

CITY OF BATAVIA

DATE: January 24, 2013
TO: Community Development Committee
FROM: Scott Buening, Community Development Director
SUBJECT: Resolution 13-15-R—Dedication of Part of Hamlet Street
Resolution 13-16-R—Dedication of Part of Union Avenue
Resolution 13-17-R—Dedication of Part of South Van Buren Street

Background and Analysis

The City owns several parcels of land that are being used as public roads, but the land has not been dedicated for roadway purposes. This may present a problem for future funding of roadway improvements on those roads as certain funds can only be used if the roads have been dedicated. In addition, because these parcels of land are not formally roads, there may be some legal issues with enforcing traffic laws on them if they are not dedicated.

Staff has had three (3) plats of dedication prepared to formally dedicate these parcels as public roads. There would be no effect on property taxes as the City owns these parcels now and they are exempt. They are already being used as roads, so there would be no physical change by virtue of the dedications.

It should be noted that there are several parcels of land along Hamlet Street that are still in private ownership. Staff is working to contact those owners to get those sections dedicated as well.

Recommendation

Staff recommends approval of Resolutions 13-15-R, 13-16-R and 13-17-R to dedicate sections of Hamlet Street, Union Avenue and South Van Buren Street as public roads.

Attachments:

1. Resolution 13-15-R—Dedication of Part of Hamlet Street.
2. Resolution 13-16-R—Dedication of Part of Union Avenue.
3. Resolution 13-17-R—Dedication of Part of South Van Buren Street.

Cc: Mayor & City Council
City Administrator
City Attorney
Press
File

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 13-15-R**

**RESOLUTION DEDICATING A PORTION OF HAMLET STREET AS PUBLIC
RIGHT-OF-WAY**

WHEREAS, The City is the owner of a parcel of land identified as PIN 12-14-326-061 that is currently being used as part of Hamlet Street as a public road; and

WHEREAS, the City desires to formally dedicate this parcel as public right-of-way for roadway purposes; and

WHEREAS, the dedication will allow this roadway to officially be funded and policed as a public road;

NOW THEREFORE, BE IT RESOLVED 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 Resolution.

SECTION 2: The Plat of Dedication of the property in the form attached as Exhibit "A" is hereby approved and accepted.

SECTION 3: The Mayor and City Clerk are hereby authorized to sign the Plat of Dedication.

SECTION 4: This Resolution shall become effective from and after its approval.

CITY OF BATAVIA, ILLINOIS RESOLUTION 13-15-R

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ___ day of _____, 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ___ day of _____, 2013.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Thelin Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	0 Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Heidi Wetzel, City Clerk

