

TO: Committee of the Whole-CD

FROM: Scott Buening, Community Development Director

DATE: February 3, 2020

RE: Ordinance 21-14 Vacation of Trillium Court Turnaround Right-of-Way

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**Summary:** Approval of Ordinance 21-14 Vacation of Trillium Court Turnaround Right-of-Way.

**Background:** As part of our review of City owned properties, we have noted several “hammerhead” turnarounds that still exist in the Woodland Hills area. These were established when the subdivision phase was platted as the roads terminated at these hammerheads at that time. Since then these roads have been extended and the hammerhead pavement has been removed. This land is no longer useful or necessary for street purposes and can be vacated. This excess right-of-way is no longer necessary for turnaround purposes and can impact what the adjacent property owner can do with their property. The encroachment into the front yard affects the setback lines and can lead to problems if the owners wish to add on or rebuild their homes.

Staff has prepared a plat of vacation to vacate this hammerhead right-of-way on each side. The area in question is on both sides of the street adjacent to 1204 and 1211 Trillium Court. The area to be vacated is approximately 27 feet deep and 60 feet wide. This land would revert to the adjacent property owners, adding to their lot area. The City would not charge them for this additional land similar to what we have done in most of our past roadway vacations. While it is possible we might see some additional property tax revenue from the vacation, the area is so small that it will likely have little effect on the tax levy.

Per prior direction from the City Council, staff sent certified letters to both property owners advising them of the intention to vacate these areas. Both certified notices were accepted, and we were contacted by one property owner. Their concern was on a tree that was within the area to be vacated, and their desire to have that removed prior to vacation. Public Works did remove this tree as it was also adjacent to the City’s electric line, so it was also a safety matter for the utility.

**Alternatives:**

1. Vacate the hammerhead portion of Trillium Court, reserving a drainage and utility easement over the area vacated.
  2. Do not vacate Trillium Court.
- a. Budget Impact-** The cost to prepare the plat and recording will be about \$800.00. There will be minimal amounts of property tax revenue that will be realized from the vacation.
- b. Staffing Impact-** No staffing impact.

**Timeline for actions:** There is no specific timeline for action, however, the City continues to have potential liability for any issues that arise on the land proposed to be vacated.

**Staff recommendation:** Approval of Ordinance 21-14 Vacation of Trillium Court Turnaround Right-of-Way. This requires a  $\frac{3}{4}$  vote by the Alderpersons holding office.

**Attachments:**

1. Ordinance 21-14 Vacation of Trillium Court Turnaround Right-of-Way.
2. Plat of Vacation.
3. Area Maps.

Cc: Mayor & City Council  
Laura Newman  
Gary Holm  
File

**CITY OF BATAVIA, ILLINOIS**  
**ORDINANCE 21-14**  
**APPROVING A PLAT OF VACATION FOR TRILLIUM COURT**  
**TURNAROUND**

**ADOPTED BY THE**  
**MAYOR AND CITY COUNCIL**  
**THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the  
City of Batavia,  
Kane & DuPage Counties, Illinois,  
this \_\_\_\_ day of \_\_\_\_\_, 2021

**CITY OF BATAVIA, ILLINOIS**

**ORDINANCE 21-14**

**APPROVING A PLAT OF VACATION FOR TRILLIUM COURT TURNAROUND**

**WHEREAS**, the City of Batavia has determined that part of the hammerhead turnaround right-of-way for Trillium Court as described on the Plat of Vacation, attached as **Exhibit “A”** and legally described in **Exhibit “B”** is excess land no longer necessary to be retained as public right-of-way; and

**WHEREAS**, the City has determined that the public interest will be served by vacating said portion of the right-of-way; and

**WHEREAS**, the City is vacating this property such that it will revert to the respective adjacent property owners; and

**WHEREAS**, said City will reserve a drainage and public utility easement over all of that portion of the alley so vacated; and

**WHEREAS**, 65 ILCS 5/11-91-1 provides that the corporate authorities of any municipality may vacate a portion of a street or alley, provided same is done by ordinance and passed by an affirmative vote of at least 3/4ths of the aldermen then holding office; and

**WHEREAS**, it is in the best interests of the City of Batavia that the City vacate the above-described portion of Trillium Court;

**NOW THEREFORE**, BE IT ORDAINED 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 Ordinance.

**SECTION 2:** The Plat of Vacation of the property in the form attached as Exhibit “A” is hereby approved and accepted.

CITY OF BATAVIA, ILLINOIS ORDINANCE 21-14

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**SECTION 3:** The City hereby reserves a drainage and public utility easement over all of that portion of the right-of-way so vacated. Said easement runs to the City of Batavia and any other Public Utility under franchise with the City of Batavia.

