

TO: Committee of the Whole

FROM: Drew Rackow AICP, Planner

DATE: July 7, 2022

RE: Resolution 22-076-R: Approval of a Preliminary/Final Plat of Subdivision for 950 West Wilson Subdivision
950 West Wilson Street, JKLM Land Development, LLC, Applicant

Summary: At the July 6th Plan Commission (PC) meeting, the Commission reviewed a Preliminary/Final Plat of Subdivision that would divide property at 950 West Wilson Street. The proposed subdivision creates two development lots with a shared common access drive. In September 2021, the Plan Commission approved a Design Review for the Wazio Orthodontics office building that would occupy the eastern lot (lot 1). Resolution 22-076-R would authorize the Mayor and City Clerk to sign the plat. Please refer to the [June 30th staff report](#) to the PC for additional information.

Background & Plan Commission Review: The property is 0.98 acres. Lot 1 is 0.47 acres, and lot 2 is 0.51 acres in area. No development is proposed currently for lot 2. The subdivision would create utility and drainage easements along the property perimeter, and an ingress egress easement along the center of the two parcels to share a common access. A condition of approval in Resolution 22-076-R would require identification of an existing 12' utility and drainage easement on the western portion of the property. A condition to use of ingress/egress easement language consistent with recent City Council approvals and the addition of a sign easement on lot 1 to benefit lot 2 are included. A final condition would require the removal of building setback lines, which would encumber the property if the required setbacks on the property were otherwise ever reduced, as the stricter of the zoning setback line and the subdivision plat's building setback line apply.

Dr. John Wazio and Attorney Richard Williams, representing KKL M Land Development, noted that there were no objections to the recommended conditions of approval. The Commission agreed with the staff analysis and recommended approval of the plat, subject to conditions as included in the draft resolution.

Alternatives: The City Council can approve or reject the Resolution 22-076-R as presented or with revisions, refer the action back to the Plan Commission for further review or take no action.

Impacts: Approval would facilitate the construction of the Wazio Orthodontics building and create an additional development lot. No impacts are anticipated to City services, budget, or staffing by this action.

Timeline for Actions: A positive recommendation by the COW for Resolution 22-076-R would allow for final action by the City Council on July 18th.

Recommendations: By a vote of 4-0 (2 absent), the Plan Commission recommended approval of the Preliminary/Final Plat of Subdivision for 950 West Wilson Street Subdivision, subject to conditions as listed in Resolution 22-076-R.

Staff recommends approval of draft Resolution 22-076-R, as presented.

Attachment: Draft Resolution 22-076-R

- c Mayor and City Council
- Department Heads
- John Wazio, Applicant
- Richard Williams, Attorney
- Media

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 22-076-R**

**A RESOLUTION APPROVING THE PRELIMINARY/FINAL PLAT OF
950 WEST WILSON SUBDIVISION**

JKLM LAND DEVELOPMENT, LLC

WHEREAS, an application for a preliminary and final plat of subdivision for 950 West Wilson Subdivision has been submitted by JKLM Land Development, LLC, owner of property located at 950 West Wilson Street; and

WHEREAS, on July 6, 2022, the Plan Commission reviewed and recommended approval of the Preliminary & Final Plat of Subdivision for 950 West Wilson Subdivision, subject to the following conditions for staff review and approval:

1. Addition and modification of easements, including, but not limited to the following:
 - a. Addition of notation identifying the existing easement and recording number associated with it along the portions of property in the existing Weirich subdivision.
 - b. Revision of Ingress/egress easement provisions to use language used in recent approvals, subject to Staff Review.
 - c. Addition of a monument sign easement on lot 1 to benefit lot 2.
2. Removal of building lines from the Plat of Subdivision; and

WHEREAS, on July 12, 2022, the City Council’s Committee of the Whole reviewed the final plat and action of the Plan Commission and recommended approval of the Preliminary and Final Plat of 950 West Wilson Subdivision in accordance with the recommendation of the Plan Commission.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

SECTION 1: That the Preliminary and Final Plat of 950 West Wilson Subdivision is approved in general conformance to Exhibit “A” attached hereto, subject to the following conditions for staff review and approval:

1. Addition and modification of easements, including, but not limited to the following:
 - a. Addition of notation identifying the existing easement and recording number associated with it along the portions of property in the existing Weirich subdivision.
 - b. Revision of Ingress/egress easement provisions to use language used in recent approvals, subject to Staff Review.
 - c. Addition of a monument sign easement on lot 1 to benefit lot 2.
2. Removal of building lines from the Plat of Subdivision.

