

# CITY OF BATAVIA

---

**DATE:** July 24, 2019  
**TO:** Committee of the Whole-CD  
**FROM:** Scott Buening, Community Development Director  
**SUBJECT:** Ordinance 19-55 Annexing 2S801 through 2S876 Hart Road

**Summary:** Annexation of properties at 2S801 through 2S876 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. These five properties were requested to submit a voluntary petition to annex. We received petitions to annex from two properties and talked to all but one of the property owners. We anticipated a third petition, but did not receive it as of the date of this report. 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 north and south of these properties, 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 6 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 19-55 Annexing 2S801 through 2S876 Hart Road.

- 5. Attachments:**

1. Ordinance 19-55 Annexing 2S801 through 2S876 Hart Road.
2. Plat of Annexation.
3. Legal Notice.
4. Area Map.

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 19-55**

**AN ORDINANCE ANNEXING AND ZONING 2S801 THROUGH 2S876 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 19-55**

**AN ORDINANCE ANNEXING AND ZONING 2S801 THROUGH 2S876 HART 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 2S801 through 2S876 Hart Road is completely surrounded by the City limits of Batavia; and

**WHEREAS**, the properties are designated by PINs 12-26-300-004, 12-26-300-005, 12-26-300-006, 12-26-300-009 and 12-26-300-010, 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 19-55

---

**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 19-55 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:**

LOTS 1, 2 AND 3 IN DYER'S COUNTRY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 29<sup>TH</sup>, 1965 AS DOCUMENT NO. 1039384, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

TOTAL AREA ANNEXED: 8.64 ACRES

PIN: 12-26-300-004, 12-26-300-005 AND 12-26-300-006

### **PARCEL TWO:**

THAT PART OF THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF BARKEI FARMS P.D. UNIT THREE, SAID POINT BEING IN THE CENTER LINE OF HART ROAD; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SUBDIVISION, TO THE NORTHWEST CORNER OF LOT 41 OF SAID SUBDIVISION; THENCE SOUTHERLY, ALONG THE WESTERLY LINE OF LOT 41 AND SAID WESTERLY LINE EXTENDED, TO THE SOUTHWEST CORNER OF LOT 38 OF SAID SUBDIVISION; THENCE WESTERLY, ALONG THE NORTH LINE OF BARKEI SUBDIVISION, TO THE NORTHWEST CORNER OF SAID BARKEI SUBDIVISION, SAID NORTHWEST CORNER BEING THE CENTER LINE OF HART ROAD; THENCE NORTHERLY, ALONG SAID CENTER LINE, TO THE POINT OF BEGINNING, TOGETHER WITH ALL THAT PART OF HART ROAD ADJOINING SAID PROPERTY, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

TOTAL AREA ANNEXED: 5.94 ACRES

P.I.N. 12-26-300-009 AND 12-26-300-010

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

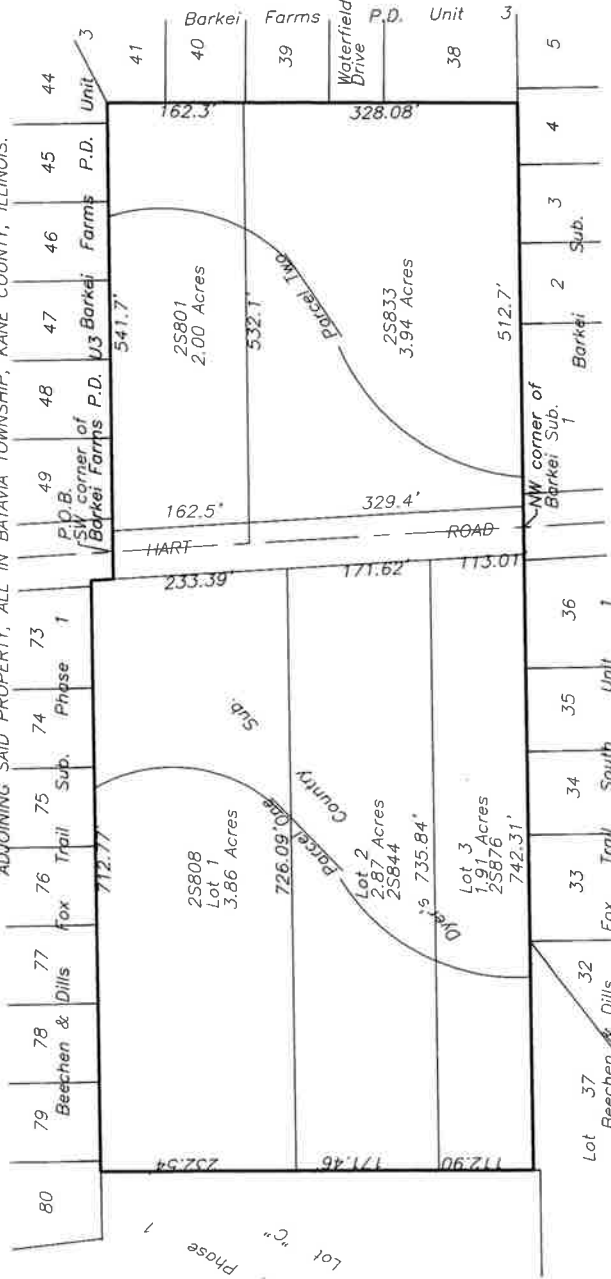
PARCEL ONE:

