

# CITY OF BATAVIA

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**DATE:** January 25, 2021  
**TO:** Committee of the Whole-GS  
**FROM:** Scott Buening, Community Development Director  
**SUBJECT:** Ordinance 21-13 Authorizing the Sale of Excess Former Railroad Parcels by Solicitation of Bids (South of Bernadette Lane and North of Millview Drive)

1. **Summary:** Ordinance 21-13 Authorizing the Sale of Excess Former Railroad Parcels by Solicitation of Bids.
2. **Background:** The City acquired parts of the former Burlington Northern right-of-way (ROW) on the west side of the City in 1980 from the Nature Conservancy. This group acquired parts of the land when the railroad abandoned it in the late 1970's. The land was not useful to this group as some lands had been conveyed to other private parties. The City has owned this and other parts of the ROW since that time. The City has since conveyed off all its interests in the land between Bernadette Lane and Garfield Street in the last several years.

We are now looking to sell by bid five (5) parcels of the former ROW as shown on the attached map. These parcels are all landlocked and other than utilities, have no use for the City. We did offer to sell these to the adjacent owners in 2014 and again in 2020, but since the sales price was based on the appraised value of \$1.00 per square foot, the owners had no interest in acquiring them for that price. Notwithstanding the appraised value, the City can advertise these parcels for sale in an alternative method and can accept any bid that may be received.

To sell these properties in that manner, we can offer the land for sale by public bid. The attached Ordinance would authorize the sale of the lands 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. These lands would not need to be acquired by the property owner to the east as we have previously offered, anyone could acquire these parcels including any of the neighboring property owners.

The bids would be opened and then the Council would direct staff if the bid(s) are 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. Any sale of these lands would relieve the City of any maintenance of these areas, but we would reserve a public utility and drainage easement over the parcels sold as we have done on other transactions. The properties would go back on the tax rolls once sold.

In order to sell these properties, we need to first have this Ordinance passed to start the sale process. Staff recommends approval of Ordinance 21-13 Authorizing the Sale of Excess Former Railroad Parcels by Solicitation of Bids.

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

1. Approve of Ordinance 21-13 Authorizing the Sale of Excess Former Railroad Parcels by Solicitation of Bids.
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, and property tax revenues once the properties have been sold.
  - **Staffing Impact:** No impact on staffing.
4. **Timeline for actions:** There is no specific timeline.
5. **Staff recommendation:** Staff recommends approval of Ordinance 21-13 Authorizing the Sale of Excess Former Railroad Parcels by Solicitation of Bids.

**Attachments:**

1. Ordinance 21-13 Authorizing the Sale of Excess Former Railroad Parcels by Solicitation of Bids.
2. Map of Properties to be sold.

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 21-13**

**AUTHORIZING THE SALE OF EXCESS FORMER RAILROAD PARCELS  
BY SOLICITATION OF BIDS (SOUTH OF BERNADETTE LANE AND  
NORTH OF MILLVIEW DRIVE)**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
\_\_\_ 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

Prepared by:  
City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS**

**ORDINANCE 21-13**

**AUTHORIZING THE SALE OF EXCESS FORMER RAILROAD  
PARCELS BY SOLICITATION OF BIDS (SOUTH OF BERNADETTE  
LANE AND NORTH OF MILLVIEW DRIVE)**

**WHEREAS**, the City of Batavia owns the following described real properties being Parcels 1 through 5 inclusive, particularly described on Exhibit “A” all being part of PIN 12-28-229-010; and

**WHEREAS**, which real properties are generally located west of Brandywine Circle, east of Millview Drive and Towne Avenue, and south of Bernadette Lane, being a part of the old Burlington Northern Railroad right-of-way, in the City of Batavia, Kane County, Illinois, and are currently vacant and landlocked (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. The minimum bid for any parcel of the Real Property shall be Ten Dollars (\$10.00);
- C. 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;
- D. 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;
- E. “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;
- F. The City shall retain a public utility and drainage easement over the Real Property for the benefit of existing and proposed utilities;
- G. 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 and Economic 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 and Economic 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 and Economic 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 21-13

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**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 this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
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 <b>Total holding office: Mayor and 14 aldermen</b>										

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

CITY OF BATAVIA, ILLINOIS ORDINANCE 21-13

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Exhibit A-- Railroad Parcels Legal Description

Parcel 1

THAT PART OF NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THAT PART OF THE FORMER BURLINGTON NORTHERN INC.'S NIFA TO WEST BATAVIA, ILLINOIS BRANCH LINE, NOW REMOVED, AS DESCRIBED IN QUIT CLAIM DEED RECORDED FEBRUARY 9, 1981, AS DOCUMENT NO. 1568507, ADJACENT TO AND WESTERLY OF LOT C OF COLONIAL VILLAGE, UNIT 5, BEING A SUBDIVISION OF THE NORTHEAST QUARTER OF SAID SECTION 28, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1957 AS DOCUMENT NUMBER 838250.

