

# CITY OF BATAVIA

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**DATE:** September 17, 2019  
**TO:** Committee of the Whole-CD  
**FROM:** Scott Buening, Community Development Director  
**SUBJECT:** Ordinance 19-62 Authorizing Execution of an Annexation Agreement for Property at 1S631 Deerpath Road  
Ordinance 19-63 Annexing 1S631 Deerpath Road

**Summary:** Annexation of property at 1S631 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. This property was requested to submit a voluntary petition to annex, but during discussions with the property owner, we discovered unique circumstances that warranted entering into an annexation agreement. In this case the property is relatively large being nearly 5 acres in size. Additionally, it is bounded on the east and west by undevelopable open spaces and on the north by open lands of Holy Cross Church. In addition, it is divided by Mill Creek making the access and maintenance of the northern part of the site difficult. The northern part of the site is heavily wooded and access between the parts of the property is difficult.

Therefore after discussion with the property owner, staff felt that there were unique circumstances to warrant an individual annexation agreement for this property. The agreement essentially grandfathered the existing F Farming provisions under Kane County regulations for this property during the term of the agreement. While we would place it in the R0 Single Family zoning district, the property owners would be allowed for the 20 year duration of the agreement to keep animals and farm as if it were under Kane County jurisdiction. In addition, they would be permitted to follow Kane County burning regulations.

They would not be required to connect to City utilities unless and until they elect to do so or their system(s) fail where they cannot be reasonably repaired. They would be permitted to retain the private well for watering purposes if they connect to City water as long as it is physically disconnected from our water system. They would agree to dedicate 33 feet for Deerpath Road at the City’s request since they own to the centerline of that road. The City only has a prescriptive easement to use that portion that was not acquired as part of the bridge reconstruction project.

In order to approve of the agreement, a Public Hearing is required. The Public Hearing has been scheduled for the Committee of the Whole meeting on September 24<sup>th</sup>, 2019 at 7:00 PM. At that time the Committee should open the hearing, take public testimony, if any, and then close the Public Hearing. The City Council may then act to approve of the annexation agreement and annexation Ordinances at the next City Council meeting. 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 property would be zoned R0 and would be in Ward 7 after annexation.

The City Council will need to pass the attached Ordinance Authorizing Execution of the Annexation Agreement by a 2/3 vote of the Corporate Authorities, and a simple majority for the Annexation Ordinance if the prior Ordinance is approved.

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

- **Approve the Annexation Agreement and annex the property.**
- **Do not approve the Annexation Agreement and annex the property.**

- **Budget Impact:** The total cost for documents and recording is about \$200.00.
- **Staffing Impact:** No impact on staffing.

**3. Timeline for actions:** If the Ordinances are passed by the City Council, the annexation would be effective on October 8, 2019.

**4. Staff recommendation:** Staff recommends approval of Ordinance 19-62 Authorizing Execution of an Annexation Agreement for Property at 1S631 Deerpath Road and Ordinance 19-63 Annexing 1S631 Deerpath Road.

**5. Attachments:**

1. Ordinance 19-62 Authorizing Execution of an Annexation Agreement for Property at 1S631 Deerpath Road.
2. Annexation Agreement.
3. Ordinance 19-63 Annexing 1S631 Deerpath Road.
4. Plat of Annexation.
5. Legal Notice.
6. Area Map.

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 19-62**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN  
ANNEXATION AGREEMENT BETWEEN WAYNE AND ROXANE SHILKA AND  
THE CITY OF BATAVIA  
FOR PROPERTY LOCATED AT 1S631 DEERPATH ROAD**

**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 19-62**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN  
ANNEXATION AGREEMENT BETWEEN WAYNE AND ROXANE SHILKA AND  
THE CITY OF BATAVIA  
FOR PROPERTY LOCATED AT 1S631 DEERPATH ROAD**

