CITY OF BATAVIA
100 N. Island Avenue, Batavia, IL 60510
(630) 454-2000 http://cityofbatavia.net

Committee of the Whole Agenda
Tuesday, October 25, 2016
Council Chambers 1st Floor
Immediately following the Special City Council

1. Roll Call
2. Items Removed/Added/Changed
3. Matters From The Public (For Items NOT On Agenda)
4. 7:30 PM-Public Hearing: Ten Year Report For Tax Increment Financing District #3 (Scott Buening 10/3/16)

   Documents:

   PH TIF 3 TEN YEAR REPORT COMBINED REP.PDF

5. 7:35 PM-Public Hearing: Annexation Agreement With Forest Preserve Of Kane County For Part Of Illinois Prairie Path
6. Ordinance 16-63: Authorizing Execution Of An Annexation Agreement With The Forest Preserve District Of Kane County For Part Of The Illinois Prairie Path (Scott Buening 10/4/16) CD

   Documents:

   ORD 16-63 AND 16-64 PH FOREST PRESERVE TRAIL.PDF

7. Ordinance 16-64: Annexing And Zoning Part Of The Illinois Prairie Path Scott Buening 10/4/16) CD

   Documents:

   ORD 16-63 AND 16-64 PH FOREST PRESERVE TRAIL.PDF

8. Discussion: Storage Of Recreational Vehicles On Driveways (GS)

   Documents:

   RVREGULATIONSCOMBINEDMEM.PDF

9. Ordinance 16-65: Amending Class H Liquor License To Create A Nano-Brewery License (Gary Schira 10/17/16) GS

   Documents:

   ORD 16-65 AMEND TITLE 3--CLASS H TO CREATE A NANO-BREWERY LIC.PDF

10. Approval: 2017 Council, Committee Of The Whole And Plan Commission Meeting Schedule

Documents:

2017 MEETINGS.PDF

11. Project Status
12. Other
13. Executive Session: Setting The Price Of Land For Sale (Scott Buening)
14. Adjournment

CITY OF BATAVIA

DATE: **October 3, 2016**
TO: **Committee of the Whole-CD**
FROM: **Scott Buening, Community Development Director**
SUBJECT: **Public Hearing: Ten Year Report for Tax Increment Financing District #3**

Summary: Public Hearing for Ten Year Report for Tax Increment Financing (TIF) #3 per State Statute.

Background: Pursuant to State Statute (65 ILCS 5/11/74.4-5-(i)), the City is required to compile a report of TIF #3 with specific performance information. While this is mostly required in the annual report to the State, the Statute calls for a report and Public Hearing on the information at the 10 year mark of the TIF. Staff has compiled this information in the attached report, and has made it available on the City website and at the Community Development Department front counter.

As part of the Statutory requirements, we are required to conduct a Public Hearing to allow for any public comment about this report. We are also required to publish a notice regarding this hearing at least 20 days prior to the Hearing, which has been done.

The Committee needs to open the Public Hearing, take any testimony or commentary and subsequently close the Hearing. There is no requirement to formally approve of the report at the Council level, just to conduct the Public Hearing and make the report available to the public.

Alternatives:

a. **Pros-** N/A

b. **Cons-** N/A

c. **Budget Impact-** None other than publication of a public hearing notice.

d. **Staffing Impact-** No staffing impact.

Timeline for actions: The Public Hearing is required to be conducted on October 25, 2016 at 7:30 PM. No formal action needs to be taken after the Hearing is closed.

Staff recommendation: Open the Public Hearing, take any testimony or commentary and subsequently close the Hearing.

Attachments:

1. TIF #3 Ten Year Report.
2. Public Notice.

CITY OF BATAVIA

JEFFERY D. SCHIELKE
Mayor

Batavia Tax Increment Financing District # 3 Ten Year Report

This report is being provided in compliance with 65 ILCS 5/11-74.4-5-(i) of the Illinois Compiled Statutes. Tax Increment Financing District #3 was established in 2004 with the first year of taxes collected in 2005. The City is required to compile this report with the following information.

(i) The amount of revenue generated within the redevelopment project area. As of the 2015 annual report to the State Treasurer dated June 27, 2016, TIF 3 had generated a total of $2,900,971 in Tax Increment and interest. The detail for this is shown on the attached Exhibit A.

(ii) Any expenditures made by the municipality for the redevelopment project area including without limitation expenditures from the special tax allocation fund. As of 2015, TIF 3 had expended a total of $2,842,932 in Tax Increment funds. The detail for this is shown on the attached Exhibit B.

(iii) The status of planned activities, goals, and objectives set forth in the redevelopment plan including details on new or planned construction within the redevelopment project area. The status of these activities is detailed on the attached Exhibit C.

(iv) The amount of private and public investment within the redevelopment project area. The status of these activities is detailed on the attached Exhibit D.

(v) Any other relevant evaluation or performance data. The TIF has been successful at attracting new development and redevelopment interest. In addition, TIF funds have been used to enhance and

beautify the streetscape and thus the attractiveness of the downtown area.

Within 30 days after this report is compiled and available the City will conduct a public hearing concerning the report. The City will provide 20 days' public notice of the hearing. Questions regarding this report can be directed to the Community Development Department of the City of Batavia.

Exhibit A

SECTION 3.1 - (65 ILCS 5/11-74.4-5 (d) (5) and 65 ILCS 5/11-74.6-22 (d) (5))
Provide an analysis of the special tax allocation fund.

FY 2015
TIF NAME: **Batavia Riverfront Tif District 3**

Fund Balance at Beginning of Reporting Period $ 289,348

Revenue/Cash Receipts Deposited in Fund During Reporting FY:	Reporting Year	Cumulative*	% of Total
Property Tax Increment	$ 295,796	$ 2,860,116	99%
State Sales Tax Increment			0%
Local Sales Tax Increment			0%
State Utility Tax Increment			0%
Local Utility Tax Increment			0%
Interest	$ 1,796	$ 40,855	1%
Land/Building Sale Proceeds			0%
Bond Proceeds			0%
Transfers from Municipal Sources			0%
Private Sources			0%
Other (identify source _____; if multiple other sources, attach schedule)			0%

***must be completed where current or prior year(s) have reported funds**

Total Amount Deposited in Special Tax Allocation Fund During Reporting Period $ 297,592

Cumulative Total Revenues/Cash Receipts $ 2,900,971 100%

Total Expenditures/Cash Disbursements (Carried forward from Section 3.2) $ 528,900

Distribution of Surplus

Total Expenditures/Disbursements $ 528,900

NET INCOME/CASH RECEIPTS OVER/(UNDER) CASH DISBURSEMENTS $ (231,308)

FUND BALANCE, END OF REPORTING PERIOD* $ 58,040

* if there is a positive fund balance at the end of the reporting period, you must complete Section 3.3

SURPLUS*/(DEFICIT)(Carried forward from Section 3.3) $ (634,960)

TIF #3

Revenues	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**
Real Estate Taxes	73,980	133,738	176,604	234,936	287,885	324,227	326,407
Interest Earnings	377	5,146	6,678	9,959	5,207	4,681	1,315
Total	**74,357**	**138,884**	**183,282**	**244,895**	**293,092**	**328,908**	**327,722**
Expenses	**3,756**	**8,221**	**35,896**	**44,849**	**132,804**	**28,465**	**318,047**
TIF 3 Fund Balance	**70,601**	**201,264**	**348,651**	**548,697**	**708,985**	**1,009,429**	**1,019,104**

Revenues	**2012**	**2013**	**2014**	**2015**
Real Estate Taxes	358,185	366,413	286,843	295,796
Interest Earnings	742	37	18	1,796
Total	**358,927**	**366,450**	**286,861**	**297,592**
Expenses	**1,181,176**	**560,818**	**-**	**528,900**
TIF 3 Fund Balance	**196,855**	**2,487**	**289,348**	**58,040**

Exhibit A

Exhibit B

TIF # 3 Expenses

TIF #3 - 2005	
Landscape Design	303
Construction Admin Srvs	691
Parkway Press Vestibule	1,962
Architects	800
Total	**3,756**

TIF #3 - 2006	
Site Study	8,221
Total	**8,221**

TIF #3 - 2007	
Site Study	2,199
Sprinkler Grant Program	25,000
Construction Svcs.	3,960
Property Appraisals	3,500
Professional Svcs.	1,238
Total	**35,896**

TIF #3 - 2008	
Site Study	36,926
Landscape Design	2,135
Property Appraisals	2,500
Misc. Svcs	3,288
Total	**44,849**

TIF #3 - 2009	
Site Study	4,794
Landscape Design	2,425
Downtown Improvement Grant	25,000
Reimbursements	100,000
Misc. Svcs	585
Total	**132,804**

TIF #3 - 2010	
Property Appraisal	2,000
Streetscape Plan	19,557
Island Deal review	6,908
Total	**28,465**

TIF #3 - 2011	
City Canopies	3,965
Streetscape Plan	43,151
Robbins Flowers Grant	168,330
Property Acquisition	75,000
Downtown Improvement Grant	6,323
Landscape Plan	2,551
Sanitary Storm Sewer	6,786
Mural Project	8,170
Misc Services	3,771
Total	**318,047**

TIF #3 - 2012	
Professional Services	12,611
Electrical	6,151
Repairs	5,770
River Street Reconstruction Project	1,156,644
Total	**1,181,176**

TIF #3 - 2013	
Riverwalk	40,000
Wilson Street Streetscape	520,818
Total	**560,818**

TIF #3 - 2014	
	-
Total	**-**

TIF #3 - 2015	
BEI-Walgreens	450,000
Houston Street Streetscape	33,400
Land Survey	2,000
Marco Limited Partnership Grant	5,000
Alex Partnership Grant	13,500
Aliano's Grant	25,000
Total	**528,900**

EXHIBIT C

TIF 3 Redevelopment Plan Status Report

Objectives

The following is a review of the Plan objectives and the status of each.

- *Promote a variety and concentration of uses.* The City has encouraged a variety of uses in TIF 3 since the TIF beginning. While development has been slow due to poor economic conditions, streetscape and parking improvements have improved the viability and attractiveness of downtown for a variety of uses.

- *Create a safe, attractive pedestrian environment.* Streetscape improvements have enhanced the pedestrian environment in TIF 3. This is particularly the case along Wilson Street and Houston Street.

- *Develop a distinctive image and identity.* This is a project that is just getting underway. The City is embarking on a branding study which will then allow the City to enhance the downtown with improved identity and wayfinding signage.

- *Strengthen the Downtown's connection to the Fox River.* This is an ongoing objective that is being considered with redevelopment of riverside properties.

- *Reinforce the sense of historical continuity in the Downtown.* Since the TIF was established, the City has created a new historic district encompassing the downtown. The Historic Preservation Commission reviews all modifications and alterations to existing and proposed buildings and makes recommendations on the proposed alterations and new construction. This has created a lasting way to preserve the heritage of the downtown area and to make sure it is preserved for future generations.

- *Strengthen the Downtown's residential function.* Several apartment units above first floor commercial have been re-established in various areas in TIF 3. In addition, a large residential development is being proposed partly in TIF 3 which is going through development entitlements at the time of this report.

- *Encourage public/private partnerships.* The downtown grant and downtown redevelopment programs have encouraged private investment in the downtown. These TIF grants have encouraged investment by private property owners to upgrade and enhance existing buildings. Furthermore, larger grants have been used to attract first class restaurants to the downtown as well as to develop a new freestanding Walgreens store in TIF 3. As mentioned above, there is a

pending project for a large mixed used commercial and residential building to be partially located in TIF 3. A large public parking garage would also be constructed with that project with TIF funds.

- *Emphasize action and tangible results.* When the economy was poor, the City used TIF funds for streetscape improvements to make the downtown more attractive for businesses and residents. As the economy improved these funds were used more for private improvements to publicly visible facades and new construction. We have encouraged the use of these funds for visible improvements within this TIF District.

Development Opportunity Sites

The following development opportunity blocks (as referenced on Page 8 of the Redevelopment Plan and Project) have had activity since the inception of the Plan.

- Block D: Significant redevelopment has occurred within the block. An old existing retail building was demolished and a new drive-through Walgreens store was constructed. This included improvements to parking lots and landscaping, as well as streetscape enhancements on the surrounding streets. While no new public parking was created, the development agreement requires reservation of spaces to be used for public use. A new north-south driveway was developed generally in line with the new "street" called for in the plan.

- Block F: No new parking has been developed in this block, but we have secured permanent easements to retain the existing parking areas. Several façade improvements have been done in this block.

- Block H: Substantial adaptive reuse of the existing industrial buildings has been successfully accomplished. The northern building in this block has been converted to offices and an artist's collective studio as well as a music store. This building has been very attractive for various tenants.

- Block J: Reuse of the old Louise White School has been completed as primarily the new headquarters of a well known retailer of outdoor recreation and leisure products. We have also signed a development agreement for the western part of this block for a mixed use commercial and residential building with a public parking deck. Realignment of IL 25 is no longer contemplated as shown in this plan.

- Block M: With the IL 25 realignment no longer contemplated, the City has reused these properties for public parking. These areas are candidates for future redevelopment sites as well.

- Block R: A number of these properties have been acquired by the Park District for open space and park purposes. Homes that have been acquired have been demolished and have opened up views to the Fox River and the bike path.

Public Improvements

The following is a status of the public improvements completed as mentioned in the Plan.

- Streetscape: Streetscape improvements have been made to Wilson Street, Houston Street and parts of Batavia Avenue. Private streetscape improvements have also been made to parts of First Street and Shumway Avenue.