PIN: 12-28-229-010 (part)

Parcel 2

THAT PART OF NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THAT PART OF THE FORMER BURLINGTON NORTHERN INC.'S NIFA TO WEST BATAVIA, ILLINOIS BRANCH LINE, NOW REMOVED, AS DESCRIBED IN QUIT CLAIM DEED RECORDED FEBRUARY 9, 1981, AS DOCUMENT NO. 1568507, ADJACENT TO AND WESTERLY OF LOT F OF COLONIAL VILLAGE, UNIT 5, BEING A SUBDIVISION OF THE NORTHEAST QUARTER OF SAID SECTION 28, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1957 AS DOCUMENT NUMBER 838250.

PIN: 12-28-229-010 (part)

Parcel 3

THAT PART OF NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THAT PART OF THE FORMER BURLINGTON NORTHERN INC.'S NIFA TO WEST BATAVIA, ILLINOIS BRANCH LINE, NOW REMOVED, AS DESCRIBED IN QUIT CLAIM DEED RECORDED FEBRUARY 9, 1981, AS DOCUMENT NO. 1568507, ADJACENT TO AND WESTERLY OF LOT 17 OF COLONIAL VILLAGE, UNIT 4, BEING A SUBDIVISION OF THE NORTHEAST QUARTER OF SAID SECTION 28, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 10, 1956 AS DOCUMENT NUMBER 800808.

PIN: 12-28-229-010 (part)

Parcel 4

THAT PART OF NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THAT PART OF THE FORMER BURLINGTON NORTHERN INC.'S NIFA TO WEST BATAVIA, ILLINOIS BRANCH LINE, NOW REMOVED, AS DESCRIBED IN QUIT CLAIM DEED RECORDED FEBRUARY 9, 1981, AS DOCUMENT NO. 1568507, ADJACENT TO AND WESTERLY OF LOT 22 OF COLONIAL VILLAGE, UNIT 4, BEING A SUBDIVISION OF THE NORTHEAST QUARTER OF SAID SECTION 28, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 10, 1956 AS DOCUMENT NUMBER 800808.

PIN: 12-28-229-010 (part)