**WHEREAS**, it is in the best interests of the City of Batavia, Kane and DuPage Counties, Illinois, that a certain Annexation Agreement, dated August 14, 2019, and attached hereto as Exhibit 1, between Wayne and Roxane Shilka (“Owners”) and the City of Batavia (“City”) be approved and executed; and

**WHEREAS**, the Owners are legal owners of record of the property at 1S631 Deerpath Road Road (“Territory”) which is the subject matter of such an agreement, are ready, willing, and able to enter into said Agreement and to perform the obligations as required thereunder; and

**WHEREAS**, the statutory procedures provided in 65 ILCS 11/1-15.1, as amended, as well as the requirements of the Batavia Municipal Code, for the execution of said Agreement have been fully complied with, including all notices to the public, notices to certain taxing jurisdictions, and the holding of certain public hearings;

**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 Annexation Agreement attached hereto as Exhibit 1 is approved and the Mayor be and is hereby authorized and directed to execute, and the City Clerk is directed to attest, the said Annexation Agreement.

**SECTION 2:** That this Ordinance 19-62 shall be in full force and effect upon its presentation, passage and publication according to law.

**PRESENTED** to the City Council of the City of Batavia, Illinois, this \_\_\_\_ day of \_\_\_\_, 2019.

CITY OF BATAVIA, ILLINOIS ORDINANCE 19-62

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

ATTEST:

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

**EXHIBIT 1**

**ANNEXATION AGREEMENT  
BETWEEN THE CITY OF BATAVIA  
AND WAYNE AND ROXANE SHILKA**

**NOW COMES WAYNE AND ROXANE SHILKA** the current owner of certain real property described in the attached Exhibit "A", hereafter referred to as "Property" located at 1S631 Deerpath Road, Batavia, IL 60510, PIN 12-20-400-007, hereinafter collectively referred to as "Owner" and the City of Batavia, an Illinois Municipality hereinafter referred to as the "City", who do hereby enter into this Annexation Agreement as follows:

**WHEREAS**, the Owner has agreed to allow annexation of the property subject to the terms of this agreement and the City agrees, the Property being described in the attached Exhibit "A," and,

**WHEREAS**, the Property is approximately an 4.8 acre site currently improved with a single-family residence and is not presently located within the corporate limits of any municipality, but is contiguous to and may be annexed to the City of Batavia as provided Article 7 of the Illinois Municipal Code; and,

**WHEREAS**, due and proper notice of the proposed annexation has been given to the Trustees of the Batavia Fire Protection District, Batavia Township and the Batavia Township Commissioner of Highways, more than ten (10) days prior to any action being taken on the annexation of the property; and,

**WHEREAS**, all other and further notices, publications, procedure, public hearings and other matters attendant to the consideration and approval of this Agreement and the annexation and zoning of the Property have been given, made, held and performed by the City as required by Section 7-1-8 and Section 11-15.1-1 et seq. of the Illinois Municipal Code, and all other applicable statutes, and all applicable ordinances, regulations and procedures of the City. This Agreement is made and entered into by the parties pursuant to the provisions of Section 11-15.1-1 et seq. of the Illinois Municipal Code; and,

**WHEREAS**, the corporate authorities have duly considered all necessary petitions to enter into this Agreement, and have further duly considered the terms and provisions of the Agreement and have, by an ordinance duly adopted by a vote of two-thirds (2/3) of the Corporate Authorities then holding office, authorized the Mayor to execute, and the City Clerk to attest, this Agreement on behalf of the City.

**NOW THEREFORE**, the parties agree as follows:

1. City agrees to annex the Property to the City of Batavia, and, at the same meeting, the corporate authorities shall enact such ordinances, adopt such resolutions, and take such other actions as are necessary to zone the Property as R0 Single Family District.

9. In consideration of the agricultural nature and forested condition of the property, the City agrees that burning of brush and other permitted materials may be allowed as currently regulated by Kane County. All burning hours, setbacks, weather conditions, notification requirements and allowable materials to be burned shall be adhered to per County regulations. If the County further restricts burning regulations in the unincorporated areas, they shall be complied with by the Property owner. This exception shall be valid during the term of this agreement and shall revert to City regulations after expiration of the agreement.