LOTS 1, 2 AND 3 IN DYER'S COUNTRY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 29TH, 1965 AS DOCUMENT NO. 1039384, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

PARCEL TWO:

THAT PART OF THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF BARKEI FARMS P.D. UNIT THREE, SAID POINT BEING IN THE CENTER LINE OF HART ROAD; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SUBDIVISION, TO THE NORTHWEST CORNER OF LOT 41 OF SAID SUBDIVISION; THENCE SOUTHERLY, ALONG THE WESTERLY LINE OF SAID LOT 41 AND SAID WESTERLY LINE EXTENDED, TO THE SOUTHWEST CORNER OF LOT 38 OF SAID SUBDIVISION; THENCE WESTERLY, ALONG THE NORTH LINE OF BARKEI SUBDIVISION, TO THE NORTHWEST CORNER OF SAID BARKEI SUBDIVISION, SAID NORTHWEST CORNER BEING THE CENTER LINE OF HART ROAD; THENCE NORTHERLY, ALONG SAID CENTER LINE, TO THE POINT OF BEGINNING, TOGETHER WITH ALL THAT PART OF HART ROAD ADJOINING SAID PROPERTY, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

SCALE 1" = 150'



- P.I.N. 12-26-300-004
- 25808 HART RD.
- P.I.N. 12-26-300-005
- 25844 HART RD.
- P.I.N. 12-26-300-006
- 25876 HART RD.
- P.I.N. 12-26-300-009
- 25801 HART RD.
- P.I.N. 12-26-300-010
- 25833 HART RD.

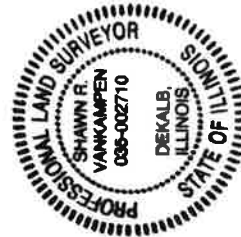
- LEGEND---
- Boundary of property hereby annexed
- Indicates existing corporate limits

STATE OF ILLINOIS )  
COUNTY OF DEKALB )

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 19TH 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 14882C

## **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:**

LOTS 1, 2 AND 3 IN DYER'S COUNTRY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 29<sup>TH</sup>, 1965 AS DOCUMENT NO. 1039384, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

TOTAL AREA ANNEXED: 8.64 ACRES

PIN: 12-26-300-004, 12-26-300-005 AND 12-26-300-006

### **PARCEL TWO:**

THAT PART OF THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF BARKEI FARMS P.D. UNIT THREE, SAID POINT BEING IN THE CENTER LINE OF HART ROAD; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SUBDIVISION, TO THE NORTHWEST CORNER OF LOT 41 OF SAID SUBDIVISION; THENCE SOUTHERLY, ALONG THE WESTERLY LINE OF LOT 41 AND SAID WESTERLY LINE EXTENDED, TO THE SOUTHWEST CORNER OF LOT 38 OF SAID SUBDIVISION; THENCE WESTERLY, ALONG THE NORTH LINE OF BARKEI SUBDIVISION, TO THE NORTHWEST CORNER OF SAID BARKEI SUBDIVISION, SAID NORTHWEST CORNER BEING THE CENTER LINE OF HART ROAD; THENCE NORTHERLY, ALONG SAID CENTER LINE, TO THE POINT OF BEGINNING, TOGETHER WITH ALL THAT PART OF HART ROAD ADJOINING SAID PROPERTY, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

TOTAL AREA ANNEXED: 5.94 ACRES

P.I.N. 12-26-300-009 AND 12-26-300-010

The properties which are the subject matter of the public meeting include 2S808, 2S844, 2S876, 2S801 AND 2S833 Hart 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