CITY OF BATAVIA, ILLINOIS RESOLUTION 22-076-R

SECTION 2: That this Resolution 22-076-R shall be in full force and effect upon its presentation, passage, and publication according to the law.

PRESENTED to the City Council of the City of Batavia, Illinois, this 18th day of July, 2022.

PASSED by the City Council of the City of Batavia, Illinois, this 18th day of July, 2022.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 18th day of July, 2022.

Jeffery D. Schielke, Mayor

Ward	Alderman	Aye	Nay	Abstain	Absent
1	Baerren				
1	Solfa				
2	Leman				
2	Wolff				
3	Ajazi				
3	Chanzit				
4	Malay				
4	Connelly				
5	Uher				
5	Beck				
6	Cerone				
6	Russotto				
7	Vogelsinger				
7	Miller				
Mayor	Schielke				
		AYES	NAYS	ABSTAIN	ABSENT
	TOTALS				

total holding office: Mayor and 14 Aldermen

ATTEST:

Kate Garrett, City Clerk

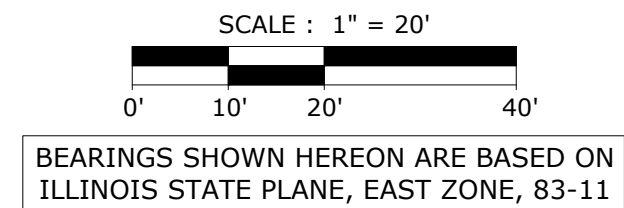
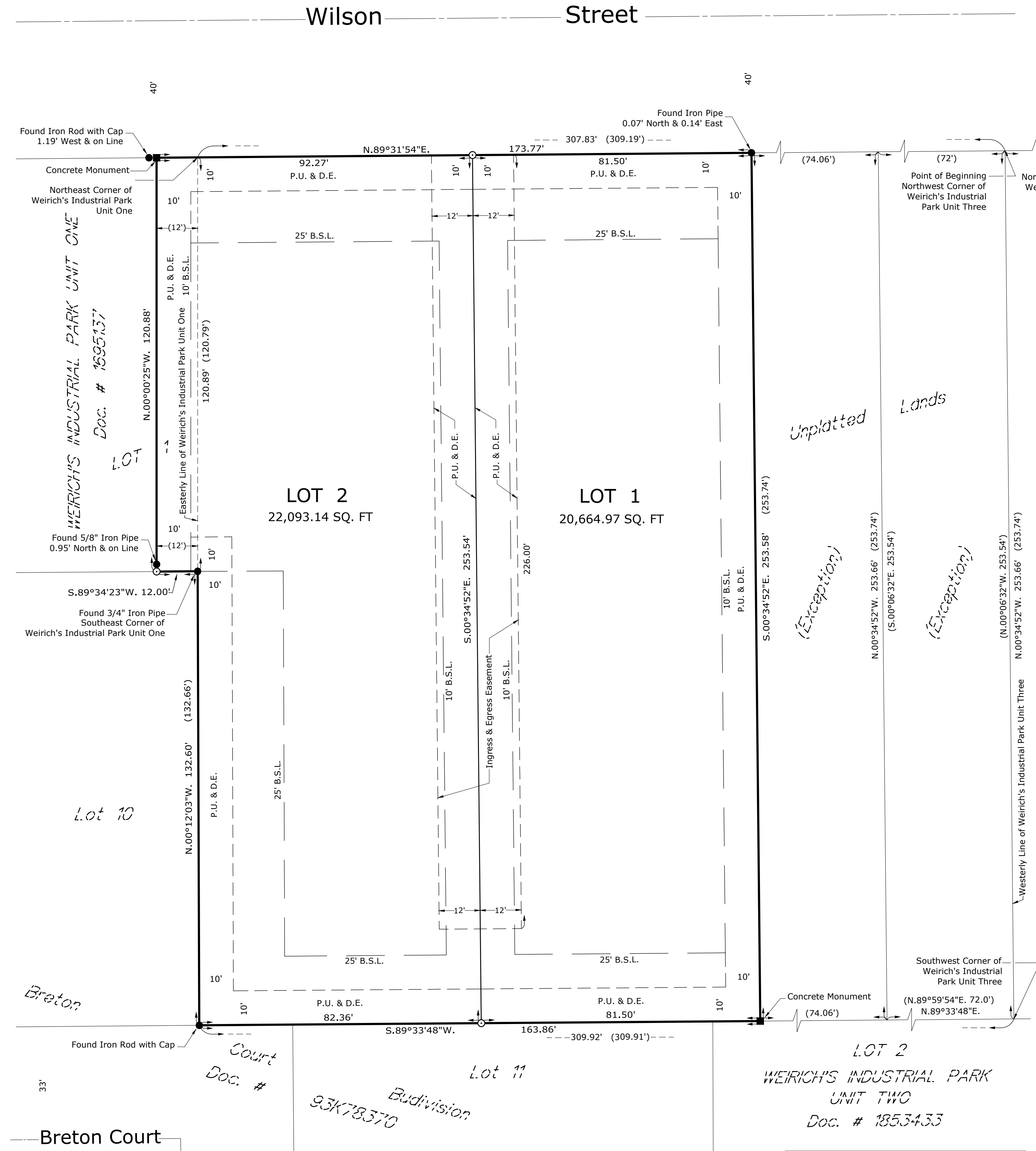
950 WEST WILSON SUBDIVISION