- Riverfront Parks. The park site at S. River and Webster has been acquired and completed. A pathway and other associated improvements have been made to the Park District owned properties in this area.

- Wilson Street Bridge. The bridge has been completely reconstructed and enhanced with pedestrian and art features. The final art pieces are being chosen to complete this project.

- Street Improvements. Besides the streetscape improvements mentioned above, Shumway has been repaved and on street parking added and First Street has had on street parking added. Main Street will have street improvements in the coming year.

- Public Parking. An expanded parking lot has been developed at the corner of S. River Street and E. Wilson Street. In addition, new on street parking has been provided in several locations. The project in Block J will add a new parking garage with many new spaces for downtown uses.

- Watermain Improvements. Watermain improvements have been made on streets where streetscape improvements or repaving has occurred. This includes Wilson Street, Houston Street, Shumway Avenue and First Street.

- Utility Relocation: We anticipate some overhead utility burial with the redevelopment of the Block J area.

Exhibit D

SECTION 5 - 65 ILCS 5/11-74.4-5 (d) (7) (G) and 65 ILCS 5/11-74.6-22 (d) (7) (G)
PAGE 1

FY 2015

TIF NAME: **Batavia Riverfront TIF #3**

SECTION 5 PROVIDES PAGES 1-3 TO ACCOMMODATE UP TO 25 PROJECTS. PAGE 1 MUST BE INCLUDED WITH TIF REPORT. PAGES 2-3 SHOULD BE INCLUDED ONLY IF PROJECTS ARE LISTED ON THESE PAGES

Check here if **NO** projects were undertaken by the Municipality Within the Redevelopment Project Area: _____			
ENTER total number of projects undertaken by the Municipality Within the Redevelopment Project Area and list them in detail below*.			5
TOTAL:	**11/1/99 to Date**	**Estimated Investment for Subsequent Fiscal Year**	**Total Estimated to Complete Project**
Private Investment Undertaken (See Instructions)	$ 4,208,000	$ 1,000,000	$ 1,000,000
Public Investment Undertaken	$ 2,253,471	$ -	$ 643,000
Ratio of Private/Public Investment	$ 14	$ -	$ 2
Project 1: *IF PROJECTS ARE LISTED NUMBER MUST BE ENTERED ABOVE			
River Street Streetscape Project			
Private Investment Undertaken (See Instructions)			$ -
Public Investment Undertaken	$ 1,193,142	$ -	
Ratio of Private/Public Investment	0		0
Project 2:			
Wilson Street Streetscape			
Private Investment Undertaken (See Instructions)			
Public Investment Undertaken	$ 533,429		
Ratio of Private/Public Investment	0		0
Project 3:			
Houston Street			
Private Investment Undertaken (See Instructions)			
Public Investment Undertaken	$ 38,400		
Ratio of Private/Public Investment	0		0
Project 4:			
Walgreens Relocation			
Private Investment Undertaken (See Instructions)	$ 4,000,000	$ 1,000,000	$ 1,000,000
Public Investment Undertaken	$ 450,000	$ -	$ 643,000
Ratio of Private/Public Investment	8 8/9		1 5/9
Project 5:			
Building Improvements			
Private Investment Undertaken (See Instructions)	$ 208,000	$ -	$ -
Public Investment Undertaken	$ 38,500	$ -	$ -
Ratio of Private/Public Investment	5 31/77		0
Project 6:			
Private Investment Undertaken (See Instructions)			
Public Investment Undertaken			
Ratio of Private/Public Investment	0		0

CITY OF BATAVIA

DATE: October 4, 2016
TO: Committee of the Whole-CD
FROM: Scott Buening, Community Development Director
SUBJECT: Public Hearing: Annexation Agreement for part of Illinois Prairie Path
Ordinance 16-63—Authorizing Execution of an Annexation Agreement with the Forest Preserve District of Kane County for part of the Illinois Prairie Path
Ordinance 16-64--Annexing and Zoning a part of the Illinois Prairie Path

Summary: Public Hearing on an Annexation Agreement with the Forest Preserve District of Kane County for part of the Illinois Prairie Path.
Approval of Ordinances authorizing execution of an annexation agreement and annexing and zoning property owned by the Forest Preserve District of Kane County (Illinois Prairie Path).

Background: The City has been working with the Forest Preserve District of Kane County (FPD) to annex the remaining segments of the Illinois Prairie Path that are surrounded by or adjacent to the existing City limits. Parts of the path are already in the City and we have come to an agreement with the FPD to annex the remaining parcels. The City has installed path crossing warning lights and signs to make crossings at Wagner, Raddant and Hart Roads safer. However, two of these path crossings are actually unincorporated which makes policing and maintenance jurisdiction a bit confusing. The annexation would clear up that confusion, and keep the contiguous section of path within the City of Batavia.

The City would agree to rezone the property to a Parks and Open Space (POS) District consistent with other FPD properties after annexation. No development or maintenance changes are expected with the annexation and zoning. The Plan Commission unanimously recommended approval of the zoning change to POS on September 21, 2016.

A plat of annexation is attached showing the area to be annexed.

Alternatives:

a. **Pros-** This annexation closes a gap in the City boundaries at the southeast part of the community, and allows City services to be provided at street and path intersections.

b. **Cons-** There are no negatives to this annexation.

c. **Budget Impact-** There were plat preparation fees of $400 and recording fees will be approximately $100.

d. **Staffing Impact-** No staffing impact.

Timeline for actions: The annexation agreement needs to be approved in order to complete the annexation. There is no specific time frame for this action, though it should be completed within a year of the agreement signing.

Staff recommendation: Staff recommends the Committee open the public hearing, take testimony and subsequently close the hearing.
Staff recommends the Committee approve of Ordinance 16-63—Authorizing Execution of an Annexation Agreement with the Forest Preserve District of Kane County for part of the Illinois Prairie Path and Ordinance 16-64--Annexing and Zoning a part of the Illinois Prairie Path.

Attachments:

1. Ordinance 16-63—Authorizing Execution of an Annexation Agreement with the Forest Preserve District of Kane County for part of the Illinois Prairie Path.
2. Ordinance 16-64--Annexing and Zoning a part of the Illinois Prairie Path.
3. Staff report to Plan Commission.
4. Petition to Annex.
5. Annexation Agreement.
6. Plat of Annexation.
7. Area Map.

Cc: Mayor & City Council
File

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-63

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT BETWEEN THE FOREST PRESERVE DISTRICT OF KANE COUNTY AND THE CITY OF BATAVIA FOR PART OF THE ILLINOIS PRAIRIE PATH

ADOPTED BY THE
MAYOR AND CITY COUNCIL
____ DAY OF _____, 2016

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This ____ day of _____, 2016

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-63

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT BETWEEN THE FOREST PRESERVE DISTRICT OF KANE COUNTY AND THE CITY OF BATAVIA FOR PART OF THE ILLINOIS PRAIRIE PATH

WHEREAS, it is in the best interests of the City of Batavia, Kane and DuPage Counties, Illinois, that a certain Annexation Agreement, dated May 10, 2016, and attached hereto as Exhibit 1, between the Forest Preserve District of Kane County ("Forest Preserve") and the City of Batavia be approved and executed; and

WHEREAS, the Forest Preserve is legal owner of record of the territory which is the subject matter of such an agreement, are ready, willing, and able to enter into said Agreement and to perform the obligations as required thereunder; and

WHEREAS, the statutory procedures provided in 65 ILCS 11/1-15.1, as amended, as well as the requirements of the Batavia Municipal Code, for the execution of said Agreement have been fully complied with, including all notices to the public, notices to certain taxing jurisdictions, and the holding of certain public hearings;

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 Annexation Agreement attached hereto as Exhibit 1 is approved and the Mayor be and is hereby authorized and directed to execute, and the City Clerk is directed to attest, the said Annexation Agreement.

SECTION 2: That this Ordinance 16-__ shall be in full force and effect upon its presentation, passage and publication according to law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ____ day of _____, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this this ____ day of _____, 2016.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					VACANT				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerrone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE: Ayes Nays Absent Abstention(s) Total holding office: Mayor and 14 aldermen										

ATTEST:

Christine Simkins, Deputy City Clerk

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-64

AN ORDINANCE ANNEXING AND ZONING PART OF THE ILLINOIS PRAIRIE PATH TO THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS

ADOPTED BY THE
MAYOR AND CITY COUNCIL
___ DAY OF _____, 2016

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This ____ day of _____, 2016

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-64

AN ORDINANCE ANNEXING AND ZONING PART OF THE ILLINOIS PRAIRIE PATH TO THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS

WHEREAS, the City of Batavia, Kane and DuPage Counties, Illinois, has found a portion of the Illinois Prairie path between Wagner Road and IL Route 25 is completely surrounded or adjacent to the City limits of Batavia; and

WHEREAS, the property is designated by PINs 12-26-426-001, 12-26-426-016, 12-26-401-018, 12-26-300-012, 12-26-300-002 and 12-27-400-013, 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 police and fire services to all properties that surround this property; and

WHEREAS, the Plan Commission conducted a Public Hearing on the proposed zoning map amendment from R0-Single Family District to POS-Park and Open Space (after annexation) on September 21, 2016 and recommended approval of same; and

WHEREAS, notice of the City's intention 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 and Trustees and the Corporate Authorities of Kane County; 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 5/7-1-8, 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 POS-Park and Open Space 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 POS-Park and Open Space, 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 16-64 shall be in full force and effect upon its passage, presentation and approval according to law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ____ day of _____, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ____ day of _____, 2016.

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					VACANT				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE: Ayes Nays Absent Abstention(s) Total holding office: Mayor and 14 aldermen										

ATTEST:

_____

Christine Simkins, Deputy City Clerk

Exhibit A

All that part of the 100 foot wide former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the east line of the Burlington Northern Railway right-of-way and west of the west line (extended northeasterly) of Beechen and Dill's Fox Trail Subdivision Phase 1, all in the Southeast ¼ of Section 27, Township 39 N, Range 8 E in Kane County, Illinois, also

All that part of the 66 foot wide former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the east line of Fox Valley Industrial Park (extended southerly) and west of the east line (extended northerly) of Barkei Farms Planned Development Phase 1 (extended northerly), all in the Southwest ¼ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois, also

All that part of the former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the east line of Barkei Farms Planned Development Phase 1 (extended northerly), south of the south line of Beechen and Dill's Fox Trail East Subdivision Phase 1, west of the centerline of Raddant Road, and north of a tract of land owned by the Batavia School District 101 as described in Document 91K13547 recorded March 25, 1991, and north of the north line of land conveyed to the Batavia Park District by Court Order per Document 2004K019618 recorded 2/18/2004 all in the South ½ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois, also

All that part of the 66 foot wide former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the centerline of Raddant Road and north of and adjacent to the Normandy Subdivision, all in the Southeast ¼ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois, also

That parcel of land described as follows: Commencing at the northwest corner of Cherry Park Subdivision Unit Number 3, thence westerly along the north line of said subdivision (extended westerly) to the west right-of-way line of Wagner Road, also being the west right-of-way line of Larkspur Lane, extended southerly, for a Point of Beginning, thence continuing westerly along said north line to a point of the east line of Normandy Subdivision, thence northerly along said east line to the northeast corner of said subdivision, also being a point on the south line of the former Aurora, Elgin and Chicago Railway Company right-of-way, thence southeasterly along said south line to the west right-of-way line of Wagner Road and Larkspur Lane, thence southerly along said westerly line to the Point of Beginning , all in the Southeast ¼ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois.

PINs 12-26-426-001, 12-26-426-016, 12-26-401-018, 12-26-300-012, 12-26-300-002, and 12-27-400-013.

CITY OF BATAVIA

DATE: September 14, 2016

TO: Plan Commission

FROM: Joel Strassman, Planning and Zoning Officer

SUBJECT: **PUBLIC HEARING:** Amendments to the Official Zoning Map from R0 Single Family Residential to POS Parks & Open Space District for Prairie Path Properties Between Wagner Road/Larkspur Lane and River Street
City of Batavia, applicant

Background

A public hearing was scheduled for the August 17 Plan Commission meeting; the hearing was continued to September 21. The purpose of the hearing is to review proposed Zoning Map amendments for several now unincorporated properties that contain parts of the Illinois Prairie Path adjacent to Batavia's corporate limits. These properties are located between Wagner Road/Larkspur Lane and River Street. Please see the attached map (*Zoning Map Amendment for Illinois Prairie Path*) for the area proposed to be rezoned.

City staff has been working with the Kane County Forest Preserve District staff to negotiate an annexation agreement for the properties in question. The draft agreement specifies that the City would place the properties in the POS Parks and Open Space zoning district to coincide with City's annexing the properties. The Plan Commission must first recommend, and the City Council must approve the appropriate amendments to the Zoning Map as part of the annexation of these properties. No change in the design or use of these properties is contemplated with annexation and the zoning district change. The properties have been and will continue to be used for portions of the Prairie Path.

In addition to other Prairie Path properties, many Batavia properties adjacent to the Prairie Path that would become zoned POS are single family or stormwater properties. Rotolo Middle School (zoned PFI Public Facilities and Institutional) and some of its Batavia Park District owned athletic fields (zoned POS) are also adjacent to subject properties. A number of privately-owned unincorporated properties, including River Hills Memorial Park, abut the subject properties.

Staff Analysis

The Comprehensive Plan Land Use Map classifies the subject properties as Parks and Open Space. The proposed POS zoning district for these properties conforms to this classification.

