

# CITY OF BATAVIA

---

**DATE:** July 24, 2019  
**TO:** Committee of the Whole-CD  
**FROM:** Scott Buening, Community Development Director  
**SUBJECT:** Ordinance 19-54 Annexing 1S776 and 1S808 Deerpath Road

**Summary:** Annexation of properties at 1S776 and 1S808 Deerpath 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. These two properties were requested to submit a voluntary petition to annex, but we did not receive any response from one of the property owners. We did receive a petition to annex from 1S808 Deerpath Road or 50% of the ownership. Therefore, since we did not receive 100% of the property petitions, per State Statute we have published the required legal notice and have sent the property owners the required mailed notice in order to involuntarily annex these properties. The properties are not on any City utility at this time. The City already maintains the street in front of this property, and it is wholly bounded by the City limits.

A plat of annexation was prepared for this property as part of this action. As we had agreed with other annexations, the City would handle all the paperwork necessary to complete the annexation. The properties would be zoned R-0 and would be in Ward 7 after annexation.

The City Council will need to pass the attached Ordinance 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 property for documents and recording is about \$200.00.
- **Staffing Impact:** No impact on staffing.

- 3. Timeline for actions:** If the Ordinance is passed by the City Council, the annexation would be effective on August 6, 2019.

- 4. Staff recommendation:** Staff recommends approval of Ordinance 19-54 Annexing 1S776 and 1S808 Deerpath Road.

**5. Attachments:**

1. Ordinance 19-54 Annexing 1S776 and 1S808 Deerpath Road.
2. Plat of Annexation.
3. Legal Notice.
4. Area Map.

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 19-54**

**AN ORDINANCE ANNEXING AND ZONING 1S776 AND 1S 808 DEERPATH 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 19-54**

**AN ORDINANCE ANNEXING AND ZONING 1S776 AND 1S 808 DEERPATH ROAD TO  
THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS**

**WHEREAS**, the City of Batavia, Kane and DuPage Counties, Illinois, has found property at 1S776 and 1S808 Deerpath Road is completely surrounded by the City limits of Batavia; and

**WHEREAS**, the properties are designated by PIN 12-20-300-009 and 12-20-300-014, are 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 and surrounded by the City of Batavia; and

**WHEREAS**, the City is desirous of having this property annexed into the City of Batavia as the City provides public works, police and fire services to all properties that surround this property; and

**WHEREAS**, it is the intention of the City Council to not require utility connections due to the annexation, only to require connection in the event of a failure of one of these systems or due to a substantial improvement project on the property which affects one of these systems;

**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 Supervisors, Clerks and Trustees and the Corporate Authorities of Kane County; and

**WHEREAS**, publication of the proposed annexation has occurred at least 10 days prior to the annexation as required by Statute; and

**WHEREAS**, a public meeting on the annexation was conducted on July 30, 2019; 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 5/7-1-13, 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:

CITY OF BATAVIA, ILLINOIS ORDINANCE 19-54

---

**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.

**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 19-54 shall be in full force and effect upon its passage, presentation and approval according to law, effective August 6, 2019.

**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 \_\_\_\_\_ 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										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

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

## EXHIBIT A

### PARCEL ONE:

THAT PART OF THE SOUTH HALF OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 0 DEGREES, 58' WEST, ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, 1719.5 FEET; THENCE SOUTH 89 DEGREES 02' EAST, AT RIGHT ANGLES TO SAID WEST LINE, 1173.8 FEET TO THE CENTER LINE OF DEERPETH ROAD; THENCE NORTH 22 DEGREES 07' EAST, ALONG SAID CENTER LINE, 247.00 FEET FOR A POINT OF BEGINNING; THENCE NORTH 67 DEGREES 53' WEST, AT RIGHT ANGLES TO SAID CENTER LINE, 223.43 FEET; THENCE NORTH 20 DEGREES 11' 30" EAST, 151.34 FEET, BEING TO THE NORTHWESTERLY CORNER OF AN OLD SCHOOL LOT; THENCE SOUTH 79 DEGREES 26' 40" EAST, ALONG THE NORTHERLY LINE OF SAID OLD SCHOOL LOT, 223.25 FEET TO THE NORTHEASTERLY CORNER THEREOF, ON THE CENTER LINE OF SAID DEERPETH ROAD; THENCE SOUTH 22 DEGREES 07' WEST, ALONG SAID CENTER LINE, 198.00 FEET TO THE POINT OF BEGINNING, EXCEPTING THAT PORTION OF DEERPETH ROAD PREVIOUSLY ANNEXED, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

