

CITY OF BATAVIA

DATE: March 22, 2013

TO: Community Development Committee

FROM: Scott Buening, Community Development Director

SUBJECT: Resolution 13-53-R Accepting the Quit Claim Deed for Lot 37 in Beechen & Dill's Fox Trail South Unit 1 Subdivision

Background and Analysis

As part of the analysis of parcels maintained by the City, it was noted that the City has been maintaining, but does not own, this lot in the Fox Trails South subdivision. This Lot contains a detention facility, and per the annexation agreement and Special Service Area, this lot was to be maintained by the City on behalf of the property owners in this subdivision. There is a Special Service Area established to pay for maintenance of this property (#8), however this is currently dormant. There is no homeowners association in this subdivision.

After researching the ownership of this parcel, it appears that it is owned by the original developer, Beechen & Dill. This was previously in a land trust, but it was closed out several years ago. After review with the City Attorney, it was determined that a Quit Claim Deed and an Affidavit attesting to the ownership of this parcel would be sufficient to transfer the ownership rights to the City. Staff provided this to the developer and they executed a deed and affidavit for us.

The City Council needs to formally "accept" this deed, and then it can be recorded. After recording, the property will then become City property. We will file a tax exemption on the property after recording. Staff recommends approval of the Resolution accepting the Quit Claim Deed for Lot 37 in Beechen & Dill's Fox Trail South Unit 1 Subdivision.

Recommendation

Staff recommends approval of Resolution 13-53-R Accepting the Quit Claim Deed for Lot 37 in Beechen & Dill's Fox Trail South Unit 1 Subdivision.

Attachments:

1. Resolution 13-53-R Accepting the Quit Claim Deed for Lot 37 in Beechen & Dill's Fox Trail South Unit 1 Subdivision.
2. Quit Claim Deed and Affidavit.
3. Area Map.

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

CITY OF BATAVIA, ILLINOIS
RESOLUTION 13-53-R

RESOLUTION ACCEPTING DEED TO LOT 37 IN BEECHEN AND DILL'S FOX
TRAIL SOUTH UNIT 1 SUBDIVISION

WHEREAS, Beechen & Dill Builders, Inc. is the apparent owner of Lot 37 in Beechen and Dill's Fox Trail South Unit 1 Subdivision;

WHEREAS, the parcel identified as PINs 12-27-478-014 and 12-26-33-001 is being used as a detention basin; and

WHEREAS, the City is maintaining this property on behalf and for the benefit of the property owners in this subdivision; and

WHEREAS, the City desires to acquire this parcel from the owner so it can be maintained as City-owned property; and

WHEREAS, the owner has provided a Quit Claim Deed and an affidavit verifying that they are the owners of the property; and

WHEREAS, it is in the best interests of the City to accept this deed and take ownership of this City-maintained property;

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 Quit Claim Deed for the property attached as Exhibit "A" is hereby approved and accepted.

CITY OF BATAVIA, ILLINOIS RESOLUTION 13-53-R

SECTION 3: The City Clerk or her designee is hereby authorized to record the Quit Claim Deed.

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

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 Wetzal, City Clerk

QUIT CLAIM DEED

Statutory (ILLINOIS)

MAIL DEED TO:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

SEND SUBSEQUENT TAX BILLS TO:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

THE GRANTOR, **Beechen & Dill Builders, Inc.**, a corporation, with its principal office located at 7512 County Line Road, Burr Ridge, IL 60527, created and existing under and by virtue of the laws of the State of Illinois, for and in consideration of TEN AND NO/100'S DOLLARS (\$10.00) DOLLARS, and other good and valuable consideration in hand paid, CONVEYS AND QUIT CLAIMS to **GRANTEE, The City of Batavia, an Illinois municipal corporation**, whose principal place of business is located at 100 N. Island Ave., Batavia, Illinois 60510, all interest in the Real Estate situated in the County of Kane, in the State of Illinois, legally described as follows to wit:

LOT 37 IN BEECHEN & DILL'S FOX TRAIL SOUTH, UNIT 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 26 AND PART OF THE SOUTHEAST 1/4 OF SECTION 27 IN TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANE COUNTY, ILLINOIS.

PINS: 12-27-478-014 and 12-26-33-001

EXEMPT pursuant to 35 ILCS 200/31- 45(b) of The Illinois Real Estate Transfer Tax Law.

Date: _____
Buyer, Seller, Representative

DATED this 6 day of March, 2013.

BEECHEN & DILL BUILDERS, INC.

By: 

Its Pres.

STATE OF ILLINOIS)SS
COUNTY OF KANE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Gerald Hill, President of **Beechen & Dill Builders, Inc.**, is personally known to me to be the same persons whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 6 day of March, 2013.



Barbara A Peczkowski
NOTARY PUBLIC

DATED this 6 day of March, 2013.

This instrument was prepared by:
Kevin G. Drendel, Esq.
DRENDEL & JANSONS LAW GROUP
111 Flinn Street
Batavia, Il 60510
(630) 406-5440

R:\Secretary\Clients - Municipal\City of Batavia\Annexation & Development\Beechen & Dill's Fox Trail South\QC DEED to from Beechen & Dill Builders to City of Batavia x1.doc

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

AFFIDAVIT

The undersigned Affiant, Gerald W. Dill, is the President of Beechen & Dill Builders, Inc.

The Affiant is familiar with and has knowledge of Unit 1 of the Fox Trail South Development in the City of Batavia and of the property identified as Lot 37 Fox Trail South, Unit 1.

All of the properties in the Fox Trail South Development, Unit 1, were at one time owned Cole Taylor Bank as Trustee of Trust 93-2158 dated December 8, 1993 (the "Trust"), and Beechen & Dill Builders, Inc. was the sole beneficiary of that Trust.

The Cole Taylor Bank trust department was taken over by Chicago Title Land Trust Company, which became the Trustee of the Fox Trail South Development, Unit 1, property of which Beechen & Dill Builders, Inc. continued to be the beneficial owner.

When the Trust was terminated, the Affiant believed that all of the property in the Trust had already been distributed out of the Trust, but Lot 37 of Fox Trail South Development, Unit 1, inadvertently had not be transferred from the Trust.

The Affiants believes and understands, as the beneficial owner of the property in the Trust, Beechen & Dill Builders, Inc. had all of the incidents of ownership except for bare title while the property was in the Trust, and any property remaining in the Trust when the Trust was terminated continued to be owned by Beechen & Dill Builders, Inc. in fee simple title after the Trust was terminated.

Beechen & Dill Builders, Inc.

By: [Signature]

Its: Pros.

SUBSCRIBED AND SWORN TO
before me this 3 day of
March, 2013

[Signature]
NOTARY PUBLIC





Subject Property

NORTH

Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom © 2013