A SUBDIVISION OF THAT PART OF THE EAST HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

AREA TABLE (MORE OR LESS)	
Lot 1 =	20,664.97 Square Feet
Lot 2 =	22,093.14 Square Feet
TOTAL AREA OF SUBDIVISION	
42,758.11 SQ. FT. OR 0.981 ACRES	

PARCEL INDEX NUMBER	
12-21-251-161	
950 W. WILSON STREET BATAVIA, ILLINOIS 60510	

THIS PLAT WAS SUBMITTED TO THE COUNTY RECORDER FOR THE PURPOSES OF RECORDING BY:	
(PRINT NAME)	
(ADDRESS)	
(CITY/TOWN)	(STATE) (ZIP CODE)



OWNER'S CERTIFICATE

STATE OF ILLINOIS } SS
 COUNTY OF KANE }
 JKLM LAND DEVELOPMENT LLC & _____ ARE THE OWNERS OF PORTIONS OF THE PROPERTY DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE, AND THEY HAVE IT HAS CAUSED SAID PROPERTY TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HEREON DRAWN. THE UNDERSIGNED, OWNER OF THE PROPERTY DESCRIBED AS PLAT OF BAKI SUBDIVISION AND LEGALLY DESCRIBED ON THE PLAT OF THE SAME NAME LIES WITHIN THE BOUNDARIES OF BATAVIA SCHOOL DISTRICT 101. DATED THIS _____ DAY OF _____, A.D., 20____.

ADDRESS: 950 W WILSON STREET, BATAVIA, ILLINOIS 60510

OWNER: _____ DATE: _____
 OWNER: _____ DATE: _____
 OWNER: _____ DATE: _____

NOTARY PUBLIC

STATE OF ILLINOIS } SS
 COUNTY OF KANE }
 I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT _____ AND _____ WHO, ARE PERSONALLY KNOWN TO ME TO BE THE SAME WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE/SHE/THEY DID SIGN AND DELIVER THIS INSTRUMENT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS _____ DAY OF _____, A.D., 20____.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____
 CITY COUNCIL
 STATE OF ILLINOIS } SS
 COUNTY OF KANE }
 MAYOR AND CITY COUNCIL OF THE CITY OF BATAVIA, ILLINOIS, HEREBY CERTIFY THAT THE SAID COUNCIL HAS DULY APPROVED THIS PLAT OF _____ ATTACHED HERETO BY RESOLUTION NO. _____ DULY AUTHENTICATED AND PASSED THIS _____ DAY OF _____, A.D., 20____.

PLAN COMMISSION

STATE OF ILLINOIS } SS
 COUNTY OF KANE }
 I, _____, CHAIRMAN OF THE PLAN COMMISSION OF THE CITY OF BATAVIA, ILLINOIS, HEREBY CERTIFY THAT THE SAID COMMISSION HAS DULY APPROVED THIS PLAT OF _____ ATTACHED HERETO ON THIS _____ DAY OF _____, A.D., 20____.

CHAIRMAN:

INGRESS AND EGRESS EASEMENT PROVISIONS:
 EACH OWNER, AS GRANTOR, HEREBY GRANTS TO THE OTHER OWNERS, THEIR RESPECTIVE TENANTS, CONTRACTORS, EMPLOYEES, AGENTS, LICENSEES AND INVITEES, AND SUBTENANTS, CONTRACTORS, EMPLOYEES, AGENTS, LICENSEES, AND INVITEES OF SUCH TENANTS, FOR THE BENEFIT OF EACH LOT BELONGING TO THE OTHER OWNERS, AS GRANTEEES, A NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS BY VEHICULAR AND PEDESTRIAN TRAFFIC UPON, OVER, ACROSS AND THROUGH THE INGRESS AND EGRESS EASEMENT AREA WITHIN GRANTOR'S LOT.