The Comprehensive Plan's Parks and Open Space Element Goal 1 seeks to provide an abundant supply of parks and open spaces. One policy of this goal is to involve the Forest Preserve District in annexation proposals. Goal 4 seeks to maintain and enhance existing park and open space facilities via the policy of participating in planning activities to protect the open spaces. The current effort the City is undertaking with Kane County to annex and zone the subject properties directly furthers these goals and is consistent with these stated policies.

Land Use Element Goal 1seeks to keep Batavia as an attractive place to play with a balance of land uses. Environment Element Goal 1 stresses protecting and enhancing the region's land resources. The Prairie Path is an open space facility and resource that not only serves Batavia, but serves many parts of Kane, DuPage, and Cook counties.

The POS zoning district is the district that allows land uses consistent with a public trail open space use such as the Prairie Path. POS zoning would ensure that the Prairie Path in the City of Batavia continues to be an open space facility, and restricts any proposed future development of the properties to only amenities associated with open space use.

Findings

The Plan Commission must review and approve the following Findings with a Zoning Map Amendment. Staff has provided information relative to each Finding for the Commission to consider.

Public Notice. All required public notice has been conducted in accordance with applicable state and local laws;
Finding: City staff executed the notice mailing and posting of the property pursuant to City Code. Letters were sent to proximate property owners on July 27, and Notice was published in the Daily Herald on July 29, 2016. These notices advertised the August hearing that was continued to September 21. Signs advertising the September 21 hearing were placed on the properties by September 2.

Public Meetings and Hearings. All required public meetings and hearings have been held in accordance with applicable state and local laws.
Finding: On August 17, the Plan Commission opened and continued the hearing to September 21. The continuance was due to incomplete property notice posting. With the Commission's conducting the hearing in accordance with State and local law on September 21, this finding will be met.

Conformance to the Comprehensive Plan. The extent to which the proposed amendment to the Official Zoning Map conforms generally to the goals and policies of the Comprehensive Plan and Comprehensive Plan Land Use Map.
Finding: The proposed amendment to the Zoning Map is consistent with several goals and policies of the Comprehensive Plan, by placing the property in a zoning category most appropriate for the present use of the properties. The proposed POS District matches the Comprehensive Plan Land Use Map designation of Parks and Open Space for the properties.

Review of Conditions

1. Is the proposed zoning district and the development it allows compatible with the existing uses and zoning of nearby property?
   Finding: The proposed POS District will allow the existing use of the property as the Illinois Prairie Path to continue. This use has been compatible with uses and zoning of nearby properties.

2. Is there evidence to suggest that property values will be diminished by the particular zoning restriction changes?
   Finding: There is no evidence to suggest that property values will be diminished by the proposed POS District for the subject properties.

3. If any property values are diminished, does the diminishment promote the health, safety, morals, or general welfare of the public?
   Finding: While there is no evidence to suggest any diminishment, the health, safety, morals and general welfare will be promoted by placing the properties under a Zoning District narrowly tailored to their present use.

4. Does the proposed zoning change provide a greater relative gain to the public as compared to the hardship imposed on the individual property owner?
   Finding: The zoning change will provide greater gain to the general public by placing the most appropriate use rights and limitations on public open space properties such as the Illinois Prairie Path. The general public benefits from use of these properties as open space.

5. Is the subject property is suitable for the zoned purpose?
   Finding: The properties and their existing use are suitable for the zoned purpose.

6. Has the length of time the property has been vacant as zoned been excessive, considering the context of land development in the area in the vicinity of the subject property?
   Finding: The properties have already been developed and have been continuously used as open space. There has not been any vacancy.

7. Is there a community need for the proposed zoning or use?
Finding: The continued use of the parcel as open space provides and fulfills an important community and regional need for trails in northeastern Illinois.

Staff Recommendation

Staff recommends the Plan Commission take the following actions:

1. Open and conduct a public hearing for the proposed zoning map amendments.
2. Approve Findings for Approval.
3. Recommend approval of amendments to the Official Zoning Map to classify the subject properties POS Parks and Open Space upon annexation.

Attachment: Zoning Map Amendment for Illinois Prairie Path

c Mayor and City Council
Department Heads
Media

STATE OF ILLINOIS)

SS.

COUNTY OF KANE)

Resolution No. FP-R-16-05-2469

Resolution Authorizing the Annexation of a Portion of the Batavia Prairie Path to the City of Batavia

WHEREAS, the City of Batavia has requested that the Forest Preserve District of Kane County allow the annexation of the Batavia section of the Illinois Prairie Path to the City of Batavia; and

WHEREAS, the Board of Commissioners of the Forest Preserve District of Kane County deem it to be in the best interest of said District to honor such request and approve the annexation of the Batavia section of the Illinois Prairie Path to the City of Batavia.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Forest Preserve District of Kane County, Illinois that the annexation of the Batavia section of the Illinois Prairie Path to the City of Batavia, is granted and that the President and Secretary of the District be, and hereby are, authorized and directed to execute this annexation agreement and deliver same to the City of Batavia.

Passed and approved on this the 10th day of May, 2016.

Philip Lewis
Secretary, Forest Preserve District
Kane County, Illinois

Michael Kenyon
President, Forest Preserve District
Kane County, Illinois

FOREST PRESERVE DISTRICT
COUNTY OF KANE
ORGANIZED
JUNE 8, 1995
STATE OF ILLINOIS

ANNEXATION AGREEMENT
BETWEEN THE CITY OF BATAVIA
AND THE FOREST PRESERVE DISTRICT OF KANE COUNTY

This annexation agreement is made and entered into by the FOREST PRESERVE DISTRICT OF KANE COUNTY (herein "the District"), and the City of Batavia, an Illinois Municipality (herein "the City").

WITNESSETH

WHEREAS, the District is the owner of certain real property commonly known as the Illinois Prairie Path located in Sections 26 and 27 in Batavia Township, Kane County Illinois, and legally described on Exhibit A and depicted on the Plat of Annexation as Exhibit B attached hereto (herein "the Subject Property"), and

WHEREAS, the Subject Property is currently improved with multi-use trail that connects to other regional trails to the east and west,

WHEREAS, portions of the trail are already located within the City of Batavia, while other sections remain unincorporated; and

WHEREAS, the Subject Property is part of an "island" of unincorporated property that is bordered by property that is presently incorporated into the City; and

WHEREAS, the City is making safety improvements to the crossings of the trail at Hart, Raddant and Wagner Roads at no expense to the District; and

WHEREAS, in order to enforce its laws within the area with the crossing improvements, the City has requested the District to annex the remaining parts of the trail into the City limits; and

WHEREAS, the Subject Property is not presently located within the corporate limits of any municipality, but is contiguous to and may be annexed to the City as provided Article 7 of the Municipal Code; and,

WHEREAS, the District and the City agree that it is in the best interest of the District and the City to annex the Subject Property to the city of Batavia, and

WHEREAS, due and proper notice of the proposed annexation of the Subject Property has been given to the Trustees of the Batavia Fire Protection District, Batavia Township and the Batavia Township Commissioner of Highways, more than ten (10) days prior to any action being taken on the annexation of the Subject Property; and

WHEREAS, all other and further notices, publications, procedure, public hearings and other matters attendant to the consideration and approval of this Agreement and the annexation and zoning of the Subject Property have been given, made, held and performed by the City as required by Section 7-1-8 and Section 11-15.1-1 et seq. of the Illinois Municipal Code, and all other applicable statutes, and all applicable ordinances, regulations and procedures of the City; and

WHEREAS, this Agreement is made and entered into by the parties hereto pursuant to the provisions of Section 11-15.1-1 et seq. of the Illinois Municipal Code; and

WHEREAS, the corporate authorities of the City have duly considered all necessary petitions to enter into this Agreement, and have further duly considered the terms and provisions of the Agreement and have, by an ordinance duly adopted by a vote of two-thirds (2/3) of the Corporate Authorities then holding office, authorized the Mayor to execute, and the City Clerk to attest, this Agreement on behalf of the City.

NOW THEREFORE, the parties agree as follows:

1. The District agrees that they will allow annexation of the Subject Property to the City, thus giving the City the opportunity to reduce in size an "island" of unincorporated property in the incorporated property of the City.
2. In consideration for the District agreeing to annex the Subject Property to the City, the City agrees to waive any and all fees related to the annexation and rezoning of the Subject Property.
3. City agrees to annex the Subject Property to the City of Batavia within sixty (60) days of execution of this Agreement, and, to enact such ordinances, adopt such resolutions, and take such other actions as are necessary to zone the property as POS Parks and Open Space District as soon as practicable after the annexation.
4. The zoning pursuant hereto shall create a permanent zoning classification for the property (unless changed by the City at the District's request or the request of their successors in interest), which shall remain in effect throughout the term of this Agreement and thereafter until amended in the manner provided by law for the amendment of zoning classifications. Except for such amendment such zoning shall not expire at any time or upon the happening of any event or the failure of any event to occur.
5. This Agreement shall be binding upon the parties and their respective successors and assigns for twenty (20) years, commencing as of the date hereof, and for such further term as may hereinafter be authorized by statute, and by City Ordinance. If any of the terms of this Agreement, or the annexation or zoning of the property, is challenged in any Court proceeding, then, to the extent permitted by law, the period of time during which such litigation is pending shall not be included in calculating said twenty (20) year period. The expiration of the term of this Agreement shall not affect the continuing validity of the zoning of the property or any ordinance enacted by the City pursuant to this Agreement.
6. Force Majeure. For purposes of this agreement, "force majeure" shall mean the occurrence of an event which materially interferes with the ability of a party to perform its obligations or duties hereunder which is not within the reasonable control of the party affected, not due to malfeasance, and which could not with the exercise of due diligence have been avoided ("Force Majeure"), including, but not limited to, fire, accident, labor difficulty, strike, riot, civil commotion, act of God, delay or errors by shipping companies or change in Law. A "Force Majeure" shall not excuse such party from the performance of its obligations or duties under this Agreement, but shall merely suspend such performance during the continuation of the Force Majeure. The party

prevented from performing its obligations or duties because of a Force Majeure shall promptly notify the other party hereto of the occurrence and particulars of such Force Majeure and shall provide the other party, from time to time, with its best estimate of the duration of such Force Majeure and with notice of the termination thereof. The party so affected shall use its best efforts to avoid or remove such causes of nonperformance. Upon termination of a Force Majeure, the performance of any suspended obligation or duty shall promptly recommence. Neither party shall be liable to the other party for any direct, indirect, consequential, incidental, special, punitive or exemplary damages arising out of or relating to the suspension or termination of any of its obligations or duties under this Annexation Agreement by reason of the occurrence of a Force Majeure.

7. Notices. Any notice required or permitted by the provision of this Agreement shall be in writing and sent by certified mail, return receipt requested, or personally delivered, to the parties at the following addresses, or at such other addresses as the parties may, by notice, designate:

If to the City:

Bill McGrath, City Administrator
City of Batavia
100 N. Island Avenue
Batavia, Illinois 60510

With a Copy to:
Kevin Drendel, City Attorney
111 Flinn Street
Batavia, Illinois 60510

If to the Owners:

Forest Preserve District
of Kane County
1996 S. Kirk Road, Suite 320
Geneva, IL 60134
Monica Meyers
Executive Director

With a Copy to:
Patrick M Kinally
Kinnally, Flaherty, Krentz, Loran,
Hodge & Masur, P.C.
2114 Deerpath Road
Aurora, IL 60506

8. This Agreement shall be binding upon the parties hereto, and upon their respective successors, heirs and assigns.

IN WITNESS WHEREOF the undersigned parties have executed this Agreement this 10th day of May, 2016.

CITY OF BATAVIA

Mayor

ATTEST:

City Clerk

FOREST PRESERVE DISTRICT OF KANE COUNTY

Michael J. Kenyon, President

Philip Lewis, Secretary

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

EXHIBIT A

Legal Description of Subject Property

Legal Description

Common Address:

P.I.N.

12-27-400-013

12-26-300-002

12-26-300-012

12-26-401-018

12-26-426-016

12-26-426-021

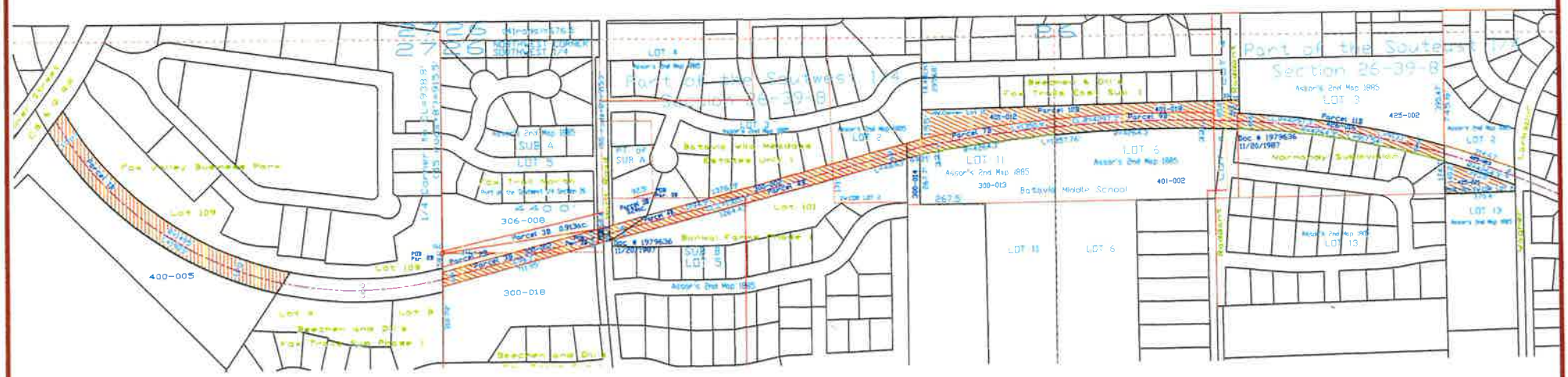
EXHIBIT B

Map of Territory Annexed

Map of Territory to be Annexed

Part of the South 1/2 of Section 26 and Part of the Southeast 1/4 of Section 27, Township 39 North, Range 8 East of the third Principal Meridian in LKane County, Illinois.