**SECTION 4:** The area vacated shall revert to the respective adjacent property owners.

**SECTION 5:** The Mayor and City Clerk are hereby authorized to sign and record the Plat of Vacation.

**SECTION 6:** This Ordinance shall become effective from and after its approval.

**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this \_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this \_\_\_ day of \_\_\_\_\_, 2021.

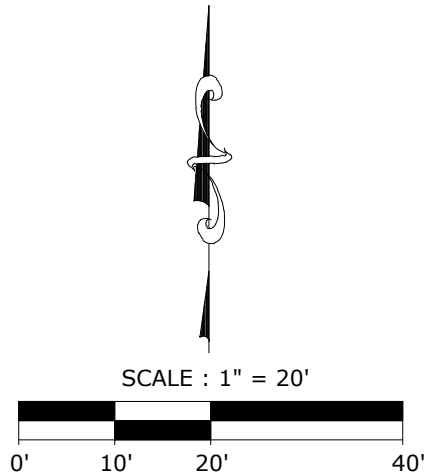
\_\_\_\_\_  
Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Uher					Beck				
5	Malay					Knopp				
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

# PLAT OF VACATION

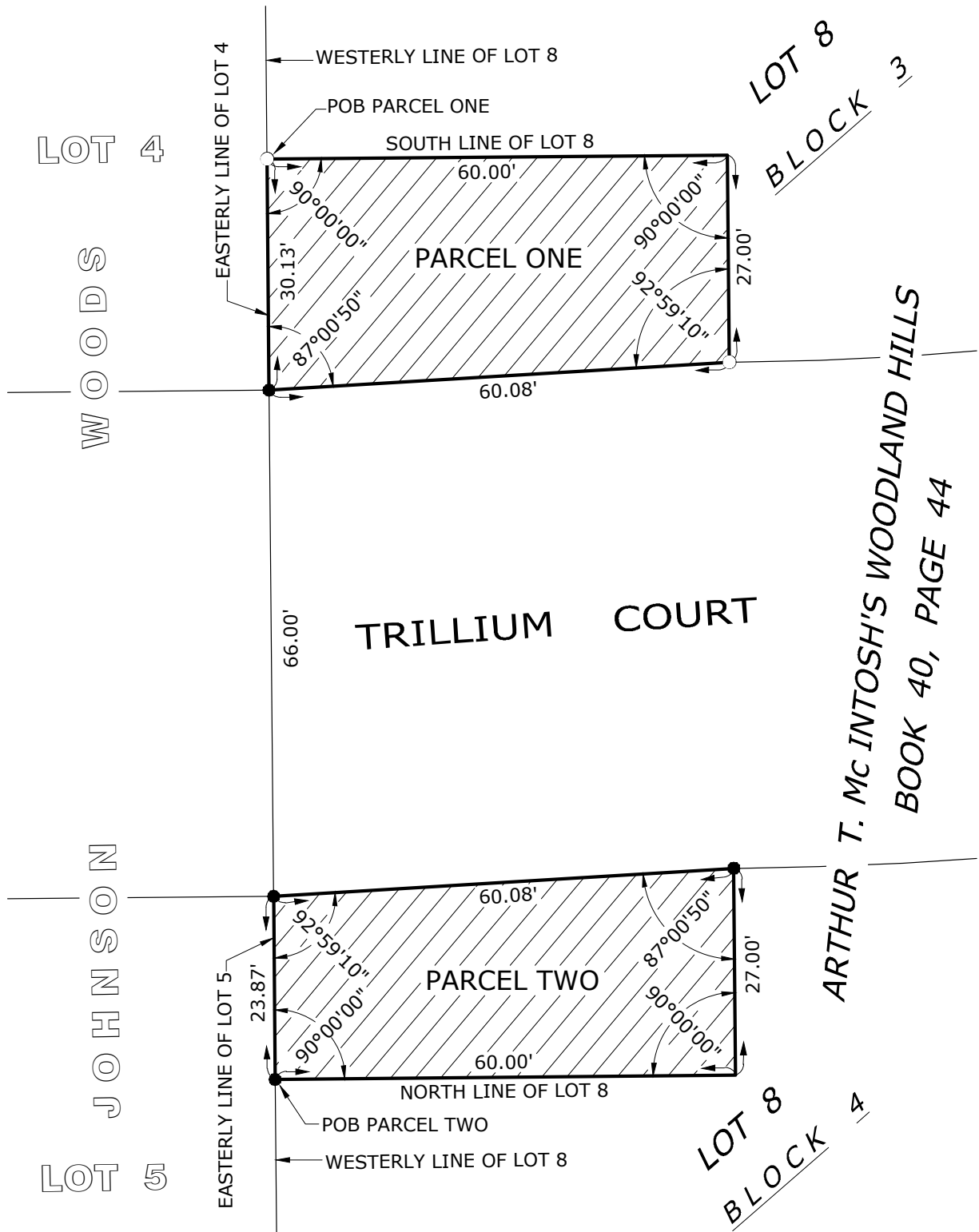


### LEGEND

- Indicates Found Survey Marker
- Indicates Set Iron Pipe
- Boundary of Property Surveyed
- Lot Line
- ▨ Hereby Vacated
- POB Point of Beginning