PUBLIC UTILITY AND DRAINAGE EASEMENT (P.U.D.E.) PROVISIONS:

A PERPETUAL EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF BATAVIA, AN ILLINOIS MUNICIPAL CORPORATION, AND THOSE PUBLIC UTILITY AND OTHER COMPANIES OPERATING UNDER FRANCHISE AGREEMENTS GRANTING THEM RIGHTS FROM THE CITY OF BATAVIA, INCLUDING BUT NOT LIMITED TO, COMMONWEALTH EDISON COMPANY, AT & T, NICOR GAS COMPANY, AND COMCAST CABLE COMMUNICATION, INC., TOGETHER WITH THEIR RESPECTIVE SUCCESSORS AND ASSIGNS (THE "GRANTEES"), FOR THE INSTALLATION, MODIFICATION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, ALTERATION, ENLARGEMENT, PIPELINES, STORM AND SANITARY SEWERS, STORM WATER DETENTION AND RETENTION FACILITIES, AND STORM WATER DRAINAGE, TOGETHER WITH ANY AND ALL NECESSARY LINES, CABLES, MAINS, MANHOLES, HYDRANTS, CATCH BASINS, CONNECTIONS, PIPES, APPLICANCES, AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY, IN CROSS, ALONG, OVER, UNDER, AND UPON THE AREAS HEREOF IDENTIFIED AS "PUBLIC UTILITY AND DRAINAGE EASEMENT" (P.U.D.E.), TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS UNDER THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS THEREON; AND TOGETHER WITH THE RIGHT TO ENTER UPON THE PROPERTY WITH SUCH PERSONNEL AND EQUIPMENT AS MAY BE DEEMED NECESSARY FOR ALL SUCH USES AND PURPOSES.

NO OBSTRUCTION OR STRUCTURE SHALL BE ERRECTED OR LOCATED, NOR SHALL ANY TREES BE PLANTED, OVER SAID EASEMENT AREAS, NOR SHALL ANY OTHER ACTIVITIES BE UNDERTAKEN THAT UNREASONABLY INTERFERE WITH THE GRANTEEES' INTENDED USE THEREOF, BUT THE SAME MAY BE USED FOR LANDSCAPING, FENCING, PARKING OR OTHER PURPOSES IF SUCH USE DOES NOT THEN OR LATER INTERFERE WITH THE AFORESAID PURPOSES.

THE RIGHT IS ALSO HEREBY GRANTED TO THE CITY OF BATAVIA TO REMOVE ANY FENCES, BUILDINGS OR STRUCTURES AND TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS, BUSHES, ROOTS OR OTHER PLANTINGS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SUCH FACILITIES IN, ON, UPON, ACROSS, UNDER OR THROUGH SAID PUBLIC UTILITY AND DRAINAGE EASEMENT.

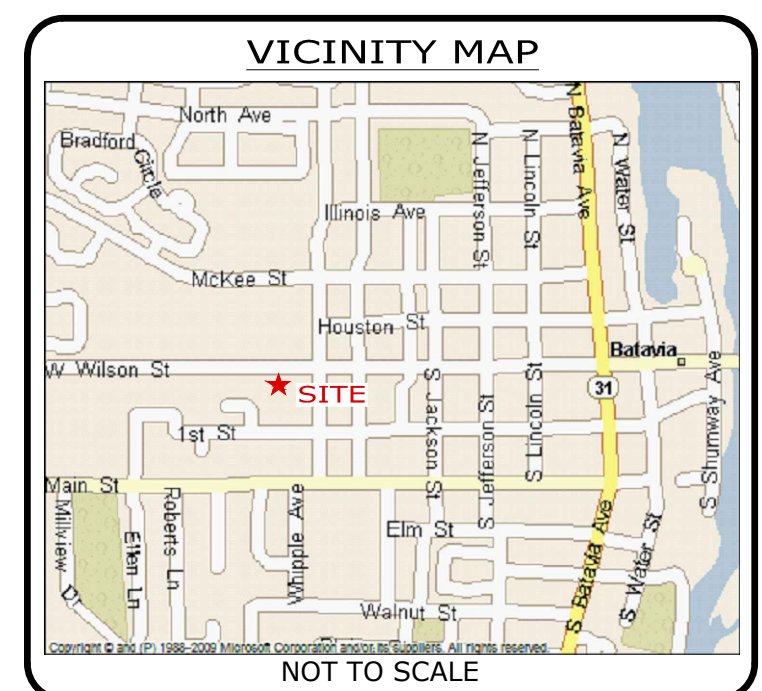
THE CITY OF BATAVIA SHALL NOT BE RESPONSIBLE FOR THE REPLACEMENT OR REPAIR OF ANY SUCH FENCES, BUILDINGS, STRUCTURES, TREES, TURF, GARDENS, SHRUBS, LANDSCAPING, OR OTHER IMPROVEMENTS REMOVED DURING THE EXERCISE OF THE HEREOF GIVEN RIGHTS. REPLACEMENT AND/OR REPAIR OF SAID ITEMS SHALL BE THE RESPONSIBILITY OF THE THEN PROPERTY OWNER.