N



Property to be annexed:
All that part of the 100 foot wide former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987)located east of the east line of the Burlington Northern Railway right-of-way and west of the west line (extended northeasterly) of Beechen and Dill's Fox Trail Subdivision Phase 1, all in the Southeast ¼ of Section 27, Township 39 N, Range 8 E in Kane County, Illinois, also
All that part of the 66 foot wide former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the east line of Fox Valley Industrial Park (extended southerly) and west of the east line (extended northerly) of Barkel Farms Planned Development Phase 1 (extended northerly), all in the Southwest ¼ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois, also
All that part of the former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the east line of Barkel Farms Planned Development Phase 1 (extended northerly), south of the south line of Beechen and Dill's Fox Trail East Subdivision Phase 1, west of the centerline of Raddant Road, and north of the north line of land conveyed to the Regional Board of School Trustees District 101 by deed recorded as Document 1879636 dated 11/20/1987 and north of the north line of land conveyed to the Batavia Park District by deed recorded as Document 1879636 dated 11/20/1987 all in the South ½ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois, also
All that part of the 66 foot wide former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the centerline of Raddant Road and north of and adjacent to the Normandy Subdivision, all in the Southeast ¼ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois, also
That parcel of land described as follows: Commencing at the northwest corner of Cherry Park Subdivision Unit Number 3, thence westerly along the north line of said subdivision (extended westerly) to the west right-of-way line of Wagner Road, also being the west right-of-way line of Larkspur Lane, extended southerly, for a Point of Beginning, thence continuing westerly along said north line to a point of the east line of Normandy Subdivision, thence northerly along said east line to the northeast corner of said subdivision, also being a point on the south line of the former Aurora, Elgin and Chicago Railway Company right-of-way, thence southeasterly along said south line to the west right-of-way line of Wagner Road and Larkspur Lane, thence southerly along said westerly line to the Point of Beginning , all in the Southeast ¼ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois

INCLUDES HART AND RADDANT ROADS TO THE FAR SIDE OF THE
ROADWAYS PURSUANT TO STATE STATUATE

INCLUDES PARCEL IDENTIFICATION NUMBERS
(PIN's)
12-26-426-001
12-26-426-016
12-26-401-018
12-26-300-012
12-26-300-002
12-27-400-013

STATE OF ILLINOIS)
)S. S.
COUNTY OF KANE)
I HEREBY CERTIFY THAT THE ABOVE PLAT AND LEGAL DESCRIPTION OF THIS ANNEXATION WAS PREPARED, FROM EXISTING RECORDS, UNDER MY SUPERVISION AND DIRECTION AND IS A CORRECT REPRESENTATION TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STACY L. FERGUSON
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2952

STACY L. FERGUSON 035-002952 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS BATAVIA, IL

STATE OF ILLINOIS)
)S. S.
COUNTY OF KANE)
THIS IS TO CERTIFY THAT THE ATTACHED PLAT OF ANNEXATION IS IDENTIFIED AS THAT INCORPORATED INTO AND MADE A PART OF THE CITY OF BATAVIA UNDER ORDINANCE NUMBER_____ ON ADOPTED BY THE MAYOR AND CITY COUNCIL OF SAID CITY, THIS_____DAY OF_____, 2016

ATTEST By: _____ _____
City Clerk Mayor

State of Illinois)
)s. s.
County of Kane)

This Instrument No. _____was Filed for Record in the Recorder's Office of the Kane County, Illinois. at_____O'clock __M.

This _____Day of _____ 2016

_____
Kane Recorder of Deeds

JOB NO. 2016-168
DATE 8/16/16

STACY FERGUSON LAND SURVEYING, INC
SURVEYING, CONSTRUCTION, DESIGN, DRAFTING, MAPPING, LAYOUT AND CONSULTING
224 E. WILSON STREET BATAVIA, ILLINOIS PHONE # (630) 879-2188

Exhibit A

Maps and data provided by the City of Batavia are not intended to have, nor do they have, the accuracy of surveys or legal descriptions of land areas. GIS data obtained from the City of Batavia is intended for representational use only. Reliance on such maps and data is at the risk of the recipient. This information, in either electronic or map form, is provided "as is." No warranty expressed or implied is made regarding the accuracy, timeliness, or completeness of the data, nor shall the act of distribution constitute any such warranty. This disclaimer applies both to individual use of the data and aggregate use with other data.

BATAVIA Since 1833 CITY OF ENERGY

Zoning Map Amendment for Illinois Prairie Path

0 250 500 1,000 Feet

SOURCE: BATGIS, KANEGIS DATE: 7/26/2016

CITY OF BATAVIA

DATE: October 4, 2016
TO: Committee of the Whole-CD
FROM: Scott Buening, Community Development Director
SUBJECT: Public Hearing: Annexation Agreement for part of Illinois Prairie Path
Ordinance 16-63—Authorizing Execution of an Annexation Agreement with the Forest Preserve District of Kane County for part of the Illinois Prairie Path
Ordinance 16-64--Annexing and Zoning a part of the Illinois Prairie Path

Summary: Public Hearing on an Annexation Agreement with the Forest Preserve District of Kane County for part of the Illinois Prairie Path.
Approval of Ordinances authorizing execution of an annexation agreement and annexing and zoning property owned by the Forest Preserve District of Kane County (Illinois Prairie Path).

Background: The City has been working with the Forest Preserve District of Kane County (FPD) to annex the remaining segments of the Illinois Prairie Path that are surrounded by or adjacent to the existing City limits. Parts of the path are already in the City and we have come to an agreement with the FPD to annex the remaining parcels. The City has installed path crossing warning lights and signs to make crossings at Wagner, Raddant and Hart Roads safer. However, two of these path crossings are actually unincorporated which makes policing and maintenance jurisdiction a bit confusing. The annexation would clear up that confusion, and keep the contiguous section of path within the City of Batavia.

The City would agree to rezone the property to a Parks and Open Space (POS) District consistent with other FPD properties after annexation. No development or maintenance changes are expected with the annexation and zoning. The Plan Commission unanimously recommended approval of the zoning change to POS on September 21, 2016.

A plat of annexation is attached showing the area to be annexed.

Alternatives:

a. **Pros-** This annexation closes a gap in the City boundaries at the southeast part of the community, and allows City services to be provided at street and path intersections.

b. **Cons-** There are no negatives to this annexation.

c. **Budget Impact-** There were plat preparation fees of $400 and recording fees will be approximately $100.

d. **Staffing Impact-** No staffing impact.

Timeline for actions: The annexation agreement needs to be approved in order to complete the annexation. There is no specific time frame for this action, though it should be completed within a year of the agreement signing.

Staff recommendation: Staff recommends the Committee open the public hearing, take testimony and subsequently close the hearing.
Staff recommends the Committee approve of Ordinance 16-63—Authorizing Execution of an Annexation Agreement with the Forest Preserve District of Kane County for part of the Illinois Prairie Path and Ordinance 16-64--Annexing and Zoning a part of the Illinois Prairie Path.

Attachments:

1. Ordinance 16-63—Authorizing Execution of an Annexation Agreement with the Forest Preserve District of Kane County for part of the Illinois Prairie Path.
2. Ordinance 16-64--Annexing and Zoning a part of the Illinois Prairie Path.
3. Staff report to Plan Commission.
4. Petition to Annex.
5. Annexation Agreement.
6. Plat of Annexation.
7. Area Map.

Cc: Mayor & City Council
File

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-63

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT BETWEEN THE FOREST PRESERVE DISTRICT OF KANE COUNTY AND THE CITY OF BATAVIA FOR PART OF THE ILLINOIS PRAIRIE PATH

ADOPTED BY THE
MAYOR AND CITY COUNCIL
____ DAY OF _____, 2016

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This ____ day of _____, 2016

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-63

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT BETWEEN THE FOREST PRESERVE DISTRICT OF KANE COUNTY AND THE CITY OF BATAVIA FOR PART OF THE ILLINOIS PRAIRIE PATH

WHEREAS, it is in the best interests of the City of Batavia, Kane and DuPage Counties, Illinois, that a certain Annexation Agreement, dated May 10, 2016, and attached hereto as Exhibit 1, between the Forest Preserve District of Kane County ("Forest Preserve") and the City of Batavia be approved and executed; and

WHEREAS, the Forest Preserve is legal owner of record of the territory which is the subject matter of such an agreement, are ready, willing, and able to enter into said Agreement and to perform the obligations as required thereunder; and

WHEREAS, the statutory procedures provided in 65 ILCS 11/1-15.1, as amended, as well as the requirements of the Batavia Municipal Code, for the execution of said Agreement have been fully complied with, including all notices to the public, notices to certain taxing jurisdictions, and the holding of certain public hearings;

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 Annexation Agreement attached hereto as Exhibit 1 is approved and the Mayor be and is hereby authorized and directed to execute, and the City Clerk is directed to attest, the said Annexation Agreement.

SECTION 2: That this Ordinance 16-__ shall be in full force and effect upon its presentation, passage and publication according to law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ____ day of _____, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this this ____ day of _____, 2016.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					VACANT				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerrone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE: Ayes Nays Absent Abstention(s) Total holding office: Mayor and 14 aldermen										

ATTEST:

Christine Simkins, Deputy City Clerk

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-64

AN ORDINANCE ANNEXING AND ZONING PART OF THE ILLINOIS PRAIRIE PATH TO THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS

ADOPTED BY THE
MAYOR AND CITY COUNCIL
___ DAY OF _____, 2016

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This ____ day of _____, 2016

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-64

AN ORDINANCE ANNEXING AND ZONING PART OF THE ILLINOIS PRAIRIE PATH TO THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS

WHEREAS, the City of Batavia, Kane and DuPage Counties, Illinois, has found a portion of the Illinois Prairie path between Wagner Road and IL Route 25 is completely surrounded or adjacent to the City limits of Batavia; and

WHEREAS, the property is designated by PINs 12-26-426-001, 12-26-426-016, 12-26-401-018, 12-26-300-012, 12-26-300-002 and 12-27-400-013, 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 police and fire services to all properties that surround this property; and

WHEREAS, the Plan Commission conducted a Public Hearing on the proposed zoning map amendment from R0-Single Family District to POS-Park and Open Space (after annexation) on September 21, 2016 and recommended approval of same; and

WHEREAS, notice of the City's intention 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 and Trustees and the Corporate Authorities of Kane County; 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 5/7-1-8, 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 POS-Park and Open Space 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 POS-Park and Open Space, 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 16-64 shall be in full force and effect upon its passage, presentation and approval according to law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ____ day of _____, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ____ day of _____, 2016.

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					VACANT				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE: Ayes Nays Absent Abstention(s) Total holding office: Mayor and 14 aldermen										

ATTEST:

_____

Christine Simkins, Deputy City Clerk

Exhibit A

All that part of the 100 foot wide former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the east line of the Burlington Northern Railway right-of-way and west of the west line (extended northeasterly) of Beechen and Dill's Fox Trail Subdivision Phase 1, all in the Southeast ¼ of Section 27, Township 39 N, Range 8 E in Kane County, Illinois, also

All that part of the 66 foot wide former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the east line of Fox Valley Industrial Park (extended southerly) and west of the east line (extended northerly) of Barkei Farms Planned Development Phase 1 (extended northerly), all in the Southwest ¼ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois, also

All that part of the former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the east line of Barkei Farms Planned Development Phase 1 (extended northerly), south of the south line of Beechen and Dill's Fox Trail East Subdivision Phase 1, west of the centerline of Raddant Road, and north of a tract of land owned by the Batavia School District 101 as described in Document 91K13547 recorded March 25, 1991, and north of the north line of land conveyed to the Batavia Park District by Court Order per Document 2004K019618 recorded 2/18/2004 all in the South ½ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois, also

All that part of the 66 foot wide former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the centerline of Raddant Road and north of and adjacent to the Normandy Subdivision, all in the Southeast ¼ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois, also

That parcel of land described as follows: Commencing at the northwest corner of Cherry Park Subdivision Unit Number 3, thence westerly along the north line of said subdivision (extended westerly) to the west right-of-way line of Wagner Road, also being the west right-of-way line of Larkspur Lane, extended southerly, for a Point of Beginning, thence continuing westerly along said north line to a point of the east line of Normandy Subdivision, thence northerly along said east line to the northeast corner of said subdivision, also being a point on the south line of the former Aurora, Elgin and Chicago Railway Company right-of-way, thence southeasterly along said south line to the west right-of-way line of Wagner Road and Larkspur Lane, thence southerly along said westerly line to the Point of Beginning , all in the Southeast ¼ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois.

PINs 12-26-426-001, 12-26-426-016, 12-26-401-018, 12-26-300-012, 12-26-300-002, and 12-27-400-013.

