

CITY OF BATAVIA

DATE: October 31, 2019
TO: Committee of the Whole-CD
FROM: Scott Buening, Community Development Director
SUBJECT: Resolution 19-115-R—Accepting a Plat of Dedication for a Portion of Giese Road

Summary: Resolution Accepting a Plat of Dedication for a Portion of Giese Road.

Background: The City recently annexed property at 1165 (formerly 34W144) Giese Road. The property owners own to the centerline of the roadway, and staff had discussed the possible dedication of 33 feet for this roadway for public road purposes. As part of the discussion, staff negotiated a reduction in the sewer connection fee (which they connected to after annexation) by \$2,000. This was to compensate them for the loss of land caused by the dedication. The dedication does include some provisions to allow for the continuing use and maintenance of the well head which is partially located in the area to be dedicated. This allows them continued use of this well, and indemnifies the City for any damages that may be caused by use and maintenance of the well in the new right-of-way area.

Alternatives:

- Pass the Resolution and accept the plat of dedication
- Do not pass the Resolution and do not accept the plat of dedication

a. **Budget Impact-** The plat preparation, recording and refunding of the fees for the dedication cost approximately \$3200.00.

b. **Staffing Impact-** No staffing impact.

Timeline for actions: There is no specific timeline for action, however the plat has been prepared, signed by the property owner and can be recorded once approved.

Staff recommendation: Staff recommends the Committee approve of Resolution 19-115-R—Accepting a Plat Dedicating a Portion of Giese Road.

Attachments:

1. Resolution 19-115-R—Accepting a Plat Dedicating a Portion of Giese Road.
2. Plat of Dedication.
3. Area Map.

Cc: Mayor & City Council
File

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 19-115-R**

**RESOLUTION AUTHORIZING DEDICATION AND ACCEPTING A PLAT
DEDICATING A PORTION OF GIESE ROAD AS PUBLIC RIGHT-OF-WAY**

WHEREAS, At the request of the City, the Property Owners at 1165 Giese Road have agreed to dedicate a portion of their property for Giese Road and the City has prepared a Plat of Dedication for a portion of said road, the parcel being identified as part of PIN 12-26-276-039; and

WHEREAS, the owner, Michael Qualtier has authorized the dedication of this parcel as public right-of-way for roadway purposes as shown on the Plat of Dedication; and

WHEREAS, the City agrees to accept this land for public right-of-way purposes as shown on the Plat of Dedication;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATAVIA, KANE COUNTY AND DUPAGE COUNTY, ILLINOIS, as follows:

SECTION 1: The recitals set forth above are incorporated as if fully stated herein as a material term of this Resolution.

SECTION 2: The Mayor and City Council hereby authorize the dedication of the right-of-way as depicted on the Plat of Dedication attached as Exhibit "A".

SECTION 3: The Plat of Dedication of the property in the form attached as Exhibit "A" is hereby approved and accepted.

SECTION 4: The Mayor and City Clerk are hereby authorized to sign the Plat of Dedication.

SECTION 5: This Resolution shall become effective from and after its approval.

CITY OF BATAVIA, ILLINOIS RESOLUTION 19-115-R

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										
VOTE:		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Ellen Posledni, City Clerk

PLAT OF DEDICATION FOR ROADWAY AND UTILITY PURPOSES

DESCRIPTION OF PROPERTY HEREBY DEDICATED:
 THAT PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF LOT 3 IN A.T. MCINTOSH & COMPANY WOODLAND HILLS UNIT NO. 2, THENCE SOUTHERLY ALONG THE WESTERLY
 LINE OF SAID LOT 3 AND SAID LOT 2, SPACING 131.84 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUING SOUTHERLY ALONG THE EAST DISTURBED
 COURSE 131.47 FEET TO THE CENTER LINE OF GIESE ROAD, THENCE WESTERLY AT AN ANGLE OF 80.15° MEASURED COUNTERCLOCKWISE FROM THE LAST
 DISTURBED COURSE ALONG SAID CENTER LINE 132.00 FEET TO THE EAST LINE OF WILLY HEIGHTS SUBDIVISION UNIT NO. 2, THENCE NORTHEASTLY AT AN
 ANGLE OF 89.28° MEASURED COUNTERCLOCKWISE FROM SAID CENTER LINE ALONG SAID EAST LINE 23.46 FEET, THENCE EASTERLY AT AN ANGLE OF 80.15°
 MEASURED COUNTERCLOCKWISE FROM SAID EAST LINE, PARALLEL WITH SAID CENTER LINE 132.00 FEET TO THE POINT OF BEGINNING, ALL IN BATAVA TOWNSHIP,
 HANE COUNTY, ILLINOIS.