Parcel 5

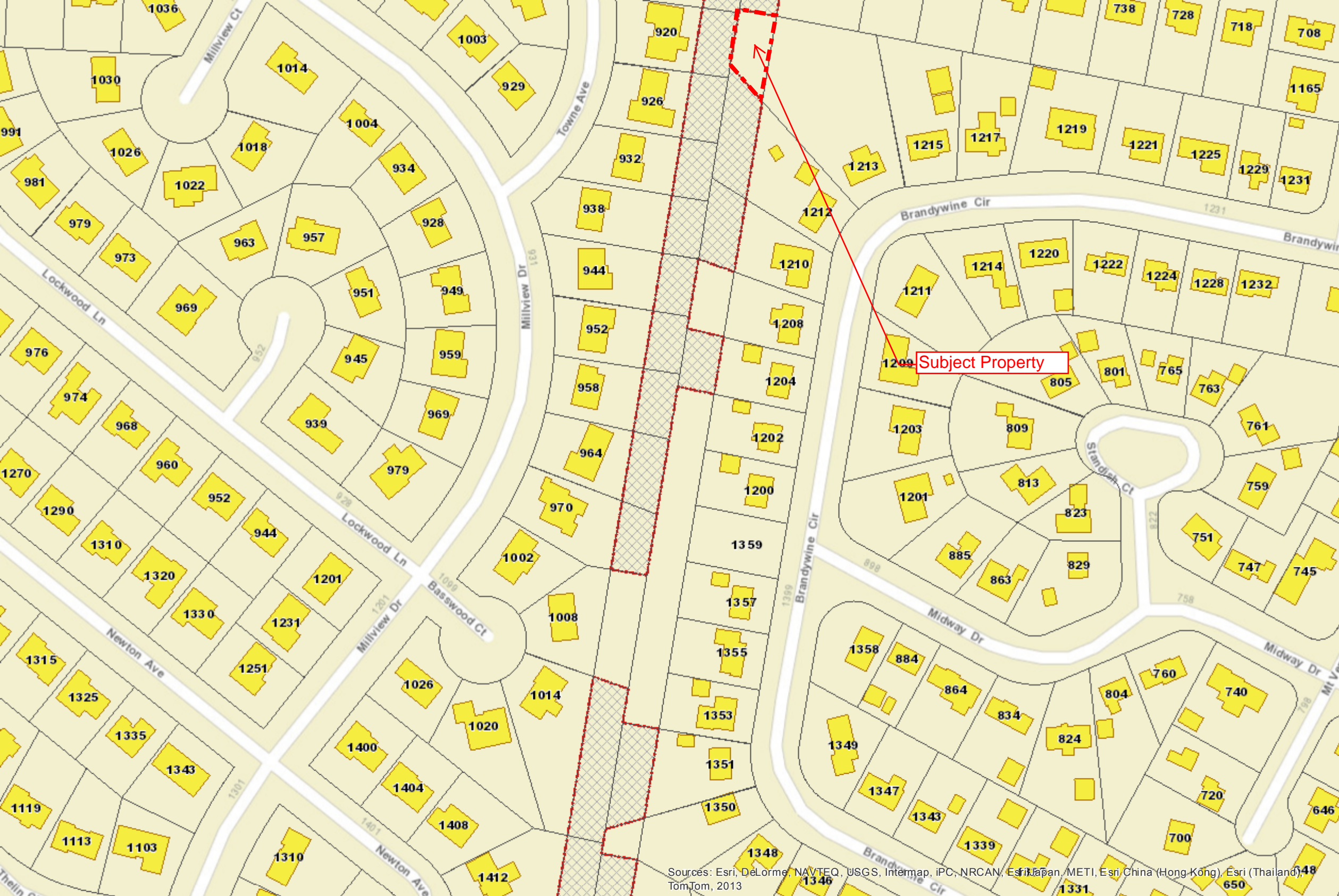
CITY OF BATAVIA, ILLINOIS ORDINANCE 21-13

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