CITY OF BATAVIA

DATE: September 14, 2016

TO: Plan Commission

FROM: Joel Strassman, Planning and Zoning Officer

SUBJECT: **PUBLIC HEARING:** Amendments to the Official Zoning Map from R0 Single Family Residential to POS Parks & Open Space District for Prairie Path Properties Between Wagner Road/Larkspur Lane and River Street
City of Batavia, applicant

Background

A public hearing was scheduled for the August 17 Plan Commission meeting; the hearing was continued to September 21. The purpose of the hearing is to review proposed Zoning Map amendments for several now unincorporated properties that contain parts of the Illinois Prairie Path adjacent to Batavia's corporate limits. These properties are located between Wagner Road/Larkspur Lane and River Street. Please see the attached map (*Zoning Map Amendment for Illinois Prairie Path*) for the area proposed to be rezoned.

City staff has been working with the Kane County Forest Preserve District staff to negotiate an annexation agreement for the properties in question. The draft agreement specifies that the City would place the properties in the POS Parks and Open Space zoning district to coincide with City's annexing the properties. The Plan Commission must first recommend, and the City Council must approve the appropriate amendments to the Zoning Map as part of the annexation of these properties. No change in the design or use of these properties is contemplated with annexation and the zoning district change. The properties have been and will continue to be used for portions of the Prairie Path.

In addition to other Prairie Path properties, many Batavia properties adjacent to the Prairie Path that would become zoned POS are single family or stormwater properties. Rotolo Middle School (zoned PFI Public Facilities and Institutional) and some of its Batavia Park District owned athletic fields (zoned POS) are also adjacent to subject properties. A number of privately-owned unincorporated properties, including River Hills Memorial Park, abut the subject properties.

Staff Analysis

The Comprehensive Plan Land Use Map classifies the subject properties as Parks and Open Space. The proposed POS zoning district for these properties conforms to this classification.

The Comprehensive Plan's Parks and Open Space Element Goal 1 seeks to provide an abundant supply of parks and open spaces. One policy of this goal is to involve the Forest Preserve District in annexation proposals. Goal 4 seeks to maintain and enhance existing park and open space facilities via the policy of participating in planning activities to protect the open spaces. The current effort the City is undertaking with Kane County to annex and zone the subject properties directly furthers these goals and is consistent with these stated policies.

Land Use Element Goal 1seeks to keep Batavia as an attractive place to play with a balance of land uses. Environment Element Goal 1 stresses protecting and enhancing the region's land resources. The Prairie Path is an open space facility and resource that not only serves Batavia, but serves many parts of Kane, DuPage, and Cook counties.

The POS zoning district is the district that allows land uses consistent with a public trail open space use such as the Prairie Path. POS zoning would ensure that the Prairie Path in the City of Batavia continues to be an open space facility, and restricts any proposed future development of the properties to only amenities associated with open space use.

Findings

The Plan Commission must review and approve the following Findings with a Zoning Map Amendment. Staff has provided information relative to each Finding for the Commission to consider.

Public Notice. All required public notice has been conducted in accordance with applicable state and local laws;
Finding: City staff executed the notice mailing and posting of the property pursuant to City Code. Letters were sent to proximate property owners on July 27, and Notice was published in the Daily Herald on July 29, 2016. These notices advertised the August hearing that was continued to September 21. Signs advertising the September 21 hearing were placed on the properties by September 2.

Public Meetings and Hearings. All required public meetings and hearings have been held in accordance with applicable state and local laws.
Finding: On August 17, the Plan Commission opened and continued the hearing to September 21. The continuance was due to incomplete property notice posting. With the Commission's conducting the hearing in accordance with State and local law on September 21, this finding will be met.

Conformance to the Comprehensive Plan. The extent to which the proposed amendment to the Official Zoning Map conforms generally to the goals and policies of the Comprehensive Plan and Comprehensive Plan Land Use Map.
Finding: The proposed amendment to the Zoning Map is consistent with several goals and policies of the Comprehensive Plan, by placing the property in a zoning category most appropriate for the present use of the properties. The proposed POS District matches the Comprehensive Plan Land Use Map designation of Parks and Open Space for the properties.

Review of Conditions

1. Is the proposed zoning district and the development it allows compatible with the existing uses and zoning of nearby property?
   Finding: The proposed POS District will allow the existing use of the property as the Illinois Prairie Path to continue. This use has been compatible with uses and zoning of nearby properties.

2. Is there evidence to suggest that property values will be diminished by the particular zoning restriction changes?
   Finding: There is no evidence to suggest that property values will be diminished by the proposed POS District for the subject properties.

3. If any property values are diminished, does the diminishment promote the health, safety, morals, or general welfare of the public?
   Finding: While there is no evidence to suggest any diminishment, the health, safety, morals and general welfare will be promoted by placing the properties under a Zoning District narrowly tailored to their present use.

4. Does the proposed zoning change provide a greater relative gain to the public as compared to the hardship imposed on the individual property owner?
   Finding: The zoning change will provide greater gain to the general public by placing the most appropriate use rights and limitations on public open space properties such as the Illinois Prairie Path. The general public benefits from use of these properties as open space.

5. Is the subject property is suitable for the zoned purpose?
   Finding: The properties and their existing use are suitable for the zoned purpose.

6. Has the length of time the property has been vacant as zoned been excessive, considering the context of land development in the area in the vicinity of the subject property?
   Finding: The properties have already been developed and have been continuously used as open space. There has not been any vacancy.

7. Is there a community need for the proposed zoning or use?
Finding: The continued use of the parcel as open space provides and fulfills an important community and regional need for trails in northeastern Illinois.

Staff Recommendation

Staff recommends the Plan Commission take the following actions:

1. Open and conduct a public hearing for the proposed zoning map amendments.
2. Approve Findings for Approval.
3. Recommend approval of amendments to the Official Zoning Map to classify the subject properties POS Parks and Open Space upon annexation.

Attachment: Zoning Map Amendment for Illinois Prairie Path

c Mayor and City Council
Department Heads
Media

STATE OF ILLINOIS)

SS.

COUNTY OF KANE)

Resolution No. FP-R-16-05-2469

Resolution Authorizing the Annexation of a Portion of the Batavia Prairie Path to the City of Batavia

WHEREAS, the City of Batavia has requested that the Forest Preserve District of Kane County allow the annexation of the Batavia section of the Illinois Prairie Path to the City of Batavia; and

WHEREAS, the Board of Commissioners of the Forest Preserve District of Kane County deem it to be in the best interest of said District to honor such request and approve the annexation of the Batavia section of the Illinois Prairie Path to the City of Batavia.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Forest Preserve District of Kane County, Illinois that the annexation of the Batavia section of the Illinois Prairie Path to the City of Batavia, is granted and that the President and Secretary of the District be, and hereby are, authorized and directed to execute this annexation agreement and deliver same to the City of Batavia.

Passed and approved on this the 10th day of May, 2016.

Philip Lewis
Secretary, Forest Preserve District
Kane County, Illinois

Michael Kenyon
President, Forest Preserve District
Kane County, Illinois

FOREST PRESERVE DISTRICT
COUNTY OF KANE
ORGANIZED
JUNE 8, 1995
STATE OF ILLINOIS

ANNEXATION AGREEMENT
BETWEEN THE CITY OF BATAVIA
AND THE FOREST PRESERVE DISTRICT OF KANE COUNTY

This annexation agreement is made and entered into by the FOREST PRESERVE DISTRICT OF KANE COUNTY (herein "the District"), and the City of Batavia, an Illinois Municipality (herein "the City").

WITNESSETH

WHEREAS, the District is the owner of certain real property commonly known as the Illinois Prairie Path located in Sections 26 and 27 in Batavia Township, Kane County Illinois, and legally described on Exhibit A and depicted on the Plat of Annexation as Exhibit B attached hereto (herein "the Subject Property"), and

WHEREAS, the Subject Property is currently improved with multi-use trail that connects to other regional trails to the east and west,

WHEREAS, portions of the trail are already located within the City of Batavia, while other sections remain unincorporated; and

WHEREAS, the Subject Property is part of an "island" of unincorporated property that is bordered by property that is presently incorporated into the City; and

WHEREAS, the City is making safety improvements to the crossings of the trail at Hart, Raddant and Wagner Roads at no expense to the District; and

WHEREAS, in order to enforce its laws within the area with the crossing improvements, the City has requested the District to annex the remaining parts of the trail into the City limits; and

WHEREAS, the Subject Property is not presently located within the corporate limits of any municipality, but is contiguous to and may be annexed to the City as provided Article 7 of the Municipal Code; and,

WHEREAS, the District and the City agree that it is in the best interest of the District and the City to annex the Subject Property to the city of Batavia, and

WHEREAS, due and proper notice of the proposed annexation of the Subject Property has been given to the Trustees of the Batavia Fire Protection District, Batavia Township and the Batavia Township Commissioner of Highways, more than ten (10) days prior to any action being taken on the annexation of the Subject Property; and

WHEREAS, all other and further notices, publications, procedure, public hearings and other matters attendant to the consideration and approval of this Agreement and the annexation and zoning of the Subject Property have been given, made, held and performed by the City as required by Section 7-1-8 and Section 11-15.1-1 et seq. of the Illinois Municipal Code, and all other applicable statutes, and all applicable ordinances, regulations and procedures of the City; and

WHEREAS, this Agreement is made and entered into by the parties hereto pursuant to the provisions of Section 11-15.1-1 et seq. of the Illinois Municipal Code; and

WHEREAS, the corporate authorities of the City have duly considered all necessary petitions to enter into this Agreement, and have further duly considered the terms and provisions of the Agreement and have, by an ordinance duly adopted by a vote of two-thirds (2/3) of the Corporate Authorities then holding office, authorized the Mayor to execute, and the City Clerk to attest, this Agreement on behalf of the City.

NOW THEREFORE, the parties agree as follows:

1. The District agrees that they will allow annexation of the Subject Property to the City, thus giving the City the opportunity to reduce in size an "island" of unincorporated property in the incorporated property of the City.
2. In consideration for the District agreeing to annex the Subject Property to the City, the City agrees to waive any and all fees related to the annexation and rezoning of the Subject Property.
3. City agrees to annex the Subject Property to the City of Batavia within sixty (60) days of execution of this Agreement, and, to enact such ordinances, adopt such resolutions, and take such other actions as are necessary to zone the property as POS Parks and Open Space District as soon as practicable after the annexation.
4. The zoning pursuant hereto shall create a permanent zoning classification for the property (unless changed by the City at the District's request or the request of their successors in interest), which shall remain in effect throughout the term of this Agreement and thereafter until amended in the manner provided by law for the amendment of zoning classifications. Except for such amendment such zoning shall not expire at any time or upon the happening of any event or the failure of any event to occur.
5. This Agreement shall be binding upon the parties and their respective successors and assigns for twenty (20) years, commencing as of the date hereof, and for such further term as may hereinafter be authorized by statute, and by City Ordinance. If any of the terms of this Agreement, or the annexation or zoning of the property, is challenged in any Court proceeding, then, to the extent permitted by law, the period of time during which such litigation is pending shall not be included in calculating said twenty (20) year period. The expiration of the term of this Agreement shall not affect the continuing validity of the zoning of the property or any ordinance enacted by the City pursuant to this Agreement.
6. Force Majeure. For purposes of this agreement, "force majeure" shall mean the occurrence of an event which materially interferes with the ability of a party to perform its obligations or duties hereunder which is not within the reasonable control of the party affected, not due to malfeasance, and which could not with the exercise of due diligence have been avoided ("Force Majeure"), including, but not limited to, fire, accident, labor difficulty, strike, riot, civil commotion, act of God, delay or errors by shipping companies or change in Law. A "Force Majeure" shall not excuse such party from the performance of its obligations or duties under this Agreement, but shall merely suspend such performance during the continuation of the Force Majeure. The party

prevented from performing its obligations or duties because of a Force Majeure shall promptly notify the other party hereto of the occurrence and particulars of such Force Majeure and shall provide the other party, from time to time, with its best estimate of the duration of such Force Majeure and with notice of the termination thereof. The party so affected shall use its best efforts to avoid or remove such causes of nonperformance. Upon termination of a Force Majeure, the performance of any suspended obligation or duty shall promptly recommence. Neither party shall be liable to the other party for any direct, indirect, consequential, incidental, special, punitive or exemplary damages arising out of or relating to the suspension or termination of any of its obligations or duties under this Annexation Agreement by reason of the occurrence of a Force Majeure.

7. Notices. Any notice required or permitted by the provision of this Agreement shall be in writing and sent by certified mail, return receipt requested, or personally delivered, to the parties at the following addresses, or at such other addresses as the parties may, by notice, designate:

If to the City:

Bill McGrath, City Administrator
City of Batavia
100 N. Island Avenue
Batavia, Illinois 60510

With a Copy to:
Kevin Drendel, City Attorney
111 Flinn Street
Batavia, Illinois 60510

If to the Owners:

Forest Preserve District
of Kane County
1996 S. Kirk Road, Suite 320
Geneva, IL 60134
Monica Meyers
Executive Director

With a Copy to:
Patrick M Kinally
Kinnally, Flaherty, Krentz, Loran,
Hodge & Masur, P.C.
2114 Deerpath Road
Aurora, IL 60506

8. This Agreement shall be binding upon the parties hereto, and upon their respective successors, heirs and assigns.

IN WITNESS WHEREOF the undersigned parties have executed this Agreement this 10th day of May, 2016.

CITY OF BATAVIA

Mayor

ATTEST:

City Clerk

FOREST PRESERVE DISTRICT OF KANE COUNTY

Michael J. Kenyon, President

Philip Lewis, Secretary

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

EXHIBIT A

Legal Description of Subject Property

Legal Description

Common Address:

P.I.N.