TOTAL AREA ANNEXED: 0.01 ACRE

PIN: 12-20-300-009

### PARCEL 2

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 0 DEGREES, 58' WEST, ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, 1719.5 FEET; THENCE SOUTH 89 DEGREES, 02' EAST, AT RIGHT ANGLES TO SAID WEST LINE, 1173.8 FEET TO THE CENTER LINE OF DEERPETH ROAD FOR A POINT OF BEGINNING; THENCE SOUTH 22 DEGREES 07' WEST, ALONG SAID CENTER LINE, 17.0 FEET; THENCE NORTH 67 DEGREES 53' WEST, AT RIGHT ANGLES TO SAID CENTER LINE, 214.56 FEET; THENCE NORTH 20 DEGREES 11' 30" EAST, 264.15 FEET; THENCE SOUTH 65 DEGREES 53' EAST, 223.43 FEET TO THE CENTER LINE OF SAID DEERPETH ROAD; THENCE SOUTH 22 DEGREES 07' WEST, ALONG SAID CENTER LINE, 247.00 FEET TO THE POINT OF BEGINNING, EXCEPTING THAT PORTION OF DEERPETH ROAD PREVIOUSLY ANNEXED, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

TOTAL AREA ANNEXED: 1.33 ACRES

P.I.N. 12-20-300-014

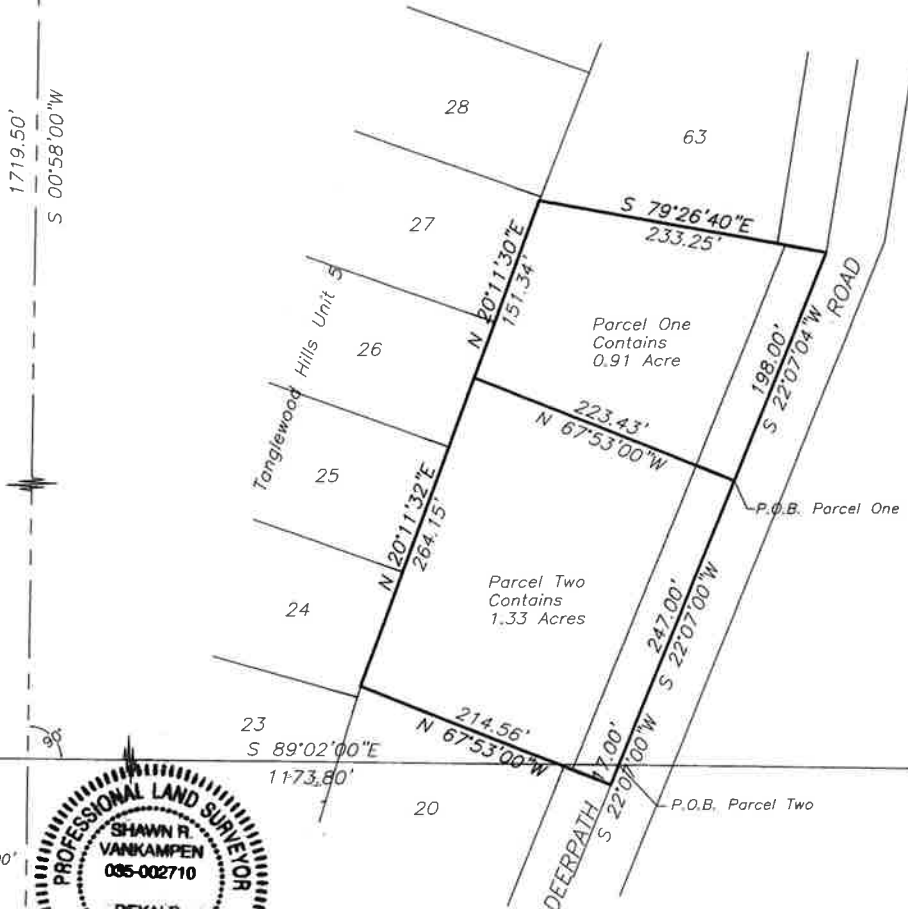
# Map of territory hereby annexed to the City of Batavia, Kane County, Illinois

