

**DATE:** July 6, 2022  
**TO:** Committee of the Whole-CD  
**FROM:** Scott Buening, Community and Economic Development Director  
**SUBJECT:** Ordinance 22-36 Annexing 37W330 McKee Street

**Summary:** Annexing 37W330 McKee Street.

- 1. Background:** As 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.

This particular site is the location of two cellular antennas on the north side of McKee Street. These became “surrounded” once we annexed the Landmeier property, known now as the Winding Creek development. With that annexation this parcel became completely surrounded and is eligible for involuntary annexation. The property is approximately 0.5 acres in size.

As was anticipated with this development, annexation of the “remainder” parcel was anticipated to be an involuntary annexation. Therefore, per State Statute we have published the required legal notice and have sent the property owner the required mailed notice in order to involuntarily annex this property. The site would be required to connect to the City electric system as part of the annexation, similar to the cell site on Hart Road. Infrastructure for this connection would be constructed as part of the Winding Creek development. In addition, land has been reserved to allow a drive access to this site from Branson Drive (extended) which would allow for a closure of the driveway off McKee Street.

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 property would be initially zoned R-0 and would be in Ward 7 after annexation. The annexation will be effective the day after City Council approval.

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

- 2. Alternatives, including no action if viable:**

- Annex the property.
- Do not annex the property.

- **Budget Impact:** The total cost for this property would be approximately \$100.00 as the plat of annexation was prepared by others.

- **Staffing Impact:** No impact on staffing.
3. **Timeline for actions:** If the Ordinance is passed by the City Council on July 18, 2022, the annexation would be effective on July 19, 2022.
  4. **Staff recommendation:** Staff recommends approval of Ordinance 22-36 Annexing 37W330 McKee Street.
  5. **Attachments:**
    1. Ordinance 22-36 Annexing 37W330 McKee Street.
    2. Plat of Annexation.
    3. Area Map.
    4. Legal Notice.

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 22-36**

**AN ORDINANCE ANNEXING AND ZONING 37W330 McKEE STREET TO THE CITY  
OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
\_\_\_ DAY OF \_\_\_\_\_, 2022**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This \_\_\_ day of \_\_\_\_\_, 2022

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

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 22-36**

**AN ORDINANCE ANNEXING AND ZONING 37W330 McKEE STREET TO THE CITY  
OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS**

**WHEREAS**, the City of Batavia, Kane and DuPage Counties, Illinois, has found property at 37W330 McKee Street is surrounded by the City limits of Batavia; and

**WHEREAS**, the properties are designated by PIN 12-17-400-021 and is 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 Supervisor, Clerk, 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 July 12, 2022; 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:

**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.

CITY OF BATAVIA, ILLINOIS ORDINANCE 22-36

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**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 22-36 shall be in full force and effect upon its passage, presentation and approval according to law, effective July 19, 2022.

**PRESENTED** to the City Council of the City of Batavia, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**PASSED** by the City Council of the City of Batavia, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
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					Connelly				
5	Uher					Beck				
6	Cerone					Russotto				
7	Vogelsinger					Miller				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstentions					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

\_\_\_\_\_  
Kate Garrett, City Clerk

EXHIBIT A

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 88 DEGREES 25 MINUTES 08 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 727.30 FEET TO THE WEST LINE OF SAID EASTERLY 275.0 FEET OF THE WESTERLY 826.0 FEET; THENCE NORTH 00 DEGREES 37 MINUTES 40 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 66.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 37 MINUTES 40 SECONDS EAST ALONG THE LAST DESCRIBED COURSE, A DISTANCE OF 429.32 FEET TO THE NORTH LINE OF THE SOUTHERLY 495.0 FEET OF SAID SOUTHEAST QUARTER; THENCE NORTH 88 DEGREES 25 MINUTES 08 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 165.00 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 40 SECONDS WEST, A DISTANCE OF 66.05 FEET TO A LINE PARALLEL WITH AND 66.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHERLY 495.0 FEET OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88 DEGREES 25 MINUTES 08 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 134.98 FEET TO A LINE PARALLEL WITH AND 30.00 FEET EAST OF SAID WEST LINE; THENCE SOUTH 00 DEGREES 37 MINUTES 40 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 363.27 FEET; THENCE SOUTH 88 DEGREES 25 MINUTES 08 SECONDS WEST, A DISTANCE OF 30.02 FEET TO THE POINT OF BEGINNING, IN GENEVA TOWNSHIP, KANE COUNTY, ILLINOIS.