12-27-400-013

12-26-300-002

12-26-300-012

12-26-401-018

12-26-426-016

12-26-426-021

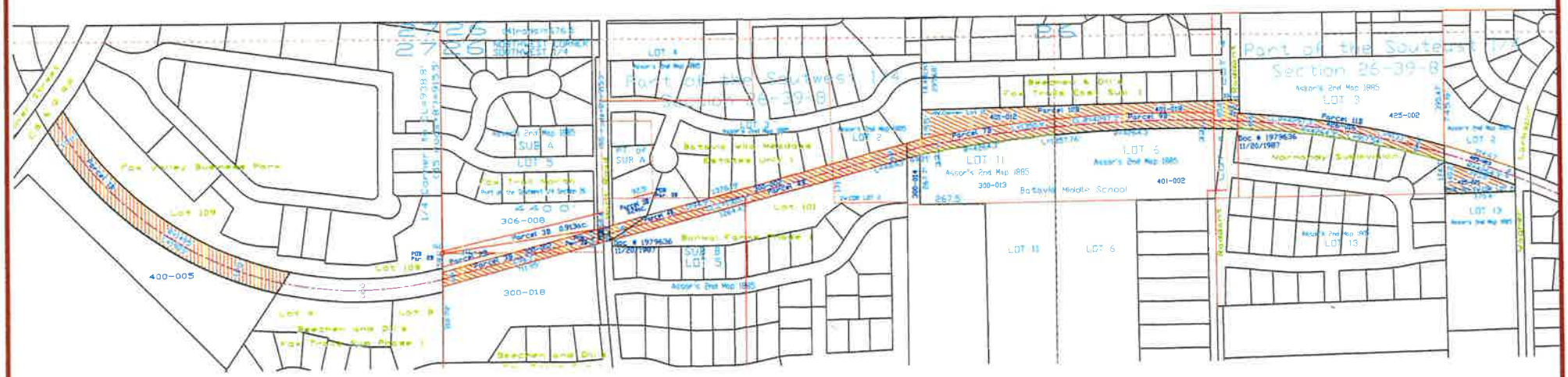
EXHIBIT B

Map of Territory Annexed

Map of Territory to be Annexed

Part of the South 1/2 of Section 26 and Part of the Southeast 1/4 of Section 27, Township 39 North, Range 8 East of the third Principal Meridian in LKane County, Illinois.

N



Property to be annexed:
All that part of the 100 foot wide former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987)located east of the east line of the Burlington Northern Railway right-of-way and west of the west line (extended northeasterly) of Beechen and Dill's Fox Trail Subdivision Phase 1, all in the Southeast ¼ of Section 27, Township 39 N, Range 8 E in Kane County, Illinois, also
All that part of the 66 foot wide former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the east line of Fox Valley Industrial Park (extended southerly) and west of the east line (extended northerly) of Barkel Farms Planned Development Phase 1 (extended northerly), all in the Southwest ¼ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois, also
All that part of the former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the east line of Barkel Farms Planned Development Phase 1 (extended northerly), south of the south line of Beechen and Dill's Fox Trail East Subdivision Phase 1, west of the centerline of Raddant Road, and north of the north line of land conveyed to the Regional Board of School Trustees District 101 by deed recorded as Document 1879636 dated 11/20/1987 and north of the north line of land conveyed to the Batavia Park District by deed recorded as Document 1879636 dated 11/20/1987 all in the South ½ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois, also
All that part of the 66 foot wide former Aurora, Elgin and Chicago Railway Company right-of-way (since conveyed to the Kane County Forest Preserve District by deed recorded as Document 1879636 dated 11/20/1987) located east of the centerline of Raddant Road and north of and adjacent to the Normandy Subdivision, all in the Southeast ¼ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois, also
That parcel of land described as follows: Commencing at the northwest corner of Cherry Park Subdivision Unit Number 3, thence westerly along the north line of said subdivision (extended westerly) to the west right-of-way line of Wagner Road, also being the west right-of-way line of Larkspur Lane, extended southerly, for a Point of Beginning, thence continuing westerly along said north line to a point of the east line of Normandy Subdivision, thence northerly along said east line to the northeast corner of said subdivision, also being a point on the south line of the former Aurora, Elgin and Chicago Railway Company right-of-way, thence southeasterly along said south line to the west right-of-way line of Wagner Road and Larkspur Lane, thence southerly along said westerly line to the Point of Beginning , all in the Southeast ¼ of Section 26, Township 39 N, Range 8 E in Kane County, Illinois

INCLUDES HART AND RADDANT ROADS TO THE FAR SIDE OF THE
ROADWAYS PURSUANT TO STATE STATUATE

INCLUDES PARCEL IDENTIFICATION NUMBERS
(PIN's)
12-26-426-001
12-26-426-016
12-26-401-018
12-26-300-012
12-26-300-002
12-27-400-013

STATE OF ILLINOIS)
)S. S.
COUNTY OF KANE)
I HEREBY CERTIFY THAT THE ABOVE PLAT AND LEGAL DESCRIPTION OF THIS ANNEXATION WAS PREPARED, FROM EXISTING RECORDS, UNDER MY SUPERVISION AND DIRECTION AND IS A CORRECT REPRESENTATION TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STACY L. FERGUSON
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2952

STACY L. FERGUSON 035-002952 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS BATAVIA, IL

STATE OF ILLINOIS)
)S. S.
COUNTY OF KANE)
THIS IS TO CERTIFY THAT THE ATTACHED PLAT OF ANNEXATION IS IDENTIFIED AS THAT INCORPORATED INTO AND MADE A PART OF THE CITY OF BATAVIA UNDER ORDINANCE NUMBER_____ ON ADOPTED BY THE MAYOR AND CITY COUNCIL OF SAID CITY, THIS_____DAY OF_____, 2016

ATTEST By: _____ _____
City Clerk Mayor

State of Illinois)
)s. s.
County of Kane)

This Instrument No. _____was Filed for Record in the Recorder's Office of the Kane County, Illinois. at_____O'clock __M.

This _____Day of _____ 2016

_____
Kane Recorder of Deeds

JOB NO. 2016-168
DATE 8/16/16

STACY FERGUSON LAND SURVEYING, INC
SURVEYING, CONSTRUCTION, DESIGN, DRAFTING, MAPPING, LAYOUT AND CONSULTING
224 E. WILSON STREET BATAVIA, ILLINOIS PHONE # (630) 879-2188

Exhibit A

Maps and data provided by the City of Batavia are not intended to have, nor do they have, the accuracy of surveys or legal descriptions of land areas. GIS data obtained from the City of Batavia is intended for representational use only. Reliance on such maps and data is at the risk of the recipient. This information, in either electronic or map form, is provided "as is." No warranty expressed or implied is made regarding the accuracy, timeliness, or completeness of the data, nor shall the act of distribution constitute any such warranty. This disclaimer applies both to individual use of the data and aggregate use with other data.

BATAVIA Since 1833 CITY OF ENERGY

Zoning Map Amendment for Illinois Prairie Path

0 250 500 1,000 Feet

SOURCE: BATGIS, KANEGIS DATE: 7/26/2016

CITY OF BATAVIA

DATE: October 21, 2016
TO: Committee of the Whole-CD
FROM: Scott Buening, Community Development Director
SUBJECT: Discussion: Recreational Vehicle Parking/Storage Requirements

Summary: Discussion regarding Recreational Vehicle Parking/Storage Requirements.

Background: Alderman O'Brien was contacted by a resident concerned about the City regulations relating to recreational vehicles in the 1st ward. The resident was concerned that the City regulations generally allow recreational vehicle parking on driveways without any time, location or bulk regulations. Another Alderman joined Alderman O'Brien in asking staff to bring forward information regarding what we do regulate and what other communities do.

The City allows recreational vehicles on single family lots provided that they are owned by the resident, must be kept on a continuous driveway or paver surface, and cannot be closer than 5 feet from a rear or side property line. They also cannot be occupied while parked. Recreational vehicles include all varieties of recreational equipment including RV's, trailers, boats, snowmobiles and other similar equipment.

We have done some quick research on nearby communities and in general other community regulations are more stringent that we currently have. We have attached copies of these ordinance sections for your information.

Staff provides no specific direction on this at this time as this is a community preference issue, and we have had no complaints about the regulations in recent memory before now. While tightening up regulations are likely to make certain parts of the community happy, it will also make those that have these vehicles unhappy. The challenge will be getting to some type of "happy medium" that can be accepted by most people.

Staff presents this information to the Committee for review and discussion. If there is a desire to amend the regulations, it will require an amendment to the City Zoning Code which requires a public hearing in front of the Plan Commission. Once they have made their recommendation, the City Council can act on the proposed regulations.

Alternatives:

- **Keep the current regulations for recreational vehicles**
- **Recommend amending the regulations for recreational vehicles in some manner**

a. **Pros-** New regulations would improve the appearance of residential areas, and allow for less equipment to be stored in (front) yards.

b. **Cons-** Residents that have stored vehicles will need to find new locations to store them and/or store them off site at an additional expense.

c. **Budget Impact-** Cost for Plan Commission time and publication of a Public Hearing notice.

d. **Staffing Impact-** Staff time to attend Plan Commission and Council meetings and to draft the amendment regulations.

Timeline for actions: While there is no specific timeline for action, there is a request from one resident to amend the regulations now.

Staff recommendation: Staff provides no specific recommendation at this time.

Attachments:

1. Zoning Code Section 2.106-H.
2. Compilation of other community codes relating to Recreational Vehicles.

Cc: Mayor & City Council
File

c. The Secondary Dwelling shall increase the number of required off-street parking spaces specified in Chapter 4.2 Off-Street Parking and Loading Regulations by one space;

d. The design of the Secondary Dwelling unit shall be compatible with the design of the principal structure in materials, colors and architectural style.

e. The floor area of the Secondary Dwelling shall not exceed 75% of the floor area of the primary dwelling's floor area.

D. ***Access to Nonresidential Property.*** Use of a residential property to provide primary vehicular access to a nonresidential use is prohibited.

E. ***Driveways.*** All driveways shall be a minimum length of 20 feet, except driveways accessing an alley shall be a minimum of 5 feet in length.

F. ***Animals.*** The regulations set forth in 5-4B-1 of the City Code shall govern the keeping of animals within the city limits.

G ***Stables, Non-Commercial.*** Any structure housing animals is an accessory structure subject to the requirements of Section 2.106.A: Accessory Structures, except that such structure shall be set back at least 200 feet from any public street and from any residence except for the residence of the owner of the property.

H. ***Recreational Vehicles on Residential Lots.*** Recreational Vehicles owned by the occupant of a developed Residential lot or parcel may be kept on a residentially zoned property. Recreational Vehicles shall be kept entirely over a hard surface of asphalt, concrete or pavers accessible by a continuous driveway to the curb or edge of street pavement. A Recreational Vehicle cannot be located closer than 5 feet from the rear or interior side property line. Recreational Vehicles shall remain unoccupied while on a Residential lot.

I. ***Utility Vehicles on Residential Lots***. Utility Vehicles owned by the occupant of a developed Residential lot or parcel may be kept on a residentially zoned property when kept entirely over a hard surface of asphalt, concrete or pavers and not in the front or corner side setback areas. Utility Vehicles may be parked on a residentially zoned property entirely over a hard surface in the front or corner side setback area only on a driveway or Additional Parking space (per Section 4.203.X) for a period not to exceed 48 hours when being loaded, unloaded, or serviced.

J. ***Attached Garage Setback.***

1. Garages attached to the principal structure shall be set back as set forth in Table 2.104.

2. Attached garages having vehicle doors facing the closest side property line and not on the building frontage:

Aurora, IL (population 198,151)

G. Additional Regulations for outdoor storage, parking or standing of personal or commercial recreational vehicles, boats or trailers.

i. Purpose. The presence of recreational vehicles, boats or trailers, and other certain motor vehicles that, by virtue of their design, type, or characteristics, are not customary and incidental to the use or occupancy in a residential district may be detrimental to the surrounding area. These said vehicles intrude upon the visual aesthetics, may create excessive noise, and can impair the free flow of traffic within a residential neighborhood. The purpose of this section is to provide regulations that would prohibit or restrict the ways in which recreational vehicles are parked or stored, thereby reducing such negative impacts upon the adjacent property owners or the neighborhood as a whole.

ii. Location and Storage. No recreational vehicles, boats or trailers may be parked on public right of way. As such, vehicles, boats or trailers shall be in an unused, unoccupied fully stored state and at no time shall a parked or stored recreational vehicle be used for living, sleeping, or other purposes while on the zoning lot. In addition, no recreational vehicle shall be connected to electric, gas, water, or sanitary sewer service.

iii. Surfacing. Any recreational vehicles, boats or trailers parked or stored outside shall be accessible only from a residential driveway and on an approved all-weather surface no more than 30 feet in length and consisting of either asphalt, brick, or concrete in the form of continuous ribbon strips a maximum of 2 feet in width or grass pavers, either for the full width of the vehicle or in the form of continuous ribbon strips a minimum of 2 feet in width. Surfacing requirements shall also meet the lot coverage requirements contained in specific zoning district.

iv. Screening. Any recreational vehicles, boats or trailers parked or stored outside shall be reasonably screened from adjoining properties as provided herein. Screening shall be to an opacity of not less than seventy-five (75) percent, be a minimum of six (6) feet above grade, and not exceed eight (8) feet in height. Screening may be accomplished by berming, landscaping at seven canopy tree equivalents per 100 feet of storage perimeter, solid fencing, or wall construction. For fencing limitations in residential districts refer to the Fencing and Wall Section under Residential Specific Regulations of Chapter B.

v. Required Setbacks. The above stated required setback regulations shall apply with the exception that recreational vehicles may be parked in required front and exterior side yards only if the following conditions are satisfied:
   a. The vehicle is used daily and is the owner's principal means of transportation to and from their place of employment.
   b. The length of the vehicle shall not exceed twenty-five (25) feet.

vi. Loading and Unloading. For a period not to exceed 48 hours prior and subsequent to a trip, a recreational vehicles, boats or trailers may be parked in the driveway in the required front yard or exterior side yard for the purposes of loading and unloading. Parking of a recreational vehicles, boats or trailers for a five-day time frame per each calendar month for loading and unloading purposes may take place in the required front yard without the necessity of complying with the above stated Surfacing, Screening or Required Setbacks provision. This time frame may be reasonably extended by the zoning administrator to accommodate additional loading and unloading.

