

DATE: June 11, 2021
TO: Committee of the Whole-CD
FROM: Scott Buening, Community and Economic Development Director
SUBJECT: Ordinance 21-32 Annexing 1435, 1440 and 1445 Thoria Road, 1415, 1425 and 1427 Orion Road and 1324, 1332 and 1406 N. Washington Avenue

Summary: Annexing 1435, 1440 and 1445 Thoria Road, 1415, 1425 and 1427 Orion Road and 1324, 1332 and 1406 N. Washington Avenue.

- 1. Background:** As most of the City Council is aware, the City has taken a proactive position on annexing what are the unincorporated “islands”. These are areas that are completely surrounded by the City limits but are located in the unincorporated areas of the County. We had annexed over 60 homes and 100 parcels of land prior to putting the process on hold due to the pandemic and the upcoming election cycle. We are now resuming the efforts to annex the remaining islands. There are approximately 180 parcels remaining, of which about a dozen are vacant.

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. These nine properties were requested to submit a voluntary petition to annex. We received a petition to annex from the owners of two of these properties and talked to one of the other property owners. Therefore, since we did not receive 100% of the property petitions, per State Statute we have published the required legal notice and have sent the property owners the required mailed notice in order to involuntarily annex these properties. With the exception of one of these properties, all are on at least one of the City utility services. The City already maintains Orion and Thoria Roads adjacent to these properties (even though a small portion of Thoria is not within the City limits), and the area is considered wholly bounded by the City limits.

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 properties would be initially zoned R-0 and would be in Ward 4 after annexation.

The City Council will need to pass the attached Ordinance in order to annex the properties into the City limits.

2. Alternatives, including no action if viable:

- Annex the properties.
- Do not annex the properties.

- **Budget Impact:** The total cost for all these properties together would be about \$500.00.
 - **Staffing Impact:** No impact on staffing.
3. **Timeline for actions:** If the Ordinance is passed by the City Council on July 6, 2021, the annexation would be effective on July 7, 2021.
 4. **Staff recommendation:** Staff recommends approval of Ordinance 21-32 Annexing 1435, 1440 and 1445 Thoria Road, 1415, 1425 and 1427 Orion Road and 1324, 1332 and 1406 N. Washington Avenue.
 5. **Attachments:**
 1. Ordinance 21-32 Annexing 1435, 1440 and 1445 Thoria Road, 1415, 1425 and 1427 Orion Road and 1324, 1332 and 1406 N. Washington Avenue
 2. Plat of Annexation.
 3. Legal Notice.
 4. Area Map.

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 21-32**

**AN ORDINANCE ANNEXING AND ZONING 1435, 1440 AND 1445 THORIA ROAD,
1415, 1425 AND 1427 ORION ROAD AND 1324, 1332 AND 1406 N. WASHINGTON
AVENUE TO THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS**

**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 21-32**

**AN ORDINANCE ANNEXING AND ZONING 1435, 1440 AND 1445 THORIA ROAD,
1415, 1425 AND 1427 ORION ROAD AND 1324, 1332 AND 1406 N. WASHINGTON
AVENUE TO THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS**

WHEREAS, the City of Batavia, Kane and DuPage Counties, Illinois, has found property at 1435, 1440 and 1445 Thoria Road, 1415, 1425 and 1427 Orion Road and 1324, 1332 and 1406 N. Washington Avenue is surrounded by the City limits of Batavia; and

WHEREAS, the properties are designated by PINs 12-15-226-003, 12-15-276-004, 12-15-276-006, 12-15-276-007, 12-15-276-016, 12-15-276-017, 12-15-276-018, 12-15-276-019 and 12-15-276-020, are 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 and surrounded by the City of Batavia; and

WHEREAS, the City is desirous of having this property annexed into the City of Batavia as the City provides public works, police and fire services to all properties that surround this property; 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 Supervisors, Clerks, Highway Commissioner and Trustees and the Corporate Authorities of Kane County; and

WHEREAS, publication of the proposed annexation has occurred at least 10 days prior to the annexation as required by Statute; and

WHEREAS, a public meeting on the annexation was conducted on June 29, 2021; 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 5/7-1-13, 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:

CITY OF BATAVIA, ILLINOIS ORDINANCE 21-32

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.

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 21-32 shall be in full force and effect upon its passage, presentation and approval according to law, effective July 7, 2021.

PRESENTED to the City Council of the City of Batavia, Illinois, this _____ day of _____, 2021.