PLAT OF DEDICATION FOR PUBLIC ROADWAY PURPOSES

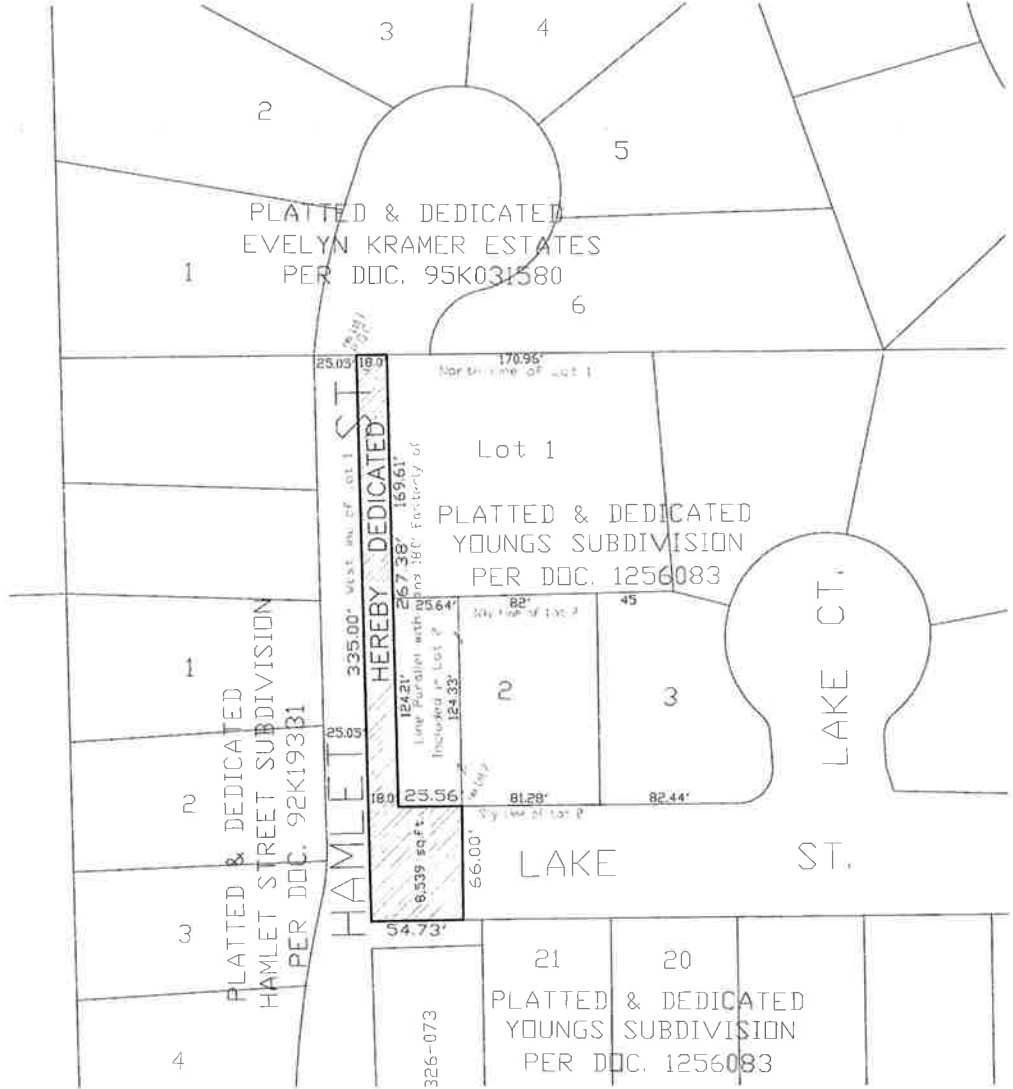
PART OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN

KANE COUNTY, ILLINOIS.

LEGAL DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN YOUNG'S SUBDIVISION PER DOCUMENT 1256083; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1 TO A LINE DRAWN PARALLEL WITH AND 18.0 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE WESTERLY LINE OF SAID LOT 1; THENCE SOUTHERLY ALONG SAID PARALLEL LINE TO THE SOUTHERLY LINE EXTENDED WESTERLY OF LOT 2 IN SAID YOUNG'S SUBDIVISION; THENCE EASTERLY ALONG SAID EXTENDED LINE TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 2 EXTENDED SOUTHERLY 66.0 FEET TO THE NORTHERLY LINE OF LOT 21 OF SAID YOUNG'S SUBDIVISION EXTENDED WESTERLY; THENCE WESTERLY ALONG SAID EXTENDED LINE TO THE WEST LINE OF SAID LOT 1; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING, CONTAINING 8,539 SQ.FT., IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.
PIN = 12-14-326-061

N.T.S. North



City Approval Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that the above plat correctly represents the area to be dedicated to the City of Batavia, Kane County, Illinois, by ordinance passed and approved by the City of Batavia City Council on _____, 20 ____.

Mayor _____ City Clerk _____

County Clerk's Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that I, _____, 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 tax sales against any of the property included in the hereon drawn plat.

I further certify that I have received all statutory fees in connection with the hereon drawn plat.

Given under my hand and seal of the County Clerk of Kane County, Illinois this ____ day of _____, 20 ____.