P.I.N. 12-20-300-009  
15776 Deerpath Rd.  
P.I.N. 12-20-300-014  
15808 Deerpath Rd.

P.O.C.  
NW corner  
of E 1/2  
of SW 1/4

PARCEL ONE: THAT PART OF THE SOUTH HALF OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OR SAID SECTION; THENCE SOUTH 0°58' WEST, ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, 1719.5 FEET; THENCE SOUTH 89°02' EAST, AT RIGHT ANGLES TO SAID WEST LINE, 1173.8 FEET TO THE CENTER LINE OF DEERPETH ROAD; THENCE NORTH 22°07' EAST, ALONG SAID CENTER LINE, 247.00 FEET FOR A POINT OF BEGINNING; THENCE NORTH 67°53' WEST, AT RIGHT ANGLES TO SAID CENTER LINE, 223.43 FEET; THENCE NORTH 20°11'30" EAST, 151.34 FEET, BEING TO THE NORTHWESTERLY CORNER OF AN OLD SCHOOL LOT; THENCE SOUTH 79°26'40" EAST, ALONG THE NORTHERLY LINE OF SAID OLD SCHOOL LOT, 223.25 FEET TO THE NORTHEASTERLY CORNER THEREOF, ON THE CENTER LINE OF SAID DEERPETH ROAD; THENCE SOUTH 22°07' WEST, ALONG SAID CENTER LINE, 198.00 FEET TO THE POINT OF BEGINNING, EXCEPTING THAT PORTION OF DEERPETH ROAD PREVIOUSLY ANNEXED, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

PARCEL TWO: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 0°58' WEST, ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, 1719.5 FEET; THENCE SOUTH 89°02' EAST, AT RIGHT ANGLES TO SAID WEST LINE, 1173.8 FEET TO THE CENTER LINE OF DEERPETH ROAD FOR A POINT OF BEGINNING; THENCE SOUTH 22°07' WEST, ALONG SAID CENTER LINE, 17.0 FEET; THENCE NORTH 67°53' WEST, AT RIGHT ANGLES TO SAID CENTER LINE, 214.56 FEET; THENCE NORTH 20°11'30" EAST, 264.15 FEET; THENCE SOUTH 67°53' EAST, 223.43 FEET TO THE CENTER LINE OF SAID DEERPETH ROAD; THENCE SOUTH 22°07' WEST, ALONG SAID CENTER LINE, 247.0 FEET TO THE POINT OF BEGINNING, EXCEPTING THAT PORTION OF DEERPETH ROAD PREVIOUSLY ANNEXED, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.



SCALE 1"=100'



====LEGEND====  
 ——— Boundary of property hereby annexed  
 [ ] Indicates existing corporate limits

THIS IS TO CERTIFY THAT I, SHAWN R. VAN KAMPEN, 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 19TH DAY OF JUNE, 2019.