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	Solfa					Baerren				
2	Leman					Wolff				
3	Ajazi					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	Vogelsinger					Miller				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Kate Garrett, City Clerk

Exhibit A Ordinance 21-32

LOTS 3, 14, 15, 17, 56, 57, 59, 61 AND 62 OF BATAVIA HIGHLANDS UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF GENEVA, KANE COUNTY, ILLINOIS, TOGETHER WITH THAT PORTION OF THORIA ROAD ADJACENT TO SAID LOT 3 NOT PREVIOUSLY ANNEXED.

PUBLIC NOTICE

PUBLIC NOTICE is hereby given to all persons concerned that on the 29th day of June, 2021 at 7:00 p.m., in the City Council Chambers of the Municipal Building, at 100 North Island Avenue, Batavia, Illinois, there will be held a public meeting wherein the Committee of the Whole of the City Council of the City of Batavia consider an Ordinance proposing an annexation of land, pursuant to 65 ILCS 5/7-1-13 of the Illinois Compiled Statutes. The properties being considered for annexation are completely surrounded by the City limits of Batavia, and are described as follows:

LOTS 3, 14, 15, 17, 56, 57, 59, 61 AND 62 OF BATAVIA HIGHLANDS UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF GENEVA, KANE COUNTY, ILLINOIS, TOGETHER WITH THAT PORTION OF THORIA ROAD ADJACENT TO SAID LOT 3 NOT PREVIOUSLY ANNEXED.

PINs 12-15-226-003, 12-15-276-004, 12-15-276-006, 12-15-276-007, 12-15-276-016, 12-15-276-017, 12-15-276-018, 12-15-276-019 and 12-15-276-020

The properties which are the subject matter of the public meeting include 1435, 1440 and 1445 Thoria Road, 1415, 1425 and 1427 Orion Road and 1324, 1332 and 1406 N. Washington Avenue and will be initially zoned R0 Single family residential after annexation.

All persons interested in this matter are invited to attend and speak at the public meeting. The public meeting may be continued to a further date, time and place without further notice or publication such as this notice.

Kate Garrett, City Clerk
City of Batavia

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

- P.I.N. 12-15-226-003 (Lot 3)
- 1440 Thoria Road, Batavia
- P.I.N. 12-15-276-004 (Lot 59)
- 1406 N. Washington Ave., Batavia
- P.I.N. 12-15-276-006 (Lot 61)
- 1332 N. Washington Ave., Batavia
- P.I.N. 12-15-276-007 (Lot 62)
- 1324 N. Washington Ave., Batavia
- P.I.N. 12-15-276-016 (Lot 15)
- 1445 Thoria Road, Batavia
- P.I.N. 12-15-276-017 (Lot 14)
- 1435 Thoria Road, Batavia
- P.I.N. 12-15-276-018 (Lot 17)
- 1427 Orion Road West, Batavia
- P.I.N. 12-15-276-019 (Lot 57)
- 1425 Orion Road West, Batavia
- P.I.N. 12-15-276-020 (Lot 58)
- 1413 Orion Road West, Batavia

LOTS 3, 14, 15, 17, 56, 57, 59, 61 AND 62 OF BATAVIA HIGHLANDS UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF GENEVA, KANE COUNTY, ILLINOIS, TOGETHER WITH THAT PORTION OF THORIA ROAD ADJACENT TO SAID LOT 3 NOT PREVIOUSLY ANNEXED.



--- indicates boundary of property hereby annexed
 --- indicates existing corporate limits

