

CITY OF BATAVIA

DATE: October 8, 2019
TO: Committee of the Whole-GS
FROM: Scott Buening, Community Development Director
SUBJECT: Ordinance 19-72 Authorizing the Sale of Georgetown Detention Pond Property by Solicitation of Bids (Western Avenue)

1. **Summary:** Ordinance 19-72 Authorizing the Sale of Georgetown Detention Pond Property by Solicitation of Bids (Western Avenue).
2. **Background:** The City acquired this land when the Georgetown Unit 1 subdivision was platted in 1989. This was acquired by dedication on the original plat of subdivision. While it conveyed the property to the City, the responsibility for maintenance of the pond was reserved to the homeowners association (HOA). The City only maintained elements related to stormwater drainage improvements. All other phases of the Georgetown development have privately owned and maintained ponds.

We have had several discussions with the HOA over the past year or so about the disposition of this land. With these discussions, they have decided it is in their best interests to acquire the pond to fully control access and maintenance of this land. In order to do so, we would need to offer the land for sale by public bid. The attached Ordinance would authorize the sale of the land and would start a process to advertise the land for sale and to accept bids for same. We would be required to publish a notice in a local newspaper three (3) times, and then accept the bids to be opened at a public meeting at least 30 days after the first notice.

The bids would be opened and then the Council would direct staff which bid is acceptable by a $\frac{3}{4}$ vote of the Corporate Authorities. The Council would then direct staff to issue a deed for the land which would transfer ownership to the successful bidder. It should be noted that the Council can agree to any acceptable bid by this method and does not have to accept the highest bid made for the land. An appraisal of the land value is also not necessary for this type of land sale.

In order to sell this property, we need to first have this Ordinance passed to start the sale process. Staff recommends approval of Ordinance 19-72 Authorizing the Sale of Georgetown Detention Pond Property by Solicitation of Bids (Western Avenue).

3. Alternatives, including no action if viable:

1. Approve of Ordinance 19-72 Authorizing the Sale of Georgetown Detention Pond Property by Solicitation of Bids (Western Avenue).
 2. Do not approve of the Ordinance.
- **Budget Impact:** There would be some transaction fees for the deed recording and publication costs that should not exceed \$500. We would receive some nominal amount of money from the land sale depending on the bid amount.
 - **Staffing Impact:** No impact on staffing.

4. **Timeline for actions:** There is no specific timeline, but we have had interest from the HOA to acquire this property now.
5. **Staff recommendation:** Staff recommends approval of Ordinance 19-72 Authorizing the Sale of Georgetown Detention Pond Property by Solicitation of Bids (Western Avenue).

Attachments:

1. Ordinance 19-72 Authorizing the Sale of Georgetown Detention Pond Property by Solicitation of Bids (Western Avenue).
2. Maps of Property to be sold.

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-72**

**AUTHORIZING THE SALE OF GEORGETOWN DETENTION POND PROPERTY
BY SOLICITATION FOR BIDS**

**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 19-72**

**AUTHORIZING THE SALE OF GEORGETOWN DETENTION POND PROPERTY
BY SOLICITATION FOR BIDS**

WHEREAS, the City of Batavia owns the following described real property:

LOT 5 IN GEORGETOWN OF BATAVIA, A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS.

PIN 12-21-103-002

which real property is generally located west of Western Avenue, east of Jericho Lane, south of Clybourne Street and north of Georgetown Drive, in the City of Batavia, Kane County, Illinois, and is currently used for stormwater detention (the “Real Property”); and

WHEREAS, the Real Property is not required for the use of, or profitable to, the City of Batavia; and

WHEREAS, the Mayor and Council of the City of Batavia have determined that it is no longer necessary, appropriate, or in the best interest of the City of Batavia that it retain title to the Real Property; and

WHEREAS, pursuant to Section 11-76-2 of the Illinois Municipal Code notice shall be given of the proposal to sell the Real Property soliciting bids for the purchase of the Real Property, which notice shall be published once a week for three (3) successive weeks, and which bids shall be opened at a regularly scheduled meeting at least thirty (30) days after the first date of publication; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council members of the City of Batavia, Kane and DuPage County, State of Illinois, as follows:

Section 1. The foregoing recitals are incorporated herein as findings of the Mayor and the members of the City Council.