Kane County Clerk _____

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

THIS IS TO CERTIFY THAT I, STACY L. FERGUSON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, AND THAT THIS PLAT WAS PREPARED FOR THE PURPOSE OF DEDICATION OF RIGHT OF WAY TO THE CITY OF BATAVIA, AND THIS PLAT OF DEDICATION ACCURATELY DEPICTS SAID PROPERTY.
GIVEN UNDER MY HAND AND SEAL

THIS ____ day of _____, JANUARY, 20 13

STACY L. FERGUSON
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-002952 EXP. 11/30/14
ILLINOIS PROFESSIONAL DESIGN FIRM - LAND SURVEYING CORP. NO. 194-003154 EXP. 4/30/13



Owners Deed of Dedication

State of Illinois)
) SS
County of Kane)

This is to certify that the City of Batavia is the owner of the property described herein and does hereby grant, convey and dedicate said property for public roadway purposes.

Dated at Batavia, Illinois this ____ day of _____, 20 ____.

By: _____ Mayor Attest: _____ City Clerk

Notary Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that _____ and _____ personally known to me to be the same persons whose names are subscribed to the foregoing instrument, as said officers, appeared before me this day, in person, and sign and seal the attached plat as their own free and voluntary act, and as the free and voluntary act of said City of Batavia, for the uses and purposes therein set forth.

Given under my hand and seal this ____ day of _____, 20 ____.

Notary Public _____

PLAT OF DEDICATION	12-11-12	1-3-13
Type of Survey	Date	Date Drawn Revised
Common Address: HAMLLET ST. BATAVIA		
Builder/Client: City of Batavia		
Job No.: 12-5358	Scale: NTS	
STACY FERGUSON LAND SURVEYING, INC.		
SURVEYING, CONSTRUCTION, DESIGN, DRAFTING, MAPPING, LAYOUT AND CONSULTING		
239 E WILSON STREET BATAVIA, ILLINOIS PHONE # (630) 679-0158		

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 13-16-R**

**RESOLUTION DEDICATING A PORTION OF UNION AVENUE AS PUBLIC RIGHT-
OF-WAY**

WHEREAS, The City is the owner of a parcel of land identified as PIN 12-22-402-010 that is currently being used as part of Union Avenue as a public road; and

WHEREAS, the City desires to formally dedicate this parcel as public right-of-way for roadway purposes; and

WHEREAS, the dedication will allow this roadway to officially be funded and policed as a public road;

NOW THEREFORE, BE IT RESOLVED 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 Resolution.

SECTION 2: The Plat of Dedication of the property in the form attached as Exhibit "A" is hereby approved and accepted.

SECTION 3: The Mayor and City Clerk are hereby authorized to sign the Plat of Dedication.

SECTION 4: This Resolution shall become effective from and after its approval.

CITY OF BATAVIA, ILLINOIS RESOLUTION 13-16-R

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ___ day of _____, 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ___ day of _____, 2013.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Thelin Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	0 Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Heidi Wetzel, City Clerk

PLAT OF DEDICATION FOR PUBLIC ROADWAY PURPOSES

PART OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN
KANE COUNTY, ILLINOIS.

LEGAL DESCRIPTION
BEING A PART OF LOTS 3, 4 AND 5 IN BLOCK 4 OF THE ASSESSOR'S ADDITION TO BATAVIA, BEING A PART OF THE SOUTH 1/2 OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: THE SOUTH 50.0 FEET OF SAID LOT 3 (MEASURED AT RIGHT ANGLES TO THE SOUTH LINE THEREOF), THE NORTH 50.0 FEET OF SAID LOT 5 (MEASURED AT RIGHT ANGLES TO THE NORTH LINE THEREOF) AND THE NORTH 100.0 FEET OF THE SOUTH 133.0 FEET OF SAID LOT 4 (MEASURED AT RIGHT ANGLES TO THE SOUTH LINE THEREOF LYING WESTERLY OF THE WEST LINE OF THE FORMER CHICAGO & NORTHWESTERN RAILROAD RIGHT OF WAY LINE), IN KANE COUNTY, ILLINOIS.
PIN = 12-22-402-010

N.T.S. North



City Approval Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that the above plat correctly represents the area to be dedicated to the City of Batavia, Kane County, Illinois, by ordinance passed and approved by the City of Batavia City Council on _____, 20____.