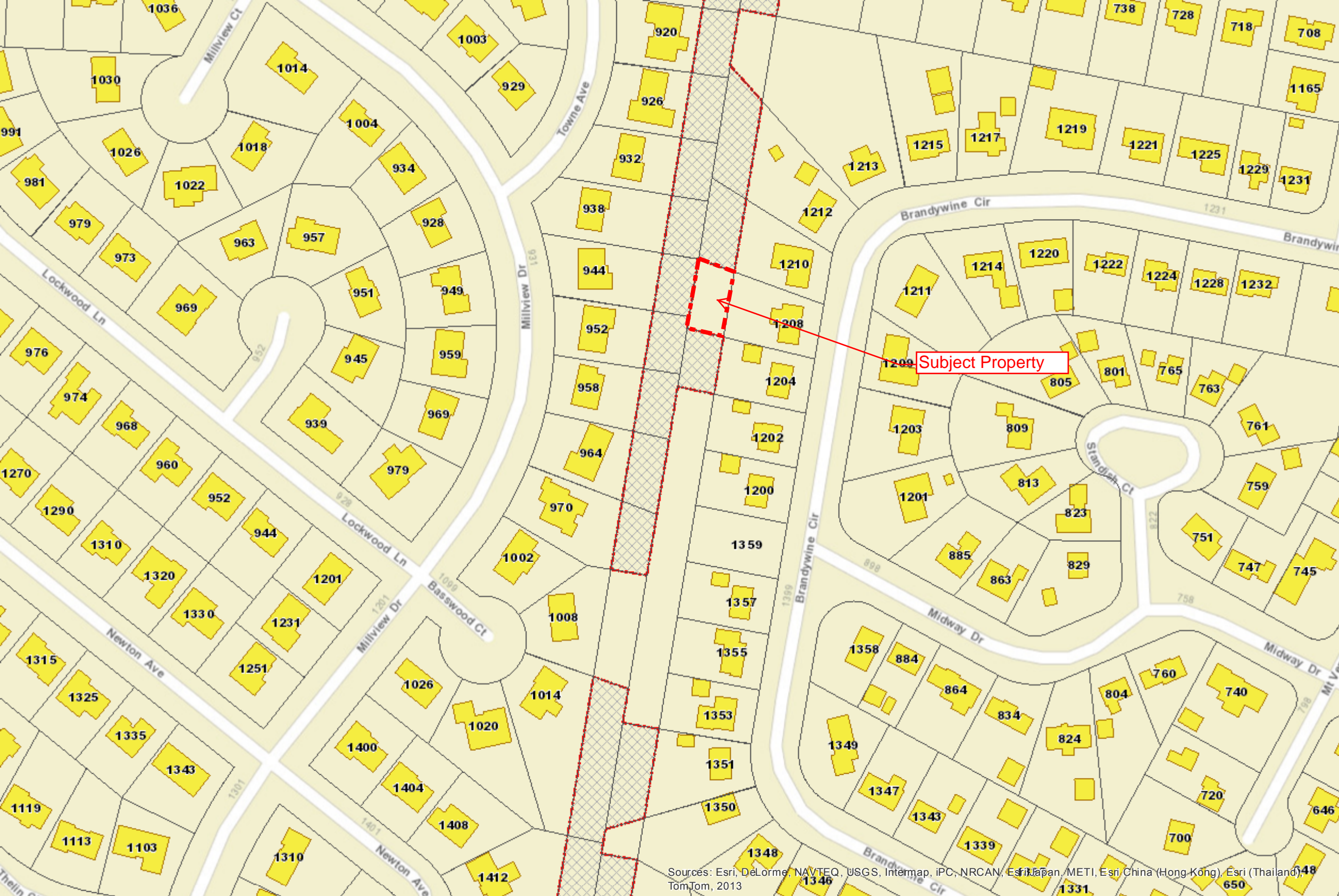
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PIN: 12-28-229-010 (part)

