance 19-52 Annexing 2S129 Hart Road and Ordinance 19-53 Annexing 2S676 Hart Road.

5. Attachments:

1. Ordinance 19-52 Annexing 2S129 Hart Road.
2. Ordinance 19-53 Annexing 2S676 Hart Road.
3. Plats of Annexation.
4. Petitions to Annex.
5. Area Map.

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-52**

**AN ORDINANCE ANNEXING AND ZONING 2S129 HART ROAD 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 19-52**

**AN ORDINANCE ANNEXING AND ZONING 2S 129 HART ROAD 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 owners of 2S129 Hart Road; and

WHEREAS, the parcel is currently unincorporated, is contiguous to the City limits and eligible for annexation; and

WHEREAS, the property is designated by PIN 12-26-126-036 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 19-52

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 19-52 shall be in full force and effect upon its passage, presentation and approval according to law.

PRESENTED to the City Council of the City of Batavia, Illinois, this ____ day of ____, 2019.

PASSED by the City Council of the City of Batavia, Illinois, this 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					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Ellen Posledni, City Clerk

EXHIBIT A

EXHIBIT A

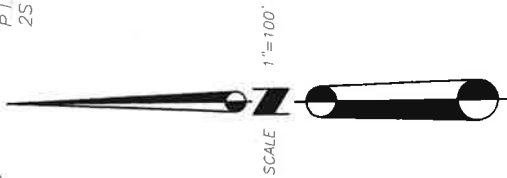
THAT PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING THAT PART OF THE WESTERLY 400.83 FEET LYING SOUTHERLY OF A LINE 20 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT THE NORTHWEST CORNER OF THE PREMISES CONVEYED TO PATRICK GARVEY, BY DEED RECORDED SEPTEMBER 30TH, 1867 IN BOOK 103, PAGE 154; THENCE EAST, PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION, 19.06 CHAINS TO THE WEST LINE OF PREMISES CONVEYED TO HANNAH BRAADENBURG, BY WARRANTY DEED RECORDED JANUARY 23, 1872, IN BOOK 134, PAGE 41; THENCE NORTH, ALONG SAID WEST LINE, 2 CHAINS AND 58 ³/₄ LINKS; THENCE WEST, 19.06 CHAINS; THENCE SOUTH TO THE POINT OF BEGINNING, (EXCEPT THE EASTERLY 192 FEET), TOGETHER WITH THE PORTION OF HART ROAD ADJOINING SAID PROPERTY, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

2S129 HART ROAD

PIN 12-26-126-036

Map of territory to be annexed to the City of Batavia, Illinois

P.I.N. 12-26-126-036
2S129 HART RD.

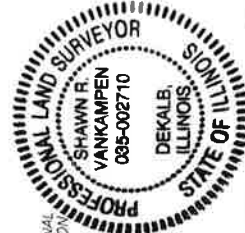


DESCRIPTION OF PROPERTY HEREBY ANNEXED:
 THAT PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING THAT PART OF THE WESTERLY 400.83 FEET LYING SOUTHERLY OF A LINE 20 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE FOLLOWING DESCRIBED PARCEL BEGINNING AT THE NORTHWEST CORNER OF THE PREMISES CONVEYED TO PATRICK GARVEY, BY DEED RECORDED SEPTEMBER 30TH, 1867 IN BOOK 103, PAGE 154; THENCE EAST, PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION, 19.06 CHAINS TO THE WEST LINE OF PREMISES CONVEYED TO HANNAH BRAADENBURG, BY WARRANTY DEED RECORDED JANUARY 23, 1872, IN BOOK 134, PAGE 41; THENCE NORTH, ALONG SAID WEST LINE, 2 CHAINS AND 58 3/4 LINKS; THENCE WEST, 19.06 CHAINS; THENCE SOUTH TO THE POINT OF BEGINNING, (EXCEPT THE EASTERLY 192 FEET), TOGETHER WITH THE PORTION OF HART ROAD ADJOINING SAID PROPERTY, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.



STATE OF ILLINOIS)
 COUNTY OF DEKALB)SS

-----LEGEND-----
 [Solid line] Boundary of property hereby annexed
 [Dashed line] Indicates existing corporate limits



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

DATED AT DEKALB, ILLINOIS THIS 24TH DAY OF JUNE, 2019

Shawn R. Vankampen
 SHAWN R. VANKAMPEN
 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 14882F

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, Immanuel Lutheran Church & School, 2S129 Hart Rd., 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 hereon,
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 follow, 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 to be annexed to the City of Batavia, Kane County, Illinois, and zoned under the Batavia Ordinance as PFI - Public Facility Institutional District.

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 PFI - Public Facility Institutional District at the time of said annexation, and that said land be accepted for PFI zoning.