Geneva, IL (population, 21,517)

11-11A-5: - PARKING AND STORAGE OF CERTAIN VEHICLES:

A. Only one *recreational vehicle* may be parked or stored behind the established setback line on a residential lot. A *recreational vehicle* may be parked or stored in a side or rear yard only. Only one *recreational vehicle* may be parked in the street yard for a period not to exceed twenty four (24) hours for loading and unloading. No recreational vehicle shall be used for living, sleeping or housekeeping purposes on any zoning lot within the city.

B. On corner lots, the required street setback shall not be used for the parking or storing of passenger vehicles and/or recreational vehicles.

C. All parking and storage of vehicles (passenger vehicles and recreational vehicles) shall be on an improved surface (concrete paved, blacktop or brick pavers).

D. Commercial vehicles exceeding eight thousand one (8,001) pounds in gross vehicle weight may not be parked in any residential district, other than in completely enclosed buildings or garages, except when the vehicle is present for the purpose of providing a required service to the residence where parked, but only for that period of time which is required to provide the service.

E. The storage of semitrailers is prohibited in all residential and business districts. No semitrailer may be used as an accessory structure in any zoning district.

(Ord. 95-28, 5-1-1995; Ord. 95-79, 12-18-1995; Ord. 96-54, 9-16-1996)

6-2-7: - TRAILERS AND *RECREATIONAL VEHICLES*:

1.

Applicability: These regulations shall apply to all trailers and recreational vehicles as defined below, in all zoning districts, except the R5 district. They shall apply to all trailers and recreational vehicles other than the mobile homes permanently affixed to the ground and used as a principal residence.

RECREATIONAL VEHICLE: Any camping trailer, motor home, mini-motor home, travel trailer, truck camper or van camper used primarily for recreational purposes, as defined in the Illinois Motor Vehicle Code; as well as vehicles including, but not limited to, all-terrain vehicles, boats, snowmobiles, watercraft, and other similar vehicles.

TRAILER: Every vehicle without motive power in operation designed for carrying persons or property and so constructed that no part of its weight rests upon the towing vehicle.

2.

Location Of Trailers And Recreational Vehicles: Storage and parking of trailers and recreational vehicles shall be regulated as follows, except as otherwise provided in Subsections 6-2-7.3 and 6-2-7.4 of this Section:

2.1.

Only one trailer or *recreational vehicle* shall be located outside of a fully enclosed building or structure on any lot or parcel of land, provided however, that when such trailer or *recreational vehicle* is provided in conjunction with a use located in the business or industrial districts, said restriction shall not be applicable.

2.2.

The storage and parking of said trailer or *recreational vehicle* is subject to the following location requirements:

2.2.1.

Trailers and recreational vehicles shall only be located in the rear or interior side yard;

2.2.2.

Trailers and recreational vehicles shall not be located in the required front or corner side yard, except as provided in Subsections 6-2-7.3 and 6-2-7.4 of this Section; and

2.2.3.

Trailers and recreational vehicles shall not be located closer than five (5) feet to any lot line.

2.3.

Trailers or recreational vehicles, which are located outside of a fully enclosed building or structure, shall be screened from the property line with fences or walls six (6) feet in height, or landscaping of at least seventy-five percent (75%) opacity, such as nondeciduous plantings, six (6) feet in height at time of planting. Said screening shall be located either along the perimeter of the lot where the trailer or recreational vehicle is stored, or along the perimeter of said trailer or *recreational vehicle*.

2.4.

In any zoning district, the wheels or any similar transporting devices of trailers or recreational vehicles shall not be removed except for repairs; nor shall said trailer or *recreational vehicle* be otherwise immobilized or affixed to the ground, unless it is stored in a fully enclosed building or structure.

2.5.

The use of any trailer or *recreational vehicle* shall be in accordance with the provisions of Titles 5, "Building Regulations", and 8, "Public Utilities", of this Code.

3.

Parking Of Recreational Vehicles: Recreational vehicles may be parked on the driveway within the required front yard or corner side yard setback, provided:

3.1.

The *recreational vehicle* shall be used daily and shall be its owner's principal means of transportation; and

3.2.

The length of the *recreational vehicle* shall not exceed twenty-five (25) feet in length; and

3.3.

The *recreational vehicle* does not exceed the maximum curb weight for motor vehicles in residential districts as set forth in Subsection 6-2-20.2.1 of this Chapter.

4.

Temporary Storage And Parking Of Trailers And/Or Recreational Vehicles: A trailer or *recreational vehicle* may be temporarily placed, kept or maintained upon any lot or parcel of land for a period not to exceed the following:

4.1.

Time Period: Three (3) times per month for no more than forty-eight (48) hours per occurrence for loading and unloading purposes.

4.2.

Recreational Vehicles: An aggregate of fourteen (14) days (which may or may not be consecutive) within a period of thirty (30) days for storage if such recreational vehicle is owned by a guest of the occupants of the residence.

4.3.

Trailers: Trailers associated with an approved permit from the City of Naperville which are located on property during the allowable construction hours as defined in Subsection 6-14-4.1 of this Title and Subsection 5-2B-8.5 of this Code.

(Ord. 07-011, 1-16-2007)

Naperville, IL (Population 142,310)

6-2-7: - TRAILERS AND *RECREATIONAL VEHICLES*:

1.

Applicability: These regulations shall apply to all trailers and recreational vehicles as defined below, in all zoning districts, except the R5 district. They shall apply to all trailers and recreational vehicles other than the mobile homes permanently affixed to the ground and used as a principal residence.

RECREATIONAL VEHICLE: Any camping trailer, motor home, mini-motor home, travel trailer, truck camper or van camper used primarily for recreational purposes, as defined in the Illinois Motor Vehicle Code; as well as vehicles including, but not limited to, all-terrain vehicles, boats, snowmobiles, watercraft, and other similar vehicles.

TRAILER: Every vehicle without motive power in operation designed for carrying persons or property and so constructed that no part of its weight rests upon the towing vehicle.

2.

Location Of Trailers And Recreational Vehicles: Storage and parking of trailers and recreational vehicles shall be regulated as follows, except as otherwise provided in Subsections 6-2-7.3 and 6-2-7.4 of this Section:

2.1.

Only one trailer or *recreational vehicle* shall be located outside of a fully enclosed building or structure on any lot or parcel of land, provided however, that when such trailer or *recreational vehicle* is provided in conjunction with a use located in the business or industrial districts, said restriction shall not be applicable.

2.2.

The storage and parking of said trailer or *recreational vehicle* is subject to the following location requirements:

2.2.1.

Trailers and recreational vehicles shall only be located in the rear or interior side yard;

2.2.2.

Trailers and recreational vehicles shall not be located in the required front or corner side yard, except as provided in Subsections 6-2-7.3 and 6-2-7.4 of this Section; and

2.2.3.

Trailers and recreational vehicles shall not be located closer than five (5) feet to any lot line.

2.3.

Trailers or recreational vehicles, which are located outside of a fully enclosed building or structure, shall be screened from the property line with fences or walls six (6) feet in height, or landscaping of at least seventy-five percent (75%) opacity, such as nondeciduous plantings, six (6) feet in height at time of planting. Said screening shall be located either along the perimeter of the lot where the trailer or recreational vehicle is stored, or along the perimeter of said trailer or *recreational vehicle*.

2.4.

In any zoning district, the wheels or any similar transporting devices of trailers or recreational vehicles shall not be removed except for repairs; nor shall said trailer or *recreational vehicle* be otherwise immobilized or affixed to the ground, unless it is stored in a fully enclosed building or structure.

2.5.

The use of any trailer or *recreational vehicle* shall be in accordance with the provisions of Titles 5, "Building Regulations", and 8, "Public Utilities", of this Code.

3.

Parking Of Recreational Vehicles: Recreational vehicles may be parked on the driveway within the required front yard or corner side yard setback, provided:

3.1.

The *recreational vehicle* shall be used daily and shall be its owner's principal means of transportation; and

3.2.

The length of the *recreational vehicle* shall not exceed twenty-five (25) feet in length; and

3.3.

The *recreational vehicle* does not exceed the maximum curb weight for motor vehicles in residential districts as set forth in Subsection 6-2-20.2.1 of this Chapter.

4.

Temporary Storage And Parking Of Trailers And/Or Recreational Vehicles: A trailer or *recreational vehicle* may be temporarily placed, kept or maintained upon any lot or parcel of land for a period not to exceed the following:

4.1.

Time Period: Three (3) times per month for no more than forty-eight (48) hours per occurrence for loading and unloading purposes.

4.2.

Recreational Vehicles: An aggregate of fourteen (14) days (which may or may not be consecutive) within a period of thirty (30) days for storage if such recreational vehicle is owned by a guest of the occupants of the residence.

4.3.

Trailers: Trailers associated with an approved permit from the City of Naperville which are located on property during the allowable construction hours as defined in Subsection 6-14-4.1 of this Title and Subsection 5-2B-8.5 of this Code.

(Ord. 07-011, 1-16-2007)

North Aurora, IL (population, 16,760)

13.12 – Recreational vehicles in residential districts.

For the purposes of this section, recreational vehicles shall include campers, motor homes, boats (and other watercraft), pop-up campers, and utility trailers.

A. No *recreational vehicle* shall be parked or stored in front yard or corner side yard off-street parking facilities on residential premises except during the following periods:
   1. Friday noon to Monday noon, inclusive.
   2. April 15 to April 30 and October 1 to October 15, both inclusive.
   3. Upon written request by permit issued by the code enforcement office, for a continuous period not to exceed fourteen (14) days for the parking of recreational vehicles owned by temporary house guests. Such special circumstance permits shall be limited to one per guest family during each six-month period.

B. No recreational vehicles shall be parked or stored on property in any zoning district unless located in a fully enclosed permanent structure; except that one recreational vehicle not located in a fully enclosed permanent structure may be parked or stored behind the front building elevation on a residential lot. Temporary storage tents for recreational vehicles shall not be considered such a structure.

C. All parking and storing of recreational vehicles shall be on a hard surface as identified in section 13.8(C).

D. No *recreational vehicle* shall be used for living, sleeping, or housekeeping purposes in any zoning district.

(Ord. No. 12-08-20-02, § 2, 8-20-2012; Ord. No. 13-10-07-02, § 1, 10-7-2013; Ord. No. 14-04-21-02, § 1, 4-21-2014)

St. Charles, IL (population, 32,982)

17.24.130 – Recreational vehicles

A. No recreational vehicle shall be parked on private property in such a manner as to impair the safety of pedestrians or vehicular traffic, for example, by obstructing visibility in such a manner that could impair the safe entrance and exit of any vehicle from and upon adjacent properties, or the safety of pedestrians in the public right of way or on private property.
B. Not more than one recreational vehicle may be parked or stored outdoors on a lot in an RE, RS, or RT district. Between October 15 and April 15, a recreational vehicle parked or stored out of doors on a lot in an RE, RS, or RT district shall not be located within the required front yard or required exterior side yard, except for a period not to exceed forty-eight (48) hours within any one week period for loading and unloading.
C. All parking and storing of recreational vehicles shall be on a hard surface such as portland cement concrete, bituminous concrete, or concrete or clay pavers; parking on gravel or crushed stone shall not be considered a hard surface.
D. No recreational vehicle shall be used for living, sleeping or housekeeping purposes in any zoning district, except in an RE, RS, RT or RM residential district a recreational vehicle may be so used for a period not to exceed (7) seven consecutive days and no more than three (3) times per calendar year.

(2008-Z-36: § 3; 2005-Z-3: § 1; 2000-Z-26: § 1; 1999-Z-7: § 1; 1960-16)

Warrenville (Population 13,190)

A. In Residential Districts - General
A single recreational vehicle as defined herein may be parked or stored on a lot having a minimum area of 7,000 square feet and containing a single-family detached dwelling unit. One additional recreational vehicle may be parked or stored on such lot for each additional 20,000 square feet of lot area over 7,000 square feet. No more than three recreational vehicles shall be parked or stored on any single residential lot. Outdoor overnight parking and storage of recreational vehicles is not permitted on lots containing attached single-family dwelling units (town homes) or apartments unless it involves the parking of a travel van, 20' or less in length, regularly used for daily personal transportation unrelated to recreation or camping, in which case the City Council, by motion, may authorize such overnight outdoor parking.