10. This Agreement shall be binding upon the parties and their respective successors and assigns for twenty (20) years, commencing as of the date hereof, and for such further term as may hereinafter be authorized by statute, and by City Ordinance. If any of the terms of this Agreement, or the annexation or zoning of the property, is challenged in any Court proceeding, then, to the extent permitted by law, the period of time during which such litigation is pending shall not be included in calculating said twenty (20) year period. The expiration of the term of this Agreement shall not affect the continuing validity of the zoning of the Property or any ordinance enacted by the City pursuant to this Agreement.

11. Force Majeure. The occurrence of an event which materially interferes with the ability of a party to perform its obligations or duties hereunder which is not within the reasonable control of the party affected, not due to malfeasance, and which could not with the exercise of due diligence have been avoided ("Force Majeure"), including, but not limited to, fire, accident, labor difficulty, strike, riot, civil commotion, act of God, delay or errors by shipping companies or change in Law shall not excuse such party from the performance of its obligations or duties under this Agreement, but shall merely suspend such performance during the continuation of Force Majeure. The party prevented from performing its obligations or duties because of Force Majeure shall promptly notify the other party hereto of the occurrence and particulars of such Force Majeure and shall provide the other party, from time to time, with its best estimate of the duration of such Force Majeure and with notice of the termination thereof. The party so affected shall use its best efforts to avoid or remove such causes of nonperformance. Upon termination of Force Majeure, the performance of any suspended obligation or duty shall promptly recommence. Neither party shall be liable to the other party for any direct, indirect, consequential, incidental, special, punitive or exemplary damages arising out of or relating to the suspension or termination of any of its obligations or duties under this Annexation Agreement by reason of the occurrence of Force Majeure.

12. Notices. Any notice required or permitted by the provision of this Agreement shall be in writing and sent by certified mail, return receipt requested, or personally delivered, to the parties at the following addresses, or at such other addresses as the parties may, by notice, designate:

If to the City:                                 Laura Newman, City Administrator  
   City of Batavia  
   100 N. Island Avenue  
   Batavia, Illinois 60510

With a Copy to:                                 Kevin Drendel, City Attorney  
   111 Flinn Street

Batavia, Illinois 60510

If to Owners: Wayne and Roxane Shilka  
1S631 Deerpath Road  
Batavia, IL 60510

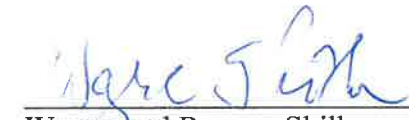

13. This Agreement shall be binding upon the successors, heirs and assigns of each party thereto.

14. If any portion of this Agreement is determined to be invalid the remaining portions thereof shall be in full force and effect between Owner and the City.

**IN WITNESS WHEREOF** the undersigned parties have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF BATAVIA**

\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Wayne and Roxane Shilka  


**ATTEST:**

\_\_\_\_\_  
City Clerk

Prepared By and Return To:

Scott Buening  
City of Batavia  
100 N. Island Avenue  
Batavia, IL 60510



## EXHIBIT "A"

### Legal Description

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 21; THENCE EAST, ON THE SECTION LINE 2.25 CHAINS (148.5 FEET); THENCE SOUTH 0 DEGREES 45' EAST, 40.49 CHAINS (2672.34 FEET) TO THE QUARTER SECTION LINE; THENCE WEST ON THE QUARTER SECTION LINE, 57 LINKS (37.62 FEET); THENCE SOUTH 1 ½ DEGREES EAST, 30.40 CHAINS (2006.4 FEET); THENCE NORTH 71 DEGREES WEST, 43.12 CHAINS (2845.92 FEET) TO THE CENTER LINE OF A HIGHWAY; THENCE NORTH 9 DEGREES 33' EAST, ALONG THE CENTER LINE OF THE HIGHWAY, 454.5 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 9 DEGREES 33' EAST, ALONG THE CENTER OF THE HIGHWAY, 144.1 FEET TO AN ANGLE IN SAID HIGHWAY; THENCE NORTH 36 DEGREES 43' EAST; ALONG THE CENTER OF THE HIGHWAY, 302.00 FEET, THENCE SOUTH 68 DEGREES 10' EAST, 474.8 FEET; THENCE SOUTH 15 DEGREES 56' WEST, 406.4 FEET; THENCE NORTH 71 DEGREES 02' WEST, 564 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PORTION OF DEERPATH ROAD PREVIOUSLY ANNEXED, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