### NOTE:

THE CITY OF BATAVIA HEREBY RESERVES A DRAINAGE, PUBLIC UTILITY, INGRESS AND EGRESS EASEMENT OVER THAT PORTION HEREBY DESCRIBED VACATED ROAD.



### PARCEL ONE:

THAT PART OF TRILLIUM COURT AS DEDICATED BY THE PLAT OF ARTHUR T. MC INTOSH'S WOODLAND HILLS AS RECORDED IN BOOK 40, PAGE 44 IN KANE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY SOUTHWEST CORNER OF LOT 8 IN BLOCK 3 OF SAID WOODLAND HILLS; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT, 60.0 FEET; THENCE SOUTHERLY AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 27.00 FEET; THENCE WESTERLY AT AN ANGLE OF 92°59'10" MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 60.08 FEET TO THE SOUTHEAST CORNER OF LOT 4 IN JOHNSON WOODS; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 30.13 FEET TO THE POINT OF BEGINNING ALL IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.

### PARCEL TWO:

THAT PART OF TRILLIUM COURT AS DEDICATED BY THE PLAT OF ARTHUR T. MC INTOSH'S WOODLAND HILLS AS RECORDED IN BOOK 40, PAGE 44 IN KANE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

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STATE OF ILLINOIS }  
COUNTY OF KANE } SS

I, JOHN CUNNINGHAM, COUNTY CLERK OF KANE COUNTY, ILLINOIS DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO UNPAID FORFEITED TAXES AND NO REDEEMABLE TAXES AGAINST ANY OF THE TRACT OF LAND INCLUDED IN THE ATTACHED PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ATTACHED PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY OF KANE AT \_\_\_\_\_, ILLINOIS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

John Cunningham  
County Clerk

STATE OF ILLINOIS }  
COUNTY OF KANE } SS

THIS IS TO CERTIFY THAT THE CITY OF BATAVIA, ILLINOIS, AS OWNER OF PROPERTY HEREON SHOWN AND DESCRIBED DOES HEREBY ACCEPT THE VACATION OF SAID PROPERTY FOR THE USES AND PURPOSES THEREIN SET FORTH.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

BY \_\_\_\_\_ ATTEST: \_\_\_\_\_

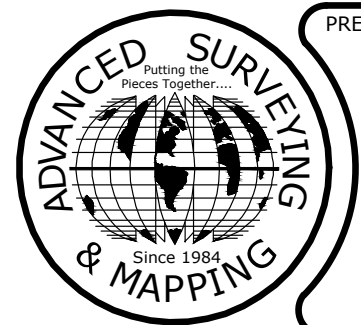
STATE OF ILLINOIS }  
COUNTY OF KANE } SS

THIS IS TO CERTIFY THAT I HAVE PREPARED THE ATTACHED PLAT FOR THE PURPOSE OF DEPICTING THAT PORTION OF LAND VACATED BY ORDINANCE NO. \_\_\_\_\_ ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

SHAWN R. VanKAMPEN  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710  
LICENSE EXPIRATION DATE: NOVEMBER 30, 2022



Job No. 679128



PREPARED BY:  
**ASM**  
ASM Consultants, Inc.  
16 E Wilson St, Batavia IL 60510  
Tel (630) 879-0200 Fax (630) 454-3774  
advanced@advct.com  
Professional Design Firm  
#184-006014 expires 4/30/2021

PREPARED FOR:  
**City of Batavia**  
100 N Island Avenue  
Batavia, IL 60510

EXHIBIT B

Legal-Trillium Court ROW

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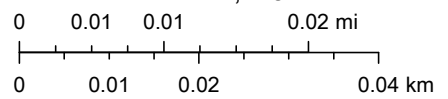
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# Web AppBuilder for ArcGIS



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|------------------|-----------------|
| STREETS LG SCALE | CITY LIMITS     |
| PARCELS          | Unincorporated  |
| CONDO PARCELS    | City of Batavia |
| ADDRESSES        | CREEKS          |
|                  | BUILDINGS       |
|                  | PARCELS         |

Kane County IL/Ayres, GeoEye, Maxar, Microsoft

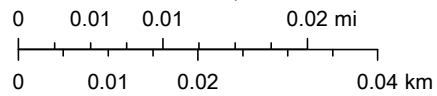


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