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

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

FOR: CITY OF BATAVIA  
 JOB NO. WES 14882A

## PUBLIC NOTICE

**PUBLIC NOTICE** is hereby given to all persons concerned that on the 30th day of July, 2019 at 7:30 p.m., in the City Council Chambers of the Municipal Building, at 100 North Island Avenue, Batavia, Illinois, there will be held a public meeting wherein the Committee of the Whole of the City Council of the City of Batavia consider an Ordinance proposing an annexation of land, pursuant to 65 ILCS 5/7-1-13 of the Illinois Compiled Statutes. The properties being considered for annexation are completely surrounded by the City limits of Batavia, and are described as follows:

### PARCEL ONE:

THAT PART OF THE SOUTH HALF OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 0 DEGREES, 58' WEST, ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, 1719.5 FEET; THENCE SOUTH 89 DEGREES 02' EAST, AT RIGHT ANGLES TO SAID WEST LINE, 1173.8 FEET TO THE CENTER LINE OF DEERPETH ROAD; THENCE NORTH 22 DEGREES 07' EAST, ALONG SAID CENTER LINE, 247.00 FEET FOR A POINT OF BEGINNING; THENCE NORTH 67 DEGREES 53' WEST, AT RIGHT ANGLES TO SAID CENTER LINE, 223.43 FEET; THENCE NORTH 20 DEGREES 11' 30" EAST, 151.34 FEET, BEING TO THE NORTHWESTERLY CORNER OF AN OLD SCHOOL LOT; THENCE SOUTH 79 DEGREES 26' 40" EAST, ALONG THE NORTHERLY LINE OF SAID OLD SCHOOL LOT, 223.25 FEET TO THE NORTHEASTERLY CORNER THEREOF, ON THE CENTER LINE OF SAID DEERPETH ROAD; THENCE SOUTH 22 DEGREES 07' WEST, ALONG SAID CENTER LINE, 198.00 FEET TO THE POINT OF BEGINNING, EXCEPTING THAT PORTION OF DEERPETH ROAD PREVIOUSLY ANNEXED, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

TOTAL AREA ANNEXED: 0.01 ACRE

PIN: 12-20-300-009

### PARCEL 2

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 0 DEGREES, 58' WEST, ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, 1719.5 FEET; THENCE SOUTH 89 DEGREES, 02' EAST, AT RIGHT ANGLES TO SAID WEST LINE, 1173.8 FEET TO THE CENTER LINE OF DEERPETH ROAD FOR A POINT OF BEGINNING; THENCE SOUTH 22 DEGREES 07' WEST, ALONG SAID CENTER LINE, 17.0 FEET; THENCE NORTH 67 DEGREES 53' WEST, AT RIGHT ANGLES TO SAID CENTER LINE, 214.56 FEET; THENCE NORTH 20 DEGREES 11'30" EAST, 264.15 FEET; THENCE SOUTH 65 DEGREES 53' EAST, 223.43 FEET TO THE CENTER LINE OF SAID DEERPETH ROAD; THENCE SOUTH 22 DEGREES 07' WEST, ALONG SAID CENTER LINE, 247.00 FEET TO THE POINT OF BEGINNING, EXCEPTING THAT PORTION OF DEERPETH ROAD PREVIOUSLY ANNEXED, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