1S631 Deerpath Road

PIN 12-20-400-007

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 19-63**

**AN ORDINANCE ANNEXING AND ZONING 1S631 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 19-63**

**AN ORDINANCE ANNEXING AND ZONING 1S631 DEERPATH 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 1S631 Deerpath 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 12-20-400-007 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 19-63

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**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 19-63 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										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstentions					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

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

EXHIBIT A

## EXHIBIT "A"

### Legal Description

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 21; THENCE EAST, ON THE SECTION LINE 2.25 CHAINS (148.5 FEET); THENCE SOUTH 0 DEGREES 45' EAST, 40.49 CHAINS (2672.34 FEET) TO THE QUARTER SECTION LINE; THENCE WEST ON THE QUARTER SECTION LINE, 57 LINKS (37.62 FEET); THENCE SOUTH 1 ½ DEGREES EAST, 30.40 CHAINS (2006.4 FEET); THENCE NORTH 71 DEGREES WEST, 43.12 CHAINS (2845.92 FEET) TO THE CENTER LINE OF A HIGHWAY; THENCE NORTH 9 DEGREES 33' EAST, ALONG THE CENTER LINE OF THE HIGHWAY, 454.5 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 9 DEGREES 33' EAST, ALONG THE CENTER OF THE HIGHWAY, 144.1 FEET TO AN ANGLE IN SAID HIGHWAY; THENCE NORTH 36 DEGREES 43' EAST; ALONG THE CENTER OF THE HIGHWAY, 302.00 FEET, THENCE SOUTH 68 DEGREES 10' EAST, 474.8 FEET; THENCE SOUTH 15 DEGREES 56' WEST, 406.4 FEET; THENCE NORTH 71 DEGREES 02' WEST, 564 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PORTION OF DEERPATH ROAD PREVIOUSLY ANNEXED, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