# MAP OF TERRITORY HEREBY ANNEXED TO THE CITY OF BATAVIA, ILLINOIS

## ANNEXED AREA

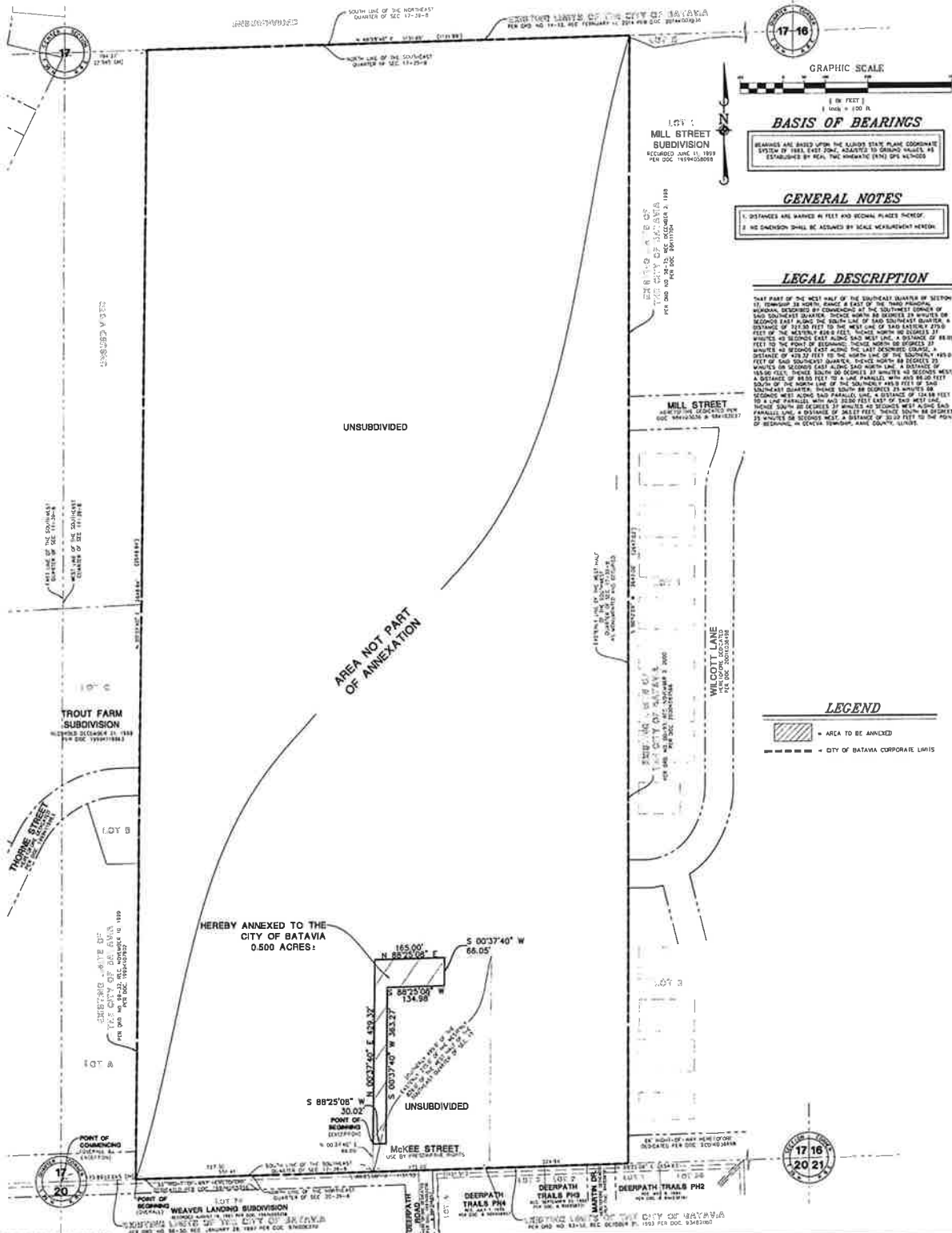
27,700 SQUARE FEET (0.630 ACRES ±)

## RETURN ADDRESS

CITY OF BATAVIA  
100 N. ISLAND AVE.  
BATAVIA, ILLINOIS 60103

CURRENT P.I.N.:  
12-17-400-000  
12-17-400-000

THERE ARE NO HABITABLE STRUCTURES  
OR ELECTORS ON THE PROPERTY



## BASIS OF BEARINGS

BEARINGS ARE BASED UPON THE ILLINOIS STATE PLANE COORDINATE SYSTEM OF 1983, EAST ZONE, ADAPTED TO GEODOID VALUES AS ESTABLISHED BY NGS, THE NATIONAL ENGINEERING SURVEYING BOARD.