Mayor _____ City Clerk _____

County Clerk's Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that I, _____, 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 tax sales against any of the property included in the hereon drawn plat.

I further certify that I have received all statutory fees in connection with the hereon drawn plat.

Given under my hand and seal of the County Clerk of Kane County, Illinois this ____ day of _____, 20____.

Kane County Clerk _____

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

THIS IS TO CERTIFY THAT I, STACY L. FERGUSON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, AND THAT THIS PLAT WAS PREPARED FOR THE PURPOSE OF DEDICATION OF RIGHT OF WAY TO THE CITY OF BATAVIA, AND THIS PLAT OF DEDICATION ACCURATELY REFLECTS SAID PROPERTY.

THIS IS TO BE DATED _____ JANUARY _____ 20____

STACY L. FERGUSON
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-002952 EXP. 11/30/14
ILLINOIS PROFESSIONAL DESIGN FIRM - LAND SURVEYING CORP. NO. 184-003154 EXP. 4/30/13



Owners Deed of Dedication

State of Illinois)
) SS
County of Kane)

This is to certify that the City of Batavia is the owner of the property described herein and does hereby grant, convey and dedicate said property for public roadway purposes.

Dated at Batavia, Illinois this ____ day of _____, 20____.

By: _____ Attest: _____
Mayor City Clerk

Notary Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that _____ and _____, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, as said officers, appeared before me this day, in person, and sign and seal the attached plat as their own free and voluntary act and as the free and voluntary act of said City of Batavia, for the uses and purposes therein set forth.

Given under my hand and seal this ____ day of _____, 20____.

Notary Public _____

PLAT OF DEDICATION	12-30-12	1-3-13
Type of Survey	Date	Date Drawn
Common Address	UNION ST. BATAVIA	
Builder/Client	City of Batavia	
Job No.	12-5359	Scale: NTS
STACY FERGUSON LAND SURVEYING, INC.		
SURVEYING CONSTRUCTION DESIGN DRAFTING MAPPING LAYOUT AND CONSULTING		
239 E. WILSON STREET BATAVIA, ILLINOIS PHONE # (630) 878-0158		

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 13-17-R**

**RESOLUTION DEDICATING A PORTION OF SOUTH VAN BUREN STREET AS
PUBLIC RIGHT-OF-WAY**

WHEREAS, The City is the owner of a parcel of land identified as PIN 12-22-477-015 that is currently being used as part of South Van Buren Street as a public road; and

WHEREAS, the City desires to formally dedicate this parcel as public right-of-way for roadway purposes; and

WHEREAS, the dedication will allow this roadway to officially be funded and policed as a public road;

NOW THEREFORE, BE IT RESOLVED 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 Resolution.

SECTION 2: The Plat of Dedication of the property in the form attached as Exhibit "A" is hereby approved and accepted.

SECTION 3: The Mayor and City Clerk are hereby authorized to sign the Plat of Dedication.

SECTION 4: This Resolution shall become effective from and after its approval.

CITY OF BATAVIA, ILLINOIS RESOLUTION 13-17-R

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ___ day of _____, 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ___ day of _____, 2013.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					TheLin Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	0 Abstentions					
Total holding office: Mayor and 14 aldermen										