Section 2. The terms of the sale shall be as follows:

- A. The Real Property shall be sold “as is” with no warranties pursuant to a quit claim deed;
- B. Bidders shall be responsible to determine the physical condition of the property and may obtain title insurance and/or a current survey of the Real Property at the bidder’s discretion, but no title insurance or survey shall be provided by the City;

- C. The City reserves the right to reject all bids, to accept any bid that the Mayor and City Council determine is in the best interests of the City, even if the bid is not the highest bid, and to impose any additional conditions on the sale that the City deems is in the best interests of the City;
- D. "Closing" shall consist of the City tendering a signed quit claim deed to the successful bidder in exchange for the agreed upon payment and written acknowledgment and acceptance of the deed;
- E. The City shall record the quit claim deed at the City's cost and provide the successful bidder the original, recorded deed after recording.

Section 3. The City Community Development Director is hereby authorized and directed to publish notice consistent with this Ordinance and the Illinois Municipal Code seeking bids for the sale of the Real Property, and to schedule the opening of the bids at a regular meeting of the City Council not less than thirty (30) days from the date of the publication of the first notice.

Section 4. Upon receipt and opening of the bids as prescribed herein, and acceptance of a bid by not less than three fourths (3/4s) of the corporate authorities, including the Mayor and City Council, now holding office by motion incorporating the terms of this Ordinance or resolution adopting additional terms and conditions, the Community Development Director shall be authorized and directed to convey and transfer title of the Real Property to the successful bidder by a proper deed of conveyance in exchange for the agreed upon consideration after obtaining acknowledgement and approval of the deed in writing successful bidder, which shall not be unreasonably refused, and the Community Development Director shall take all other actions that are necessary and appropriate to complete the sale of the Real Property.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

CITY OF BATAVIA, ILLINOIS ORDINANCE 19-72

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 this ____ day of _____, 2019.

Jeffery D. Schielke, Mayor

ATTEST:

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										

Ellen Posledni, City Clerk



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GEORGETOWN of BATAVIA



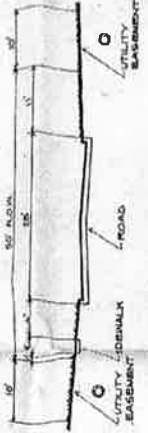
LAND USE AREA	ACRES	PERCENT
LOT 1	2.11	4.71%
LOT 2	4.03	8.96%
LOT 3	4.49	10.00%
LOT 4	10.63	23.45%
LOT 5	1.95	4.35%
TOTAL AREA	14.81	100%

AREA	PERCENT
AREA OF R.O.W.	13.2%
AREA OF PARK	3.9%
AREA OF DETENTION	11.1%

NUMBER OF UNITS	100 FT
4,630 SFT. OF LAND PER UNIT	6.75 HU/AC
1.20 UNITS PER 1.5 UNITS-2 CAR GARAGE	9.40 HU/AC
2 UNITS PER GARAGE TOTAL UNITS = 180	

LOT 4
45 UNITS
4.49 ACRES

B-2 (P.U.D.)



TYPICAL ROAD CROSS SECTION
SCALE: 1"=4'



SUBJECT SITE
BATAVIA TOWNSHIP
BATAVIA PARK DISTRICT
BATAVIA SCHOOL DISTRICT #801
LOCATION MAP
SCALE: 1"=1/2"

R-1

BATAVIA HIGH SCHOOL

R-1

25,000 sq ft
1/8 in
3000 sq ft
0.0000



J.P. O'CONNOR & COMPANY
OWNER/DEVELOPER
1845 RAYMOND DRIVE
NORTHbrook, ILLINOIS 60062
(312) 281-2290

THE LANNERT GROUP
LAND PLANNING • ARCHITECTURE • LANDSCAPE ARCHITECTURE • DESIGN/DEVELOPMENT CONSULTANTS
ST. CHARLES, ILLINOIS 60174
(312) 377-8800