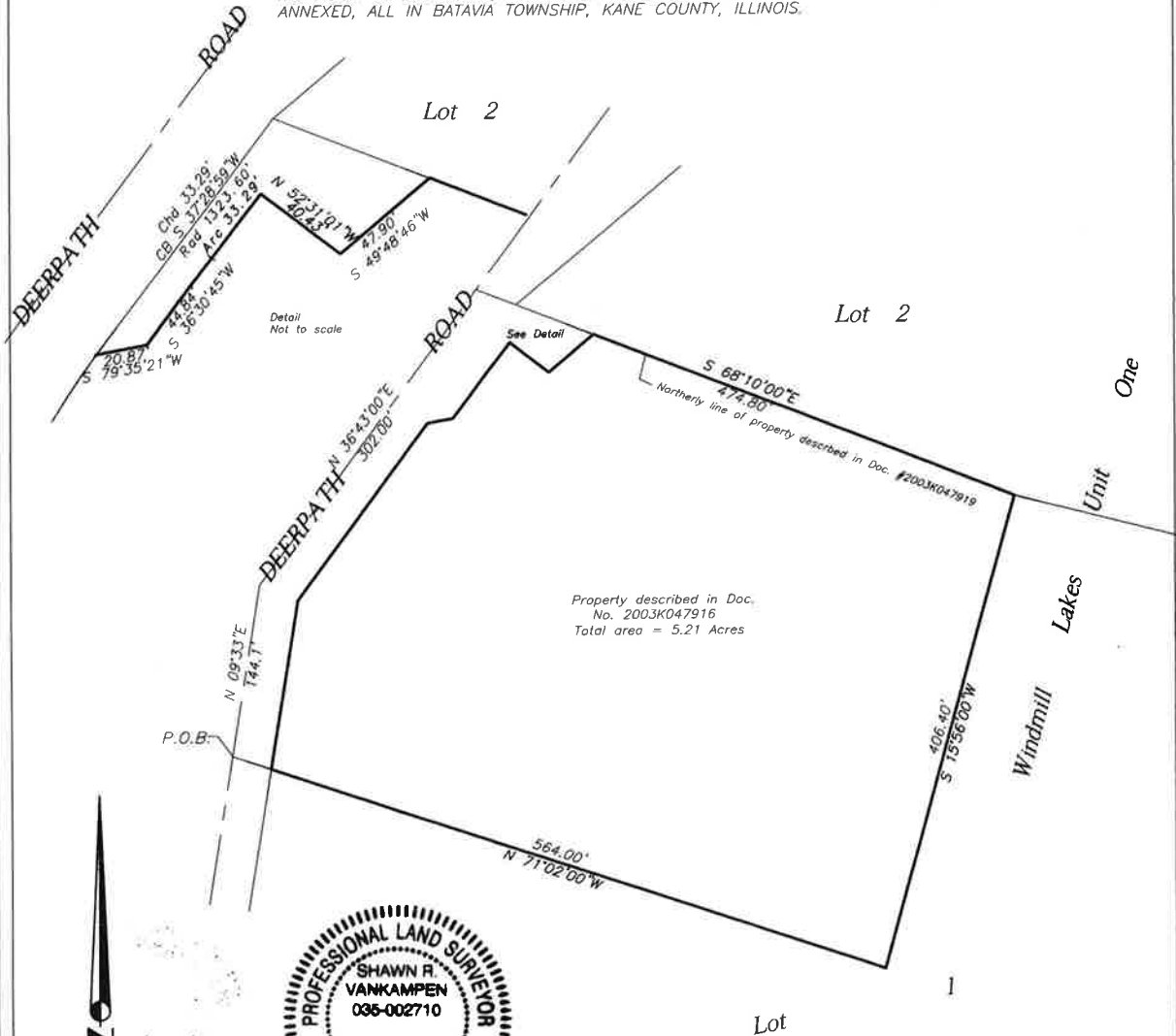
1S631 Deerpath Road

PIN 12-20-400-007

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

P.I.N. 12-20-400-007  
15631 Deerpath Rd.

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 21; THENCE EAST, ON THE SECTION LINE, 2.25 CHAINS (148.5 FEET); THENCE SOUTH 0°45' EAST, 40.49 CHAINS (2672.34 FEET) TO THE QUARTER SECTION LINE; THENCE WEST ON THE QUARTER SECTION LINE, 57 LINKS (37.62 FEET); THENCE SOUTH 1 1/2 DEGREES EAST, 30.40 CHAINS (2006.4 FEET); THENCE NORTH 71° WEST, 43.12 CHAINS (2845.92 FEET) TO THE CENTER LINE OF A HIGHWAY; THENCE NORTH 9°33' EAST, ALONG THE CENTER LINE OF THE HIGHWAY, 454.5 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 9°33' EAST, ALONG THE CENTER OF THE HIGHWAY, 144.1 FEET TO AN ANGLE IN SAID HIGHWAY; THENCE NORTH 36°43' EAST, ALONG THE CENTER OF THE HIGHWAY, 302.00 FEET; THENCE SOUTH 68°10' EAST, 474.8 FEET; THENCE SOUTH 15°56' WEST, 406.4 FEET; THENCE NORTH 71°02' WEST, 564 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PORTION OF DEERPETH ROAD PREVIOUSLY ANNEXED, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.