Dan Nottke, Chairman

6/8/2017
Date



Eric Kennaugh, Senior Pastor

6/6/19
Date



Richard Wauer, Business Manager

6/5/2019
Date

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-53**

**AN ORDINANCE ANNEXING AND ZONING 2S676 HART ROAD 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 19-53**

**AN ORDINANCE ANNEXING AND ZONING 2S 676 HART ROAD 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 owners of 2S676 Hart Road; and

WHEREAS, the parcel is currently unincorporated, is contiguous to the City limits and eligible for annexation; and

WHEREAS, the property is designated by PIN 12-26-300-018 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 19-53

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 19-53 shall be in full force and effect upon its passage, presentation and approval according to law.

PRESENTED to the City Council of the City of Batavia, Illinois, this ____ day of ____, 2019.

PASSED by the City Council of the City of Batavia, Illinois, this 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					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Ellen Posledni, City Clerk

EXHIBIT A

EXHIBIT A

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 1115.5 FEET TO THE NORTHWEST CORNER OF DYER'S COUNTRY SUBDIVISION; THENCE NORTH, ALONG SAID WEST LINE, 222.46 FEET FOR THE POINT OF BEGINNING; THENCE EAST, 190.0 FEET; THENCE NORTH 33 DEGREES 34'36" EAST, 179.58 FEET; THENCE NORTH 89 DEGREES 12' EAST, 421.0 FEET TO THE CENTER LINE OF HART ROAD; THENCE NORTH 5 DEGREES 30'30" WEST, ALONG SAID CENTER LINE, 136.90 FEET; THENCE NORTHERLY, ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2142.25 FEET, A DISTANCE OF 206.89 FEET; THENCE NORTH 0 DEGREES 01'30" EAST, ALONG SAID CENTER LINE 6.21 FEET TO THE SOUTHERLY LINE OF THE FORMER RIGHT OF WAY OF THE CHICAGO, AURORA AND ELGIN RAILWAY COMPANY; THENCE SOUTH 74 DEGREES 52'30" WEST, ALONG SAID SOUTHERLY LINE, 711.95 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH, ALONG SAID WEST LINE, 318.78 FEET TO THE POINT OF BEGINNING, EXCEPTING THAT PORTION OF HART ROAD PREVIOUSLY ANNEXED, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

25676 HART ROAD

PIN 12-26-300-018

Map of territory hereby annexed to the City of Batavia, Kane County, Illinois

DESCRIPTION OF PROPERTY HEREBY ANNEXED:
THAT PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 1115.5 FEET TO THE NORTHWEST CORNER OR DYER'S COUNTRY SUBDIVISION, THENCE NORTH, ALONG SAID WEST LINE, 222.46 FEET FOR THE POINT OF BEGINNING; THENCE EAST, 190.0 FEET; THENCE NORTH 33°34'36" EAST, 179.58 FEET; THENCE NORTH 89°12' EAST, 421.0 FEET TO THE CENTER LINE OF HART ROAD; THENCE NORTH 5°30'30" WEST, ALONG SAID CENTER LINE, 136.90 FEET; THENCE NORTHERLY, ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2142.25 FEET, A DISTANCE OF 206.89 FEET; THENCE NORTH 0°01'30" EAST, ALONG SAID CENTER LINE, 6.21 FEET TO THE SOUTHERLY LINE OF THE FORMER RIGHT OF WAY OF THE CHICAGO, AURORA AND ELGIN RAILWAY COMPANY; THENCE SOUTH 74°52'30" WEST, ALONG SAID SOUTHERLY LINE, 711.95 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH, ALONG SAID WEST LINE, 318.78 FEET TO THE POINT OF BEGINNING, EXCEPTING THAT PORTION OF HART ROAD PREVIOUSLY ANNEXED, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.



P.I.N. 12-26-300-018
25676 HART RD

Contains 5.00 Acres



SCALE 1"=150'

P.O.C. SW corner of SW 1/4 of Sec. 26

==LEGEND==
Boundary of property hereby annexed
Indicates existing corporate limits

STATE OF ILLINOIS)
COUNTY OF DEKALB)SS

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

DATED AT DEKALB, ILLINOIS THIS 24TH DAY OF JUNE, 2019.

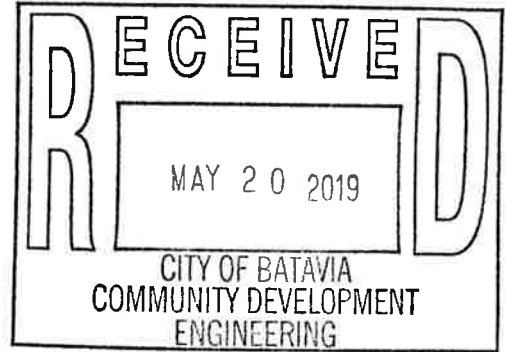
Shawn R. Vankampen
SHAWN R. VANKAMPEN
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710
LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2020

FOR: CITY OF BATAVIA
JOB NO. WES 14882D

Prepared by:
W.E. Hanna Surveyors
508 Pine Street
DeKalb, Illinois 60115
(815) 756-2189
Fax 748-2532
info@hannasurveyors.com
License # 184007413

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, WILLIAM HOGAN, 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, or that a majority of the electors have signed this petition.

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 it's 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.

William Hogan 5-17-19
Owner

Owner