PRELIMINARY PLAT

CS. NUMBER	DATE	BY	REVISION
8443			
8443			
8443			
8443			

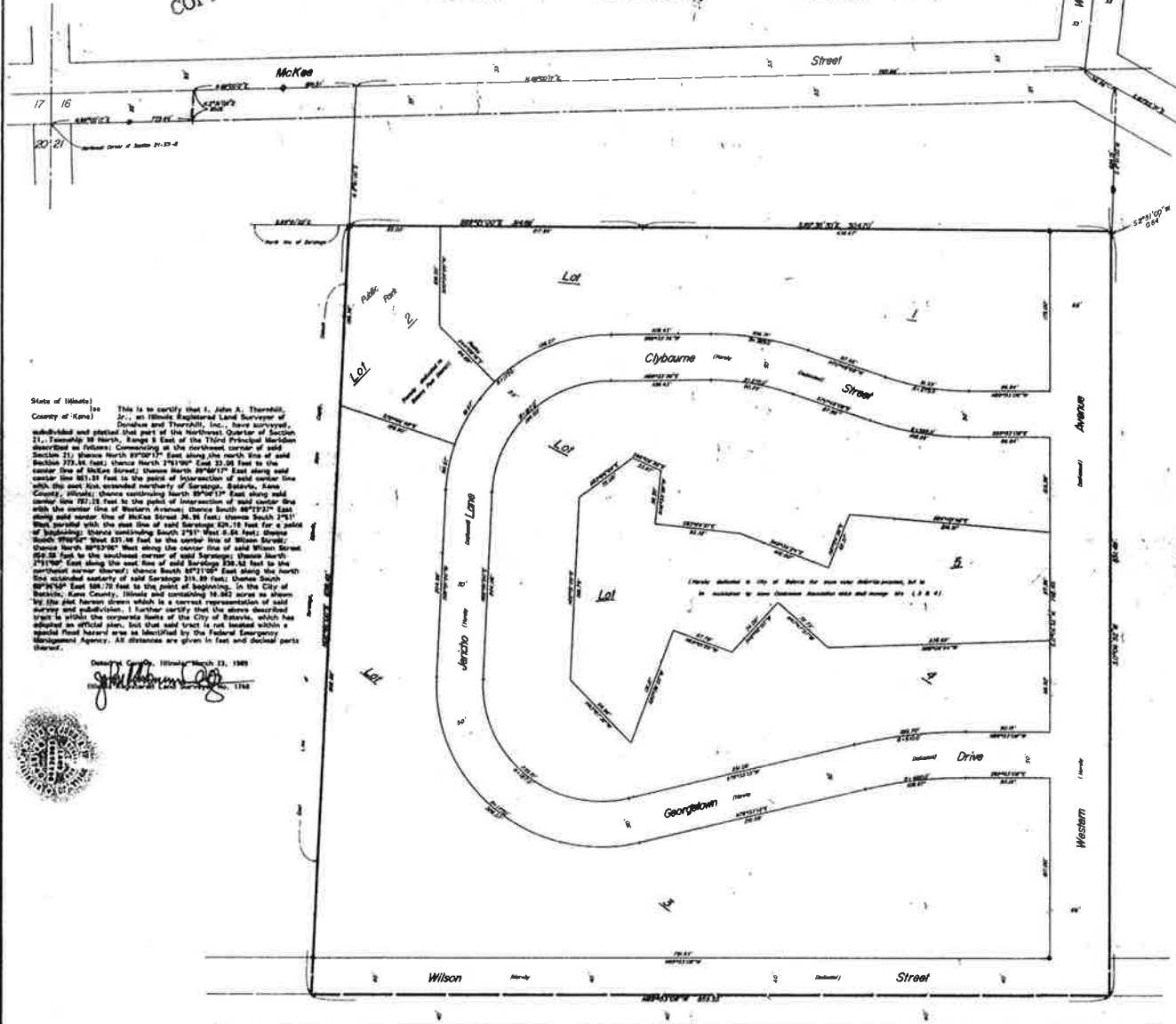
SHEET NUMBER

1978059
PLAT ENVELOPE # 1234-5

Georgetown of Batavia

Batavia Kane County Illinois

COPI



State of Illinois) This is to certify that J. John A. Thornhill, Jr., an Illinois Registered Land Surveyor of
County of Kane) Division and Thornhill, Inc., have surveyed, subdivided and plotted that part of the Northwest Quarter of Section 21, Township 38 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the northeast corner of said Section 21; thence North 89°00'17\"

Indicate concrete pavement
Iron stakes have been set at all lot corners, single points and points of curvature where shown otherwise.
All distances shown on curved lines are true arc distances.
No lot shall have street access into Wilson Street except over other dedicated streets.