## GENERAL NOTES

1. DISTANCES ARE SHOWN IN FEET AND DECIMAL PLACES THEREOF.
2. NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON.

## LEGAL DESCRIPTION

THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEGINNING BY CORNER AS THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE NORTH 88 DEGREES 25 MINUTES 08 SECONDS EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 165 FEET TO THE WEST LINE OF THE WEST HALF OF SAID SOUTHWEST QUARTER, THENCE NORTH 88 DEGREES 25 MINUTES 08 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING, THENCE NORTH 80 DEGREES 37 MINUTES 40 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 56 FEET TO THE POINT OF BEGINNING, THENCE NORTH 80 DEGREES 37 MINUTES 40 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 134 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 80 DEGREES 37 MINUTES 40 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 283 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 88 DEGREES 25 MINUTES 08 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 134 FEET TO A LINE PARALLEL WITH AND 165 FEET EAST OF SAID WEST LINE, THENCE SOUTH 88 DEGREES 25 MINUTES 08 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 134 FEET TO THE POINT OF BEGINNING, A DISTANCE OF 30 FEET, THENCE SOUTH 88 DEGREES 25 MINUTES 08 SECONDS WEST, A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING, IN COUNTY TOWNSHIP, ILLINOIS COUNTY, ILLINOIS.

## LEGEND

- [Hatched Area] AREA TO BE ANNEXED
- [Dashed Line] CITY OF BATAVIA CORPORATE LIMITS

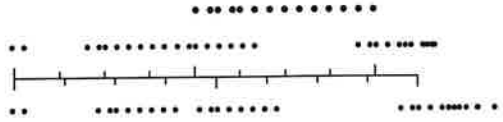
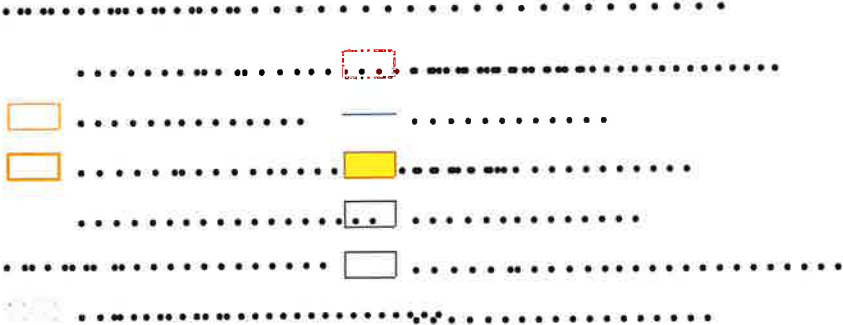
37W332 MCKEE STREET  
CITY OF BATAVIA, ILLINOIS  
PLAT OF ANNEXATION

**Manhard CONSULTING**  
Professional Engineers • Surveyors • Water Resources Engineers • Urban & Transportation Engineers  
Construction Managers • Environmental Scientists • Landscape Architects • Planners





Subject Property  
37W330 McKee  
Street





## PUBLIC NOTICE

**PUBLIC NOTICE** is hereby given to all persons concerned that on the 12th day of July, 2022 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 property being considered for annexation is completely surrounded by the City limits of Batavia, and is legally described as follows:

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 88 DEGREES 25 MINUTES 08 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 727.30 FEET TO THE WEST LINE OF SAID EASTERLY 275.0 FEET OF THE WESTERLY 826.0 FEET; THENCE NORTH 00 DEGREES 37 MINUTES 40 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 66.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 37 MINUTES 40 SECONDS EAST ALONG THE LAST DESCRIBED COURSE, A DISTANCE OF 429.32 FEET TO THE NORTH LINE OF THE SOUTHERLY 495.0 FEET OF SAID SOUTHEAST QUARTER; THENCE NORTH 88 DEGREES 25 MINUTES 08 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 165.00 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 40 SECONDS WEST, A DISTANCE OF 66.05 FEET TO A LINE PARALLEL WITH AND 66.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHERLY 495.0 FEET OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88 DEGREES 25 MINUTES 08 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 134.98 FEET TO A LINE PARALLEL WITH AND 30.00 FEET EAST OF SAID WEST LINE; THENCE SOUTH 00 DEGREES 37 MINUTES 40 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 363.27 FEET; THENCE SOUTH 88 DEGREES 25 MINUTES 08 SECONDS WEST, A DISTANCE OF 30.02 FEET TO THE POINT OF BEGINNING, IN GENEVA TOWNSHIP, KANE COUNTY, ILLINOIS.

The property which is the subject matter of the public meeting includes 37W330 McKee Street, Batavia, Illinois, PIN 12-17-400-005 (part) and will be initially zoned R0 Single Family Residential District 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