STATE OF ILLINOIS }  
COUNTY OF DEKALB } ss

-----LEGEND-----  
 ————— Boundary of property hereby annexed  
 [ ] 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 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  
 508 Pine Street  
 DeKalb, Illinois 60115  
 (815) 756-2189  
 Fax 746-2532  
 info@hannasurveyors.com  
 License # 184007413

FOR: CITY OF BATAVIA  
 JOB NO. WES 14882B

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, Wayne & Roxane Shilka hereby ~~petition~~<sup>allow</sup> the City Council of Batavia, Illinois ~~for annexation of~~<sup>to</sup> 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 proposed to be annexed is not within the corporate limits of any municipality.

3. That the land hereinafter described and proposed to be annexed is contiguous to the City of Batavia, Illinois.

4. That the land hereinafter described and herein proposed to be annexed is legally described as follows, to-wit:

See Exhibit "A"

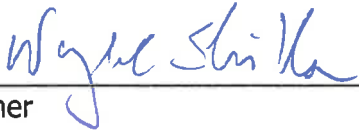
5. The area and land proposed to be annexed is presently zoned by the County of Kane as Farm Land.


6. That the undersigned Petitioners herein are agreeing to allow 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 agree to allow 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~~ <sup>the owners allow</sup> 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.

  
\_\_\_\_\_  
Owner

  
\_\_\_\_\_  
Owner

## NOTICE OF PUBLIC HEARING

**PUBLIC NOTICE** is hereby given to all persons concerned that on the 24<sup>th</sup> day of September, 2019 at 7:00 p.m., in the City Council Chambers of the Municipal Building, 100 North Island Avenue, Batavia, Illinois, a Public Hearing will be held wherein the Committee of the Whole of the City Council of the City of Batavia will consider an Annexation Agreement between the City of Batavia and Wayne and Roxane Shilka for property located at 1S631 Deerpath Road, legally described as follows:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 21; THENCE EAST, ON THE SECTION LINE 2.25 CHAINS (148.5 FEET); THENCE SOUTH 0 DEGREES 45' EAST, 40.49 CHAINS (2672.34 FEET) TO THE QUARTER SECTION LINE; THENCE WEST ON THE QUARTER SECTION LINE, 57 LINKS (37.62 FEET); THENCE SOUTH 1 ½ DEGREES EAST, 30.40 CHAINS (2006.4 FEET); THENCE NORTH 71 DEGREES WEST, 43.12 CHAINS (2845.92 FEET) TO THE CENTER LINE OF A HIGHWAY; THENCE NORTH 9 DEGREES 33' EAST, ALONG THE CENTER LINE OF THE HIGHWAY, 454.5 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 9 DEGREES 33' EAST, ALONG THE CENTER OF THE HIGHWAY, 144.1 FEET TO AN ANGLE IN SAID HIGHWAY; THENCE NORTH 36 DEGREES 43' EAST; ALONG THE CENTER OF THE HIGHWAY, 302.00 FEET, THENCE SOUTH 68 DEGREES 10' EAST, 474.8 FEET; THENCE SOUTH 15 DEGREES 56' WEST, 406.4 FEET; THENCE NORTH 71 DEGREES 02' WEST, 564 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PORTION OF DEERPATH ROAD PREVIOUSLY ANNEXED, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