State of Illinois) This is to certify that Suburban Trust & Savings Bank, as Trustee under Trust Agreement dated April 10, 1968 and known as Trust No. 9008, is the owner of the land described in the foregoing surveyor's certificate and by the duly elected officers has caused the same to be surveyed, subdivided and plotted as shown by the annexed plat for the use and purpose therein set forth as allowed and provided by statute. The subdivision is known as 'GEORGETOWN OF BATAVIA, BATAVIA, KANE COUNTY, ILLINOIS', and it hereby acknowledges and accepts the same under the plat and this certificate.

Dated at Chicago, Illinois, this 12th day of April, 1969.
SUBURBAN TRUST & SAVINGS BANK, as TRUSTEE
By: *[Signature]* Attorney: *[Signature]*

State of Illinois) I, *[Signature]*, a Notary Public in and for the County and State aforesaid, hereby certify that *[Signature]* of Suburban Trust & Savings Bank, who are personally known to me to be the same persons whose names are subscribed to the foregoing owner's certificate as said officers, appeared before me this day to execute and acknowledge the execution of the annexed plat and accompanying instrument as their free and voluntary act and as the free and voluntary act of said Suburban Trust & Savings Bank.

Given under my hand and Notarial Seal, this 12th day of April, 1969.
Notary Public, State of Illinois
[Signature]
Notary Public

State of Illinois) Accepted and approved by Heritage Fullen Bank & Trust Company, as Mortgagee.
County of Kane) Dated at Chicago, Illinois, this 12th day of May, 1969.
By: *[Signature]* Agent: *[Signature]*

State of Illinois) Accepted and approved by the City Council of the City of Batavia, Illinois, this 17th day of April, 1969.
County of Kane) By: *[Signature]* Mayor: *[Signature]*

State of Illinois) Accepted and approved by the City of Batavia Planning Commission, this 5th day of April, 1969.
County of Kane) *[Signature]*
Planning Commission Chairman

State of Illinois) This is to certify that I, Lorraine P. Sore, County Clerk in and for the County and State aforesaid, find no reasonable tax sale, unpaid forfeiture taxes or unpaid current taxes against any of the real estate described in the foregoing surveyor's certificate.
County of Kane) Dated at Chicago, Illinois, this 25th day of June, 1969.
[Signature]
County Clerk

State of Illinois) This instrument No. 11111111 was filed for record in the Recorder's Office of Kane County, Illinois, on the 1st day of August, 1969, at 1:00 o'clock P.M., and was recorded in Plat Envelope No. *[Number]*
County of Kane) *[Signature]*
County Recorder

EASEMENT PROVISIONS
A permanent non-exclusive easement over all of Lots 1, 2, 3 and 4 herein plotted (except as hereinafter provided) is hereby reserved for and granted to the City of Batavia, Illinois Bell Telephone Company, Southern Illinois Gas Company and to their successors and assigns and to franchisees of any kind operating under franchise granting them easement rights free from said City of Batavia, for the purpose of installing, constructing, operating, repairing, replacing, altering, enlarging, removing, relocating and maintaining electrical, cable television, communication, gas, telephone or other utility lines or apparatus, sidewalks, alleys, water mains, storm sewers, drainage ways, storm water detention or retention, water mains and any and all appurtenances, hydrants, pipes, connections, catch basins, traffic boxes, and without limitation such other installations as may be required for electrical utility service, and such apparatus and solutions thereof as said City and Franchisees may deem necessary, together with the right of access across said lots for the necessary personnel and equipment to do any or all of the above work. Said easement shall not extend to any area other than or larger than that necessary for the installation of the above described utility lines or apparatus, and shall terminate when the installation of the above described utility lines or apparatus, and any and all appurtenances, hydrants, pipes, connections, catch basins, traffic boxes and without limitation, such other installations as may be required for electrical utility service, and such apparatus and solutions thereof as said City and Franchisees may deem necessary, is to be installed, replaced, repaired, altered, enlarged, removed, relocated, or otherwise discontinued, and the utility lines, pipes, connections, catch basins, traffic boxes and without limitation, such other installations as may be required for electrical utility service, and such apparatus and solutions thereof as said City and Franchisees may deem necessary, is to be used for other or another purpose, and the utility lines, pipes, connections, catch basins, traffic boxes and without limitation, such other installations as may be required for electrical utility service, and such apparatus and solutions thereof as said City and Franchisees may deem necessary, is to be used for other or another purpose.