TOTAL AREA ANNEXED: 1.33 ACRES

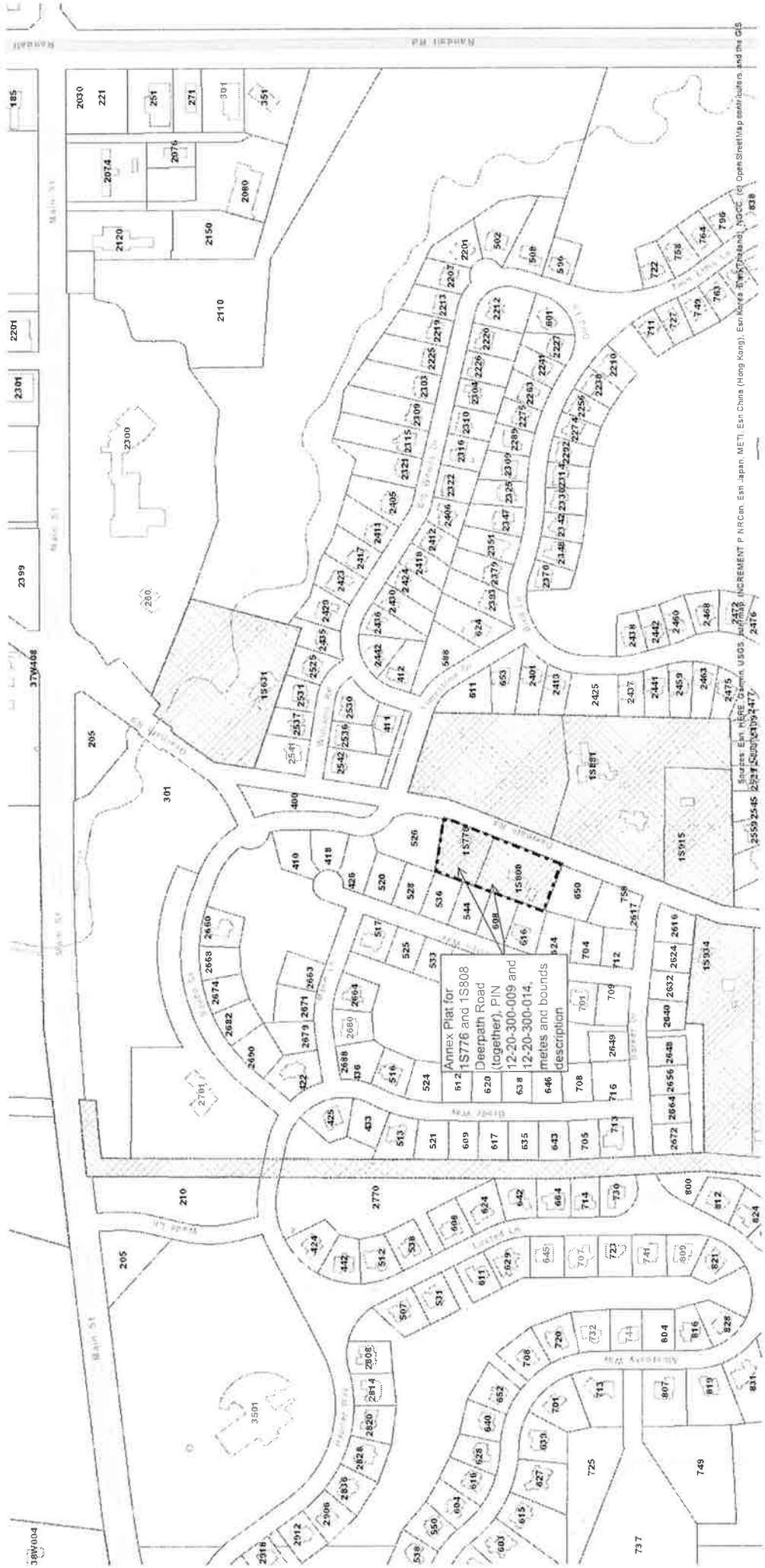
P.I.N. 12-20-300-014

The properties which are the subject matter of the public meeting includes 1S776 and 1S808 Deerpath Road and will be initially zoned R0 Single family residential after annexation.

All persons interested in this matter are invited to attend and speak at the public meeting. The public meeting may be continued to a further date, time and place without further notice or publication such as this notice.

Ellen Posledni, City Clerk  
City of Batavia





Source: Esri HERE, Garmin, USGS, Imagery, Mapbox, © OpenStreetMap contributors, and the GIS User Community  
 INCREMENT P NRCam, Est, China, (Hong Kong), Est, Korea, Est, Thailand, NGCC, © OpenStreetMap contributors, and the GIS User Community

38W004

737