PROPERTY ADDRESS: 16W144 GIESE ROAD, BATAVA
 IL 60103-275-29
 AREA HEREBY DEDICATED: 4.39 AC.



This plat of dedication for roadway and utility purposes is subject to the following: The right of way is being dedicated subject to its
 reservation of rights for a private sewage sewer and underlying the dedicated right of way, giving the dedicating property owner the
 right to grant if any needed for public maintenance and other needs of the city, provided that the dedicating property owner shall have
 no obligation to bear the cost of such and its written officials, employees and agents neither are to undertake the City and its
 elected officials, employees and agents from and against any and all liability, damages, cost and expenses associated with the
 maintenance of the private sewer and its use by the public and is being operated for the provision of public water to the adjoining
 parcels. The reservation of rights and other necessary and appropriate obligation shall cease from and after the completion of the
 dedicating property to the City with a written termination of use of the private sewer and other copies of the private sewer in keeping with local
 codes and standards and regulations.

STATE OF ILLINOIS)
 COUNTY OF HANE)
 I, MICHAEL F. QUILLER, being the owner of the
 PROPERTY HEREIN SHOWN AND DESCRIBED AND BEING HEREBY EMPLOYED AND
 ACCENT THE ATTACHED PLAT FOR THE USES AND PURPOSES THEREIN SET FORTH,
 DATED THIS 28th DAY OF October, 2019

BY: Michael F. Quiller
 MICHAEL F. QUILLER
 16W144 GIESE ROAD
 BATAVA, IL 60103

STATE OF ILLINOIS)
 COUNTY OF DEKALB)
 I, JOHN BRUNINGHAM, County Clerk of HANE COUNTY, Illinois do hereby certify
 that there are no outstanding taxes, liens or unpaid current taxes, taxes,
 no other property taxes and no redeemable taxes against any of the tract
 of land described in the attached plat. I further certify that I have received
 all applicable fees in connection with the attached plat.
 I, JOHN BRUNINGHAM, County Clerk of HANE COUNTY, Illinois do hereby certify that I have received
 all applicable fees in connection with the attached plat.
 DATED UNDER MY HAND AND SEAL OF THE COUNTY OF HANE AT _____ ILLINOIS THIS
 _____ DAY OF _____ 2019

BY: John Bruningham
 JOHN BRUNINGHAM
 COUNTY CLERK

STATE OF ILLINOIS)
 COUNTY OF DEKALB)
 I, SHAWN R. VAN KAMPEN, a Notary Public in and for the State of Illinois,
 and State of HANEY, County of HANEY, Illinois, do hereby certify that I have
 appeared before me this day, in person, and acknowledged the above
 and delivered the annexed plat as his own free and voluntary act
 for the uses and purposes therein set forth.
 DATED THIS 28th DAY OF October, 2019

STATE OF ILLINOIS)
 COUNTY OF DEKALB)
 THIS IS TO CERTIFY THAT I, SHAWN R. VAN KAMPEN, ILLINOIS PROFESSIONAL
 LAND SURVEYOR NO. 3716, HAVE PREPARED THIS ATTACHED PLAT FOR ROADWAY AND
 PUBLIC UTILITY PURPOSES. ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF.
 DATED AT DEKALB, ILLINOIS THIS 30TH DAY OF MAY, 2019.
Shawn R. Van Kampen
 SHAWN R. VAN KAMPEN
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3716
 LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2020

APPROVED BY: Shawn R. Van Kampen
 SHAWN R. VAN KAMPEN
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3716
 LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2020

APPROVED BY: John Bruningham
 JOHN BRUNINGHAM
 COUNTY CLERK



Prepared by:
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 info@beshonesturveyors.com