STATE OF ILLINOIS }
 COUNTY OF KANE } SS

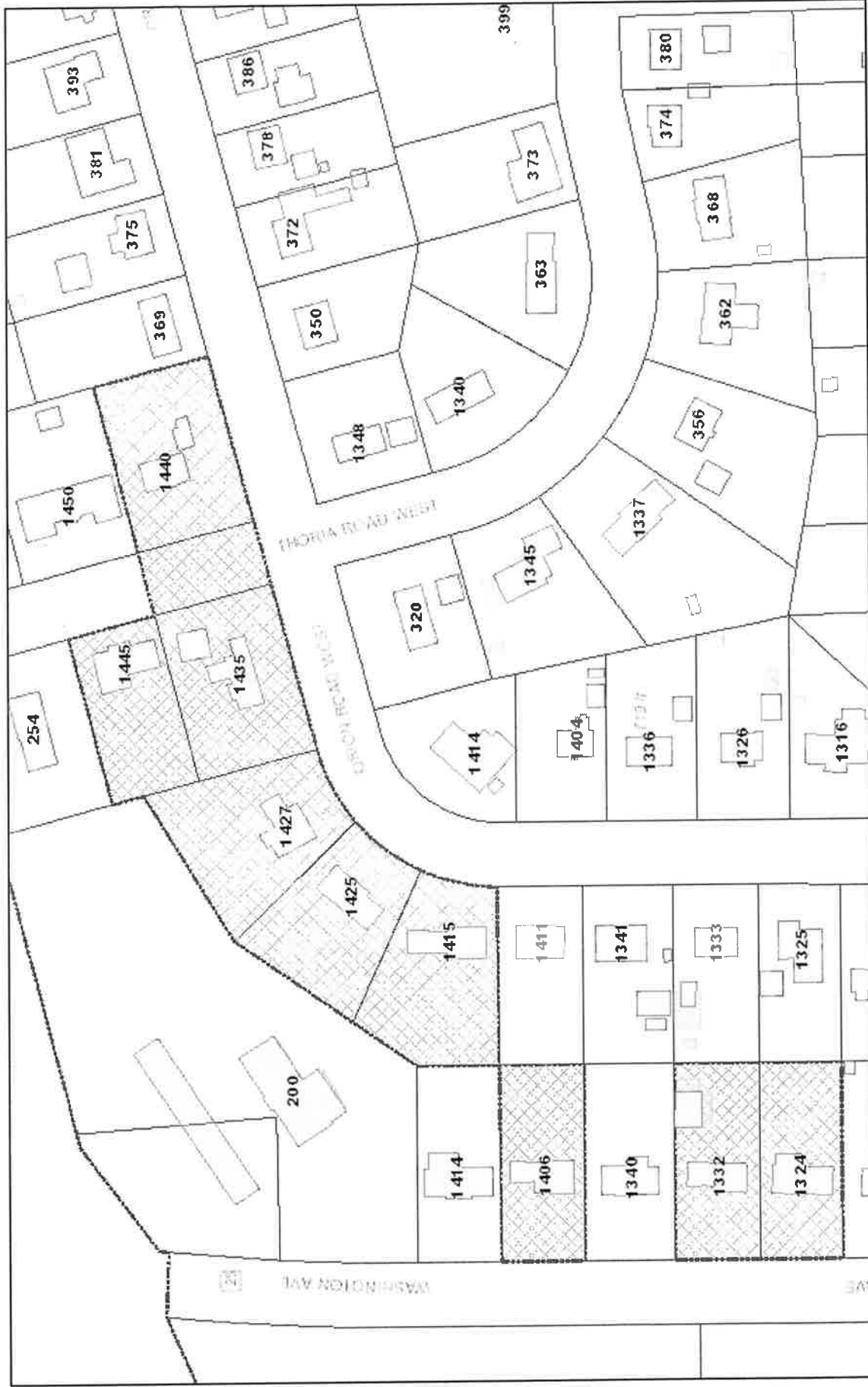
THIS IS TO CERTIFY THAT I, SHAWN R. VAN KAMPEN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710 HAVE PREPARED THE ATTACHED REPRESENTATION OF SAID ANNEXATION FOR THE PURPOSES AND THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID ANNEXATION. ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF.

DATED AT BATAVIA, ILLINOIS THIS 19th DAY OF MAY, 2021.









Shawn R. Van Kampen
 SHAWN R. VAN KAMPEN
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710
 LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2022



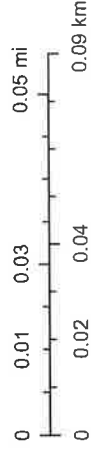
Web AppBuilder for ArcGIS



5/11/2021, 1:37:25 PM

-  CITY LIMITS
-  City of Batavia
-  BUILDINGS
-  CONDO PARCELS
-  Unincorporated
-  CREEKS
-  PARCELS
-  ADDRESSES