1S631 Deerpath Road

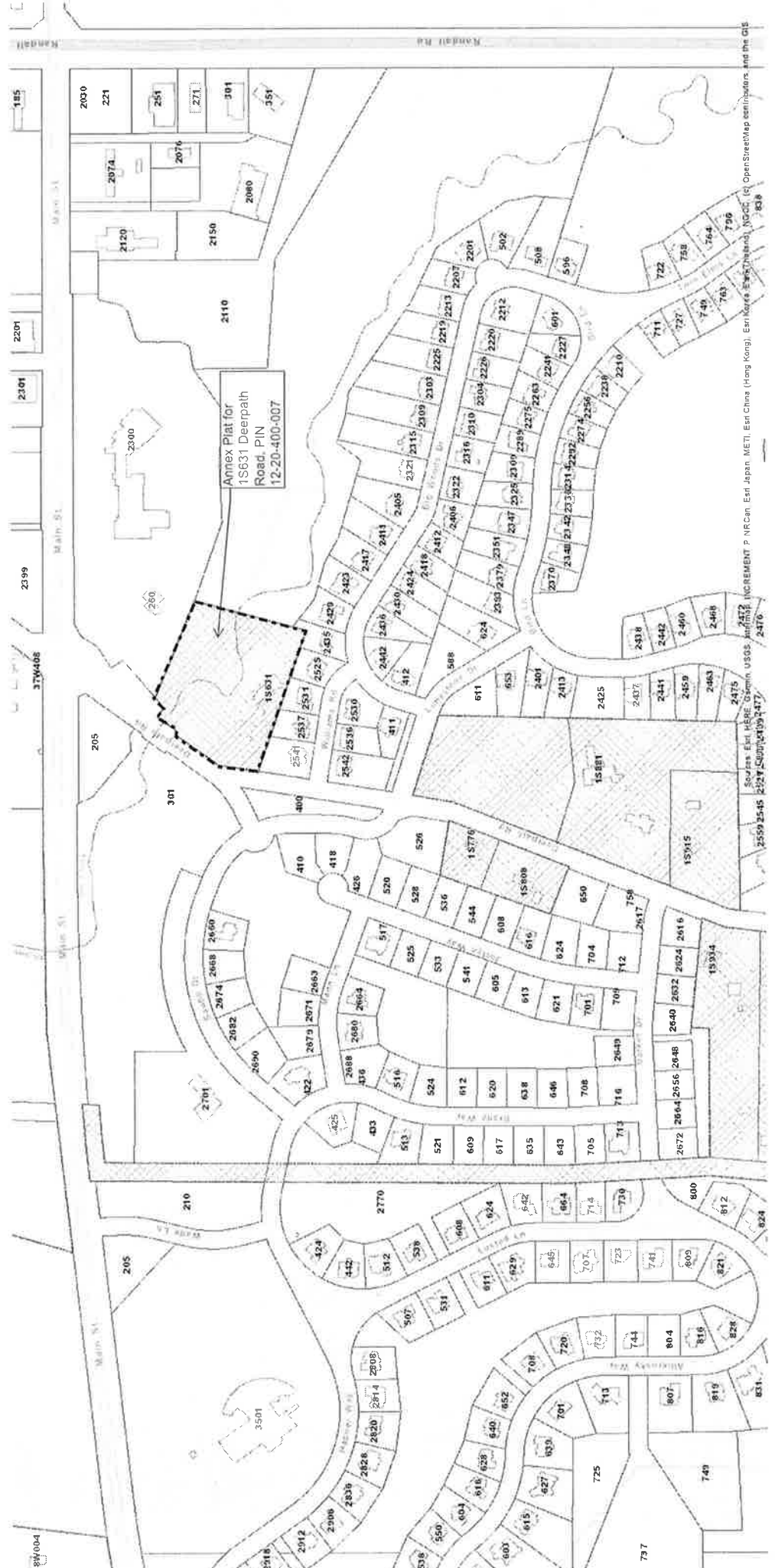
PIN 12-20-400-007

The proposed Annexation Agreement is on file with the City and is available for public inspection during normal business hours at the City of Batavia Community Development Department.

You are further notified that said Annexation Agreement may be changed, altered, modified, amended or redrafted in its entirety after the public hearing. All persons interested and in particular adjacent and adjoining property owners, are requested to attend said Hearing.

The public hearing 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



Annex Plat for  
1S631 Deerpath  
Road, PIN  
12-20-400-007

Source: Esri, HERE, DeLorme, USGS, Imagery, Mapbox, Swatchmeat, © 2012 Esri, Inc. All rights reserved. NOCC, Esri, OpenStreetMap contributors, and the GIS User Community

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