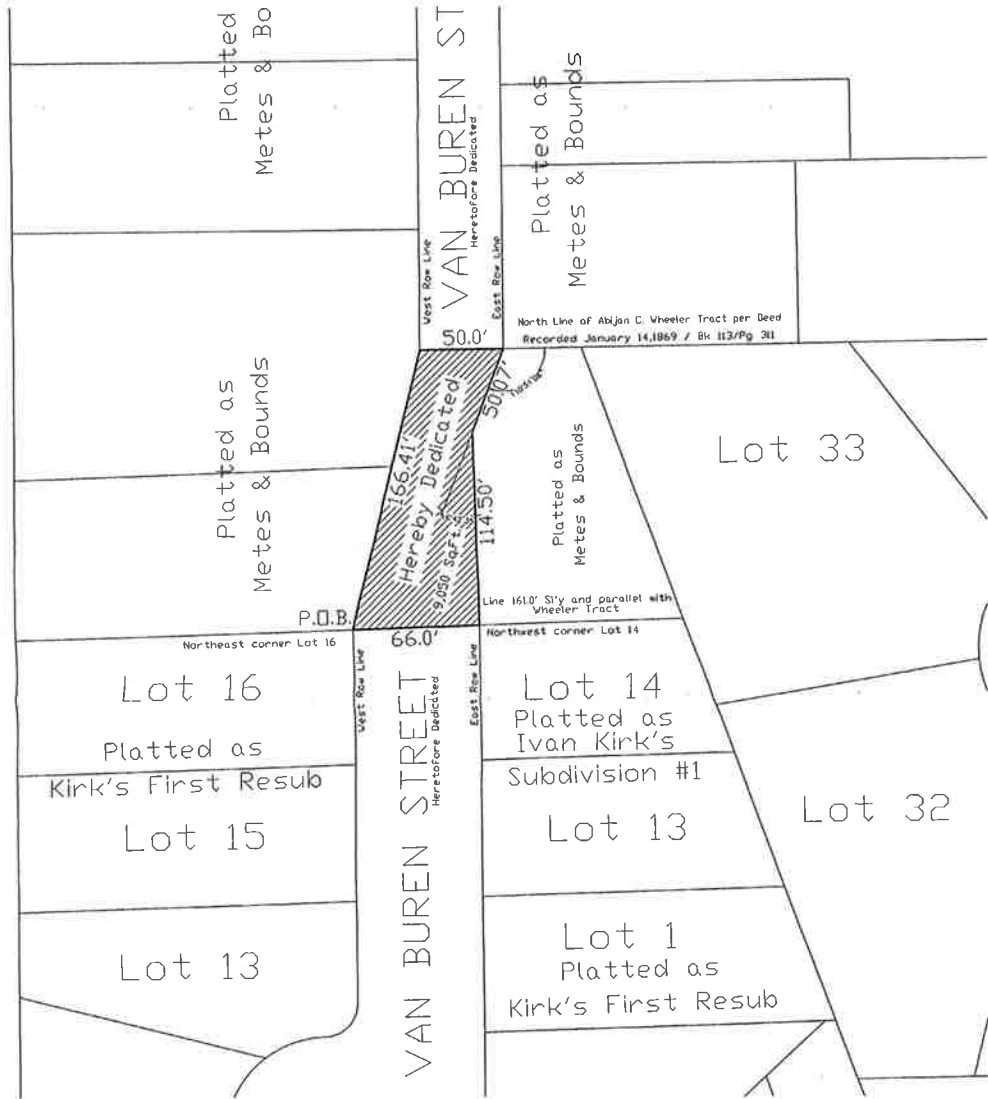
ATTEST:

Heidi Wetzel, City Clerk

PLAT OF DEDICATION FOR PUBLIC ROADWAY PURPOSES

PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF LOT 16 OF KIRK'S FIRST RESUBDIVISION;
 THENCE NORTHEASTERLY 106.41 FEET TO THE INTERSECTION OF THE WEST LINE OF
 VAN BUREN STREET (AS MONUMENTED AND OCCUPIED) ALSO SAID LINE BEING THE NORTH
 LINE OF ABJAH C. WHEELER TRACT RECORDED JANUARY 14, 1869 IN BOOK 113, PAGE 311
 EXTENDED WESTERLY; THENCE EAST ALONG SAID NORTH LINE 50.00 FEET TO THE EAST LINE
 OF SAID VAN BUREN STREET; THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN
 ANGLE OF 110°31'06" TO THE RIGHT WITH THE EASTERLY EXTENSION OF THE LAST
 DESCRIBED COURSE 50.07 FEET TO AN IRON PIPE WHICH MEASURES 2.05 FEET WESTERLY
 FROM THE NORTHWESTERLY CORNER OF A TWO-STORY STONE AND FRAME RESIDENCE;
 THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16°42'35" TO THE LEFT
 WITH THE SOUTHWESTERLY EXTENSION OF THE LAST DESCRIBED COURSE 114.50 FEET TO A
 POINT IN A LINE DRAWN PARALLEL WITH AND 161.00 FEET SOUTHERLY OF THE NORTH LINE
 OF SAID WHEELER TRACT SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 14 IN
 IVAN KIRK'S SUBDIVISION UNIT 1 SAID POINT ALSO BEING ON THE EAST LINE OF SAID
 VAN BUREN STREET; THENCE WESTERLY ALONG THE AFORESAID LINE 66.00 FEET TO THE
 POINT OF BEGINNING CONTAINING 0.050 SQ. FT. IN KANE COUNTY, ILLINOIS.
 P.M. = 12-22-477-016

N.T.S. North



City Approval Certificate

State of Illinois)
 County of Kane) SS
 This is to certify that the above plat correctly represents the area to be dedicated to the City of Batavia, Kane County, Illinois, by ordinance passed and approved by the City of Batavia City Council on _____, 20____.

Mayor _____ City Clerk _____

County Clerk's Certificate

State of Illinois)
 County of Kane) SS
 This is to certify that I, _____, 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 tax sales against any of the property included in the hereon drawn plat.

I further certify that I have received all statutory fees in connection with the hereon drawn plat.
 Given under my hand and seal of the County Clerk of Kane County, Illinois this ____ day of _____, 20____.

Kane County Clerk

STATE OF ILLINOIS)
 COUNTY OF KANE) SS

THIS IS TO CERTIFY THAT I, STACY L. FERGUSON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, AND THAT THIS PLAT WAS PREPARED FOR THE PURPOSE OF DEDICATION OF RIGHT OF WAY TO THE CITY OF BATAVIA, AND THIS PLAT OF DEDICATION ACCURATELY DEPICTS SAID PROPERTY.
 GIVEN UNDER MY HAND AND SEAL

THIS 15th DAY OF JANUARY 20 13
 Stacy L. Ferguson
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-002952 EXP. 11/30/14
 ILLINOIS PROFESSIONAL DESIGN FIRM - LAMP SURVEYING CORP. NO. 184-003154 EXP. 4/30/13



Owners Deed of Dedication

State of Illinois)
 County of Kane) SS
 This is to certify that the City of Batavia is the owner of the property described herein and does hereby grant, convey and dedicate said property for public roadway purposes.
 Dated at Batavia, Illinois this ____ day of _____, 20____.

By: _____ Attest: _____
 Mayor City Clerk

Notary Certificate

State of Illinois)
 County of Kane) SS
 This is to certify that _____ and _____ personally known to me to be the same persons whose names are subscribed to the foregoing instrument, as said officers, appeared before me this day, in person, and sign and seal the attached plat as their own free and voluntary act and as the free and voluntary act of said City of Batavia, for the uses and purposes therein set forth.
 Given under my hand and seal this ____ day of _____, 20____.

Notary Public _____

PLAT OF DEDICATION	12-11-12	1-3-13	1-13-13
Type of Survey	Date	Date Drawn	Revised
Common Address : VAN BUREN STREET			
Builder/Client : City of Batavia			
Job No. : 12-5360		Scale : NTS	
STACY FERGUSON LAND SURVEYING, INC.			
SURVEYING, CONSTRUCTION, DESIGN, DRAFTING, MAPPING, LAYOUT AND CONSULTING			
239 E. WILSON STREET BATAVIA, ILLINOIS PHONE # (630) 879-0158			