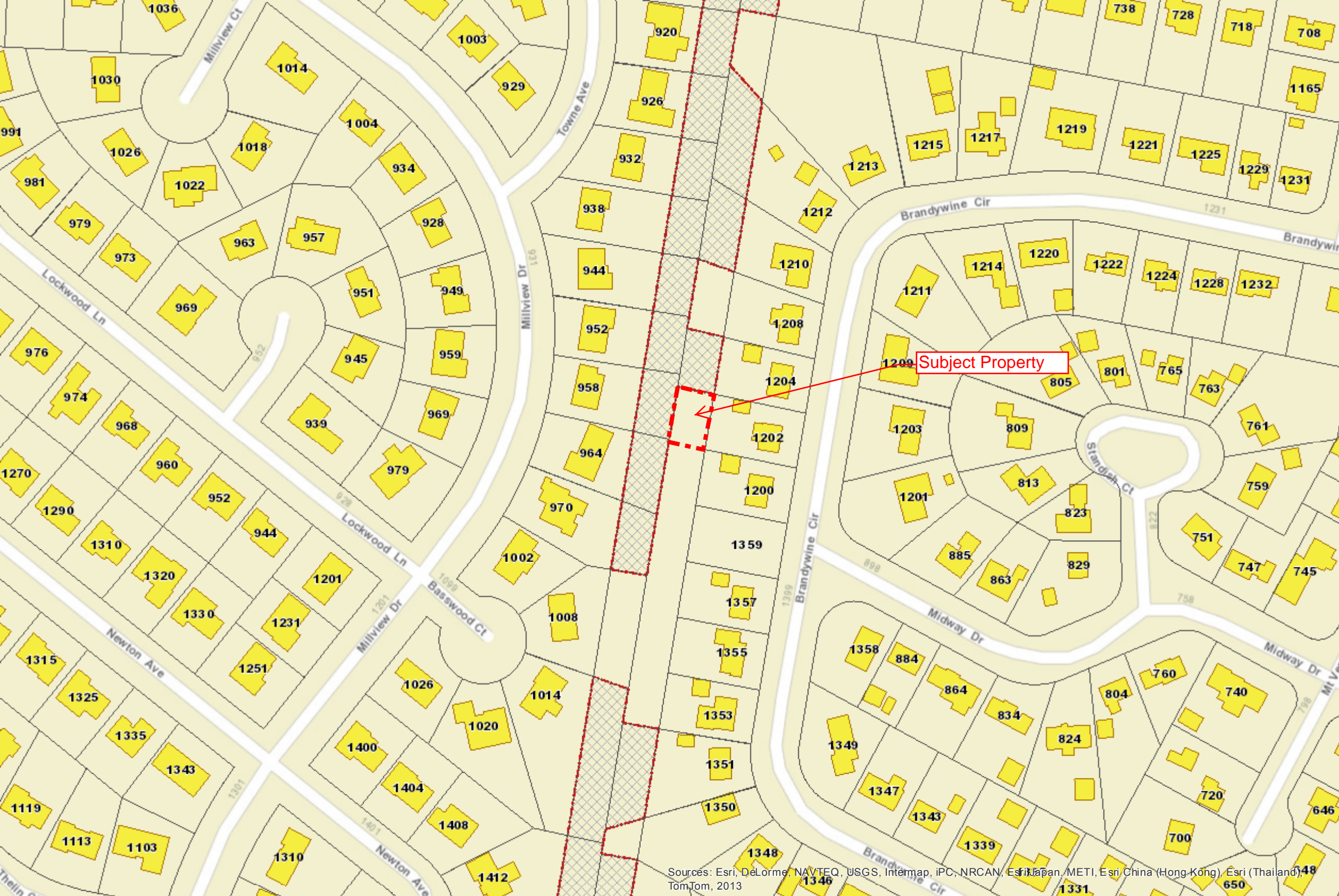




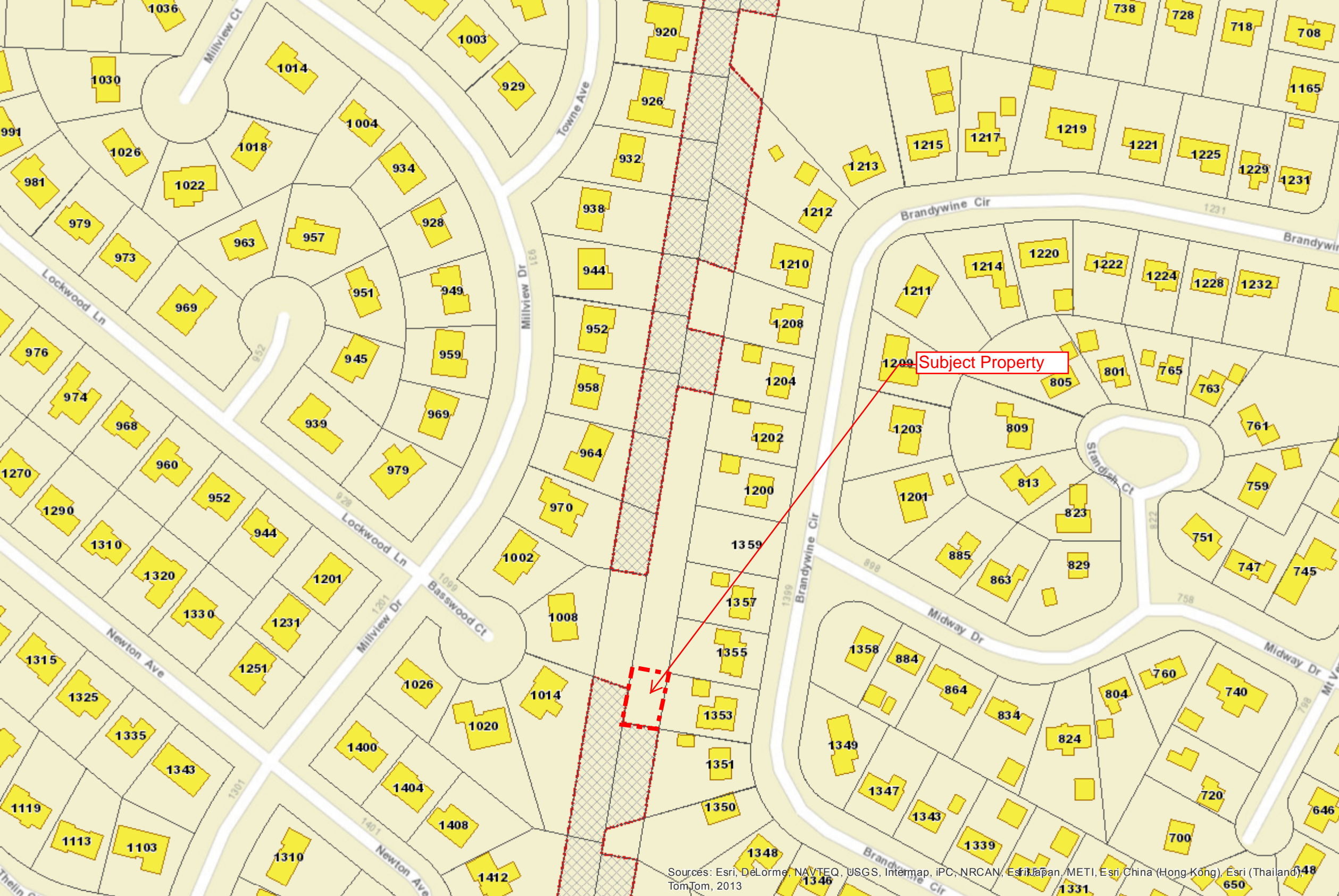
Subject Property