FOLLOWING ANY WORK TO BE PERFORMED BY THE CITY OF BATAVIA IN THE EXERCISE OF ITS EASEMENT RIGHTS HEREIN GRANTED, SAID CITY SHALL HAVE NO OBLIGATION WITH RESPECT TO SURFACE RESTORATION, INCLUDING BUT NOT LIMITED TO, THE RESTORATION, REPAIR OR REPLACEMENT OF PAVEMENT, CURB, GUTTERS, FENCES, SHEDS, TREES, LAWN OR SHRUBBERY, PROVIDED, HOWEVER, THAT SAID CITY SHALL BE OBLIGATED, FOLLOWING SUCH MAINTENANCE WORK, TO BACKFILL AND MOUND ALL TRENCH CREATED SO AS TO RETAIN SUITABLE DRAINAGE, TO COLD PATCH ANY ASPHALT OR CONCRETE SURFACE, TO REMOVE ALL EXCESS DEBRIS AND SOIL, AND TO LEAVE THE MAINTENANCE AREA IN A GENERALLY CLEAN AND WORKMANLIKE CONDITION.

THE CITY HAS NO OBLIGATION TO REPAIR ANY IMPROVEMENTS THAT WERE COMPLETED WITHOUT OBTAINING THE NECESSARY PERMITS PRIOR TO INSTALLATION.

THE OCCUPATION AND USE OF THE PERPETUAL EASEMENT HEREIN GRANTED AND RESERVED FOR THE GRANTEEES BY EACH OF SUCH ENTITIES SHALL BE DONE IN SUCH A MANNER SO AS NOT TO INTERFERE WITH OR PRECLUDE THE OCCUPATION AND USE THEREOF BY OTHER ENTITIES FOR WHICH SUCH EASEMENTS ARE GRANTED AND RESERVED. THE CROSSING AND RE-CROSSING OF SAID EASEMENTS BY THE GRANTEEES SHALL BE DONE IN SUCH A MANNER SO AS NOT TO INTERFERE WITH, DAMAGE, OR DISTURB ANY TRANSMISSION AND/OR DISTRIBUTION SYSTEMS AND FACILITIES APPURTENANT THERETO EXISTING WITHIN THE EASEMENTS BEING CROSSED OR RE-CROSSED.

WHERE THE EASEMENT AREAS ARE ALSO USED FOR ELECTRIC, TELEPHONE, CABLE TV, GAS DISTRIBUTION SYSTEMS OR THEIR APPURTENANCES, SUCH OTHER UTILITY INSTALLATIONS SHALL NOT INTERFERE WITH THE MAINTENANCE OF GRAVITY OR SUBSURFACE FLOW AND STABILIZATION OF VEGETATIVE GROUND COVER ON THE ABOVE-MENTIONED DRAINAGE FACILITIES, OR CAUSE ANY CHANGE IN GRADE, OR IMPAIR OR CHANGE THE SURFACE DRAINAGE PATTERNS OF THE PROPERTY.



LEGEND

- Subdivision Boundary Line
- Lot Line
- Center Line
- - - Existing Lot Line
- (XXX.XX') Record / Deed
- Concrete Monument
- Found Iron Stake as Indicated
- Set 3/4" Iron Pipe at Corner
- - - Public Utility & Drainage Easements Hereby Granted unless noted otherwise
- - - P.U. & D.E. Public Utility & Drainage Easement
- - - Building Setback Line Hereby Granted
- - - B.S.L. Building Setback Line

PREPARED BY:

ASMO
 ASM Consultants, Inc.
 16 E Wilson Street, Batavia IL 60510
 (630) 879-0200
 advanced@advct.com
 DBE Certified Since 2011
 Professional Design Firm #184-006014 expires 4/30/2023

Exhibit A of Resolution 22-076-R

PRELIMINARY

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3342
 LICENSE EXPIRES NOVEMBER 30, 2022

DESIGN FIRM LICENSE NO. 184-006014
 LICENSE EXPIRES APRIL 30, 2023

SUBMITTED BY AND RETURN TO:
 City of Batavia
 100 Island Avenue
 Batavia, IL 60510

Sheet 1 of 1
 ASM JOB NO. 679175SUB