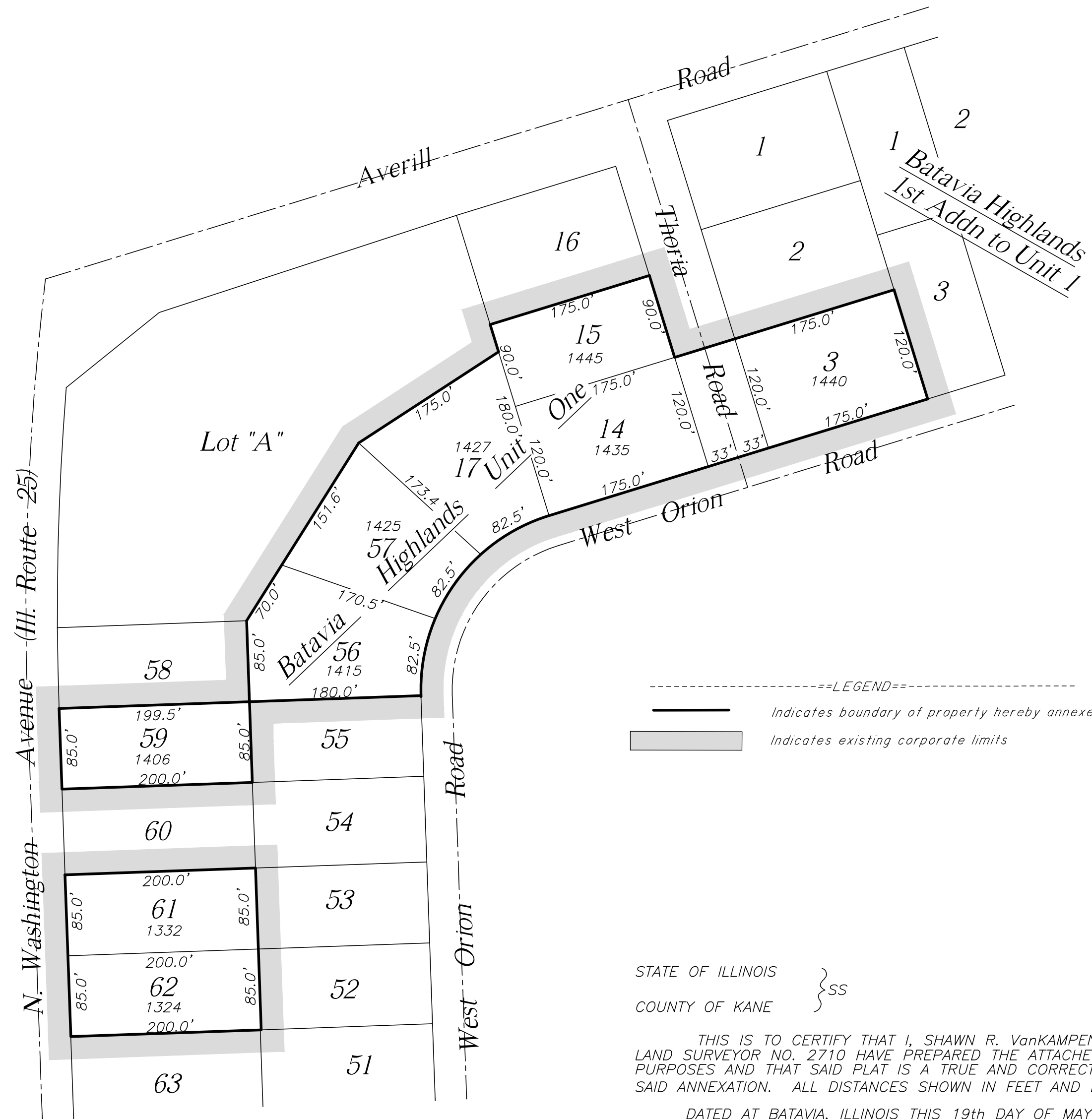
1:2,257



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

P.I.N. 12-15-226-003 (Lot 3)
 1440 Thoria Road, Batavia
 P.I.N. 12-15-276-004 (Lot 59)
 1406 N. Washington Ave., Batavia
 P.I.N. 12-15-276-006 (Lot 61)
 1332 N. Washington Ave., Batavia
 P.I.N. 12-15-276-007 (Lot 62)
 1324 N. Washington Ave., Batavia
 P.I.N. 12-15-276-016 (Lot 15)
 1445 Thoria Road, Batavia
 P.I.N. 12-15-276-017 (Lot 14)
 1435 Thoria Road, Batavia
 P.I.N. 12-15-276-018 (Lot 17)
 1427 Orion Road West, Batavia
 P.I.N. 12-15-276-019 (Lot 57)
 1425 Orion Road West, Batavia
 P.I.N. 12-15-276-020 (Lot 56)
 1415 Orion Road West, Batavia

LOTS 3, 14, 15, 17, 56, 57, 59, 61 AND 62 OF BATAVIA HIGHLANDS UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF GENEVA, KANE COUNTY, ILLINOIS, TOGETHER WITH THAT PORTION OF THORIA ROAD ADJACENT TO SAID LOT 3 NOT PREVIOUSLY ANNEXED.



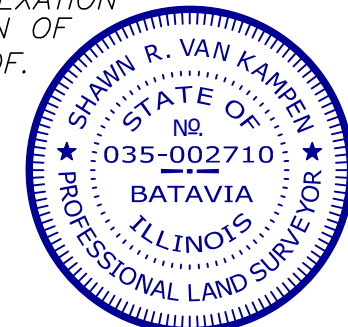
STATE OF ILLINOIS }
 COUNTY OF KANE } SS

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 BATAVIA, ILLINOIS THIS 19th DAY OF MAY, 2021.

Shawn R. Van Kampen

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 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710
 LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2022



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