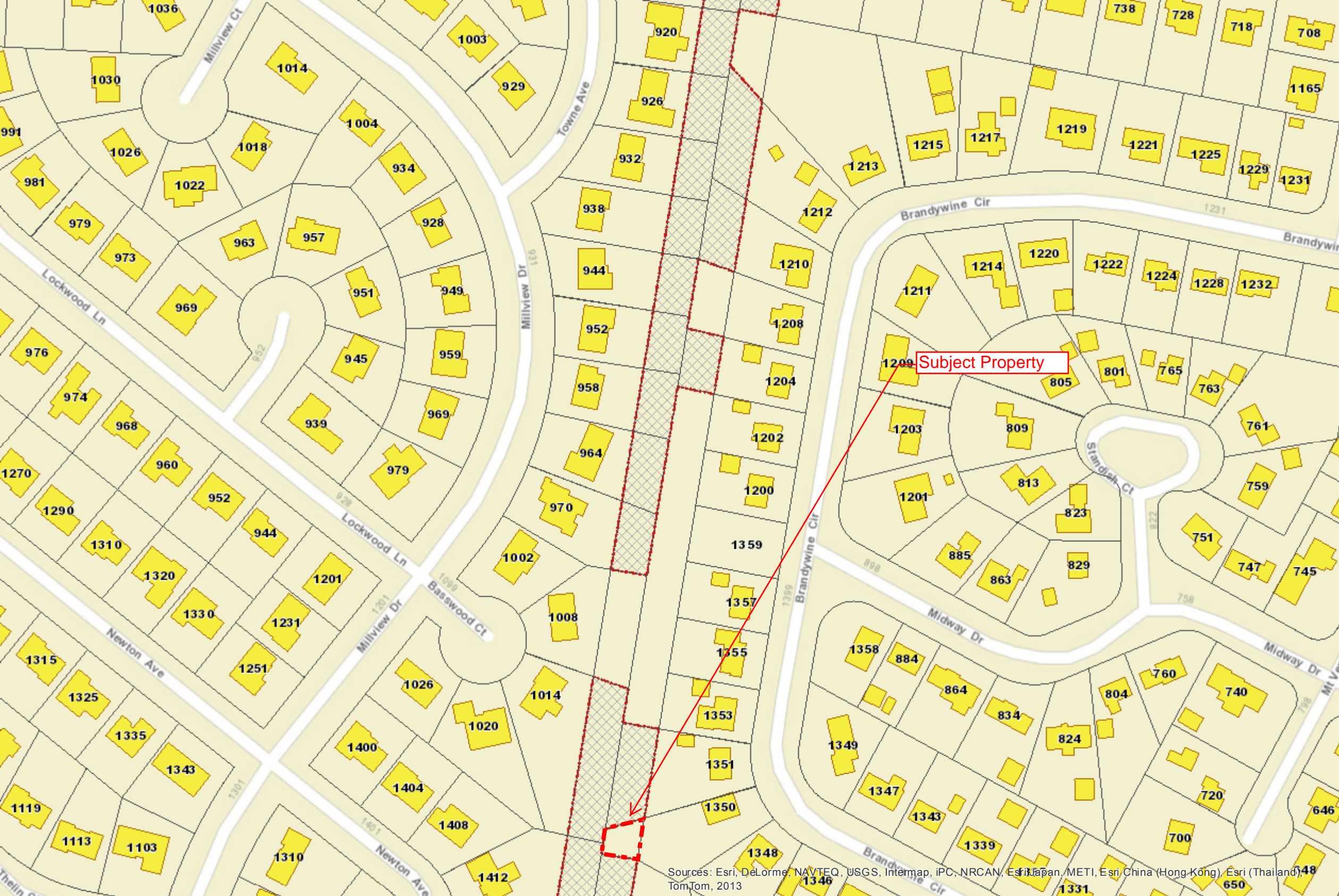
Subject Property



Subject Property



Subject Property



Subject Property