B. Parking in Residential Districts
Recreational vehicle parking (as defined herein) shall either be (1) in a garage or (2) on the driveway or widening thereof, (3) in rear yards, interior side yards, front yards and corner side yards provided all portions of such vehicles are parked a minimum of 3' from the garage and/or principal building and 5' from all lot lines (see Appendix) unless the Recreational Vehicle being parking is 5' or less in height, in which case it may be parked not less than 1' from a side or rear lot line if adjacent to a solid wood fence with a minimum height of 1' foot taller than the height of the adjacent Recreational Vehicle and installed on the same property on which the Recreational Vehicle is parked.

C. Storage in Residential Districts
Recreational Vehicle storage (as defined herein) is not permitted in (actual) front yards or (actual) corner side yards. All portions of street legal motorized travel trailers shall be on the driveway or widening

thereof. Other recreational vehicles may be stored on a nonpaved surface, provided that the yard area is not torn up and no permanent ruts are created. All recreational vehicles shall be stored a minimum of 3' from the garage and/or principle building, and 5' from interior side lot lines and rear lot lines (see Appendix) unless the Recreational Vehicle being stored is 5' or less in height in which case it may be stored not less than 1' from a side or rear lot line if adjacent to a solid wood fence with a minimum height of 1' taller than the height of the adjacent Recreational Vehicle and installed on the same property on which the Recreational Vehicle is stored.

D. Storage/Parking in Other Districts
Storage and Parking of one Recreational Vehicle on a single lot in the M District and in non-residential districts shall be subject to the requirements related to outdoor storage and parking setback regulations.

E. Temporary Use of Recreational Vehicles
Occasional use of travel trailers, camping trailers, truck campers and similar vehicles for not more than seven (7) days out of a thirty (30) day period twice per calendar year as sleeping quarters will be permitted. No connections or use for living quarters will be allowed as listed below:

1. Connection to sewer
2. Connection to water for other than filling or maintenance equipment
3. Cooking with equipment

West Chicago (Population 27,086)

(14) Recreational vehicles.

a. The following types of recreational vehicles shall be restricted in size as follows:
   1. Travel trailer, thirty-five (35) feet or less in length and not to exceed eight (8) feet in width.
   2. Camper trailer (pop-up), twenty-four (24) feet or less in length and not to exceed five (5) feet six (6) inches in height, stored in a collapsed position.
   3. Watercraft, thirty-five (35) feet or less in length, but not to exceed twelve (12) feet in height, either mounted on a boat trailer or not mounted; also boat trailer without boat mounted.
   4. Motor home, forty (40) feet or less in length and not to exceed twelve (12) feet in height.

b. Not more than one (1) recreational vehicle shall be parked on any one (1) lot. No recreational vehicle shall be parked on any one (1) lot where the outdoor overnight storage of a commercial vehicle is present.

c. The parking of a recreational vehicle shall be prohibited in the required front yard, actual front yard, and required corner side yard between October 15 and April 15.

d. A recreational vehicle shall not be located closer than five (5) feet to the rear lot line and shall not be located closer than three (3) feet to the side lot lines.

e. The parking area, permanent or temporary, shall be paved.

f. Outdoor overnight parking and storage of recreational vehicles shall not be permitted on lots containing apartment units/condominiums.

g. Occasional use of travel trailers or other recreational vehicles shall be permitted as set forth in Section 6.8.

h. Any recreational vehicle that does not comply with regulations established herein shall be removed or made to comply with said regulations by May 1, 2008.

Wheaton (Population 53,022)

2. Recreational Vehicle Parking Restrictions.
On any residential lot within any residential or institutional zoning district, a maximum of one (1) recreational vehicle per dwelling unit on said lot may be parked out-of-doors in conformance with the following restrictions:

a. The owner of the recreational vehicle must be an occupant of the home where the vehicle is parked.
b. Any non-motorized or motorized recreational vehicle shall be parked or stored only behind the front of a house and shall be set back at least five feet (5') from the rear lot line, and three feet (3') from the side lot line. On corner lots, the vehicle shall also be located behind the wall of the house adjacent to the side yard facing a street.
c. Any recreational vehicle owned by guests of the home may be parked anywhere on a lot up to fourteen (14) days every six (6) months.
d. Notwithstanding anything in this section to the contrary, any recreational vehicle may be parked anywhere on a lot for a period not to exceed seventytwo (72) hours for the purpose of loading, unloading, maintenance or repairs of said vehicle. A recreational vehicle may be parked for a greater period of time for the purpose of loading, unloading, maintenance or repairs, provided the owner of said recreational vehicle receives permission from the Director of the City's Building & Code Enforcement Department.
e. All recreational vehicles shall be properly licensed and registered.
f. All boats must be covered with a boat cover designed for its intended purpose; tarps are not permitted.

CITY OF BATAVIA

MEMO TO: Committee of the Whole
Government Services

FROM: Gary J. Schira
Chief of Police

DATE: October 17, 2016

SUBJECT: Ordinance 16-65 Liquor Code Changes – Amending Class H Liquor License to Create a Nano-Brewery License

Attached is Ordinance 16-65 amending Title 3, Chapter 3 of the Batavia Municipal Code by creating subclasses of the Class H Liquor License to accommodate Micro-Breweries and Nano-Breweries. This Class License (either H-1, H-2 or H-3) will allow a person having a valid State Brew Pub License or Craft Brewer License to sell beer that is brewed on the premises or brewed and transferred on to premises as permitted by the State Liquor Code to the public at retail for consumption on the premises or in packages for consumption off premises.

Batavia residents David and Heidi Files of Energy City Brewing LLC have rented from Batavia Enterprises, Inc. a location at 2 ½ W. Wilson St., Suite A-1 (below Limestone Coffee) and wish to open a Nano-Brewery there. We are in the process of doing the background investigation on their Class H-3 Nano-Brewery Liquor License request.

Please approve Ordinance 16-65 at your Tuesday, October 25, 2016 Committee of the Whole meeting and recommend approval at the Monday, November 7, 2016 City Council Meeting. You would only be approving the creation of the subclasses of Class H Licenses at this time, not approving the license for this applicant. That will come at a subsequent meeting. If you have any questions, please contact me.

Copy to: L. Newman, City Administrator
Department Heads
City Attorney
Economic Development
D/C Autenrieth
S. Mazza
K. Bretz
T. Doggett
J. Armbrust

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-65

REVISING TITLE 3 CHAPTER 3 OF THE BATAVIA MUNICIPAL CODE ADDING LIQUOR LICENSE CLASSIFICATIONS FOR BREWERIES

ADOPTED BY THE
MAYOR AND CITY COUNCIL
___ DAY OF _____, 2016

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This ____ day of _____, 2016

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-65

REVISING TITLE 3 CHAPTER 3 OF THE BATAVIA MUNICIPAL CODE AMENDING AND ADDING LIQUOR LICENSE CLASSIFICATIONS FOR BREWERIES

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1. Title 3, Chapter 3, Section 3-3-15 of the Batavia Municipal Code is hereby revised by amending Subsection H as follows:

H. Class H - Brewery Licenses: Class H licenses authorize a person having a valid State brewpub license or craft brewer license to sell beer that is brewed on the premises or brewed and transferred on to premises as permitted by the State Liquor Code to the public at retail for consumption on the premises or in packages for consumption off premises. Each microbrewery location in the City, even if owned by the same person(s), must have a separate class H Brewery license to sell beer at retail on each premises where beer is sold at retail. Class H licenses are divided into the following subclasses:

a. Class H-1 Micro-Brewery 1 License is not limited as to the volume of retail or non-retail sale, except as limited by State law;

b. Class H-2 Micro-Brewery 2 License, limited to the sale at retail up to 15,000 gallons of beer on the premises in one year (without limit as to non-retail sale); and

c. Class H-3 Nano-Brewery License, limited to the sale at retail of up to 2500 gallons of beer on the premises in one year (without limit as to non-retail sale).

SECTION 2. Title 3, Chapter 3, Section 3-3-18 of the Batavia Municipal Code is hereby amended by eliminating the annual fee for Class H license and inserting the fee for Class H-1 license as $1300, inserting the annual fee for the Class H-2 license as $1000 and inserting the annual fee for Class H-3 license as $300.

SECTION 3. This Ordinance shall be in full force and effect upon its presentation, passage and publication according to law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ____ day of _____, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this this ____ day of _____, 2016.

_____
Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien									
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE: ____ Ayes ____ Nays ____ Absent ____ Abstentions Total holding office: Mayor and 14 aldermen										

ATTEST:

_____
Christine Simkins, Deputy City Clerk

R:\Secretary\Clients - Municipal\City of Batavia\Liquor\2016 Amendments\Ord. Amending the Liquor Code License for Breweries.doc

CITY OF BATAVIA 2017 CITY COUNCIL, COMMITTEE AND COMMISSION SCHEDULE
CALENDAR

1 /2, 1/16 and 9/4 are Monday Holidays—City Council will meet on Tuesdays after the HOLIDAY. Plan Co meets 1st and 3rd Wednesdays.

January 2017				
Monday	**Tuesday**	**Wednesday**	**Thursday**	**Friday**
January 2 HOLIDAY	January 3 CITY COUNCIL	January 4 Plan Commission	January 5	January 6
January 9 Historic Preservation Bicycle Commission	January 10 COW	January 11 Environmental Co	January 12	January 13
January 16 Civil Rights Day HOLIDAY Office closed	January 17 CITY COUNCIL	January 18 Plan Commission	January 19 Adjudication	January 20
January 23 Historic Preservation	January 24 COW	January 25	January 26	January 27
January 30	January 31			

February 2017				
Monday	**Tuesday**	**Wednesday**	**Thursday**	**Friday**
		Feb 1 **Plan Commission**	**Feb 2**	**Feb 3**
February 6 **CITY COUNCIL**	**February 7** **COW** **Fire and Police Com**	**February 8** **Environmental Co**	**February 9**	**February 10**
February 13 **Historic Preservation** **Bicycle Commission**	**February 14** **COW**	**February 15** **Plan Commission**	**February 16** **Adjudication**	**February 17**
February 20 **CITY COUNCIL**	**February 21** **COW**	**February 22** **Fire Pension**	**February 23**	**February 24**
February 27 **Historic Preservation**	**February 28** **COW**			

March 2017

Monday	Tuesday	Wednesday	Thursday	Friday
		March 1 Plan Commission	March 2	March 3
March 6 CITY COUNCIL	March 7 COW	March 8 Environmental Co	March 9	March 10
March 13 Historic Preservation Bicycle Commission	March 14 COW	March 15 Plan Commission	March 16 Adjudication	March 17
March 20 CITY COUNCIL	March 21 COW	March 22	March 23	March 24
March 27 Historic Preservation	March 28 COW How are we doing?	March 29	March 30	March 31

April 2017

Monday	Tuesday	Wednesday	Thursday	Friday
April 3 CITY COUNCIL	April 4 COW	April 5 Plan Commission	April 6	April 7
April 10 Historic Pres. Bicycle Commission	April 11 COW	April 12 Environmental Co	April 13	April 14 Spring Holiday Offices closed
April 17 CITY COUNCIL	April 18 COW	April 19 Plan Commission	April 20 Adjudication	April 21
April 24 Historic Pres.	April 25 COW	April 26	April 27	April 28

May 2017

Monday	Tuesday	Wednesday	Thursday	Friday
May 1 CITY COUNCIL	May 2 COW	May 3 Plan Commission	May 4	May 5
May 8 Historic Pres. Bicycle Commission	May 9 COW	May 10 Environmental Co	May 11	May 12
May 15 CITY COUNCIL	May 16 COW Fire Pension	May 17 Plan Commission	May 18 Adjudication	May 19
May 22 Historic Pres.	May 23 COW	May 24	May 25	May26
May 29 Holiday Memorial Day Office closed	May 30 COW How are we doing?	May 31		

June 2017

Monday	Tuesday	Wednesday	Thursday	Friday
			June 1	June 2
June 5 CITY COUNCIL	June 6 COW Fire and Police Com	June 7 Plan Commission	June 8	June 9
June 12 Historic Preservation Bicycle Commission	June 13 COW	June 14 Environmental Co	June 15 Adjudication	June 16
June 19 CITY COUNCIL	June 20 COW	June 21 Plan Commission	June 22	June 23
June 26 Historic Preservation	June 27 COW	June 28	June 29	June 30

July 2017

Monday	Tuesday	Wednesday	Thursday	Friday
July 3 CITY COUNCIL	July 4 HOLIDAY City offices closed Fire and Police Com	July 5 Plan Commission	July 6	July 7
July 10 Historic Preservation Bicycle Commission	July 11 COW	July 12 Environmental Co	July 13	July 14
July 17 CITY COUNCIL	July 18 COW	July 19 Plan Commission	July 20 Adjudication	July 21
July 24 Historic Preservation	July 25 COW	July 26	July 27	July 28
July 31				

August 2017

Monday	Tuesday	Wednesday	Thursday	Friday
	August 1 COW Fire and Police Com	August 2 Plan Commission	August 3	August 4
August 7 CITY COUNCIL	August 8 COW	August 9 Environmental Co	August 10	August 11
August 14 Historic Preservation Bicycle Commission	August 15 COW	August 16 Plan Commission Bat Police Pension	August 17 Adjudication	August 18
August 21 CITY COUNCIL Fire Pension	August 22 COW	August 23	August 24	August 25
August 28 Historic Preservation	August 29 COW	August 30	August 31	

September 2017

Monday	Tuesday	Wednesday	Thursday	Friday
				September 1
September 4 **LABOR DAY HOLIDAY** **Office closed**	**September 5** **CITY COUNCIL** **Fire and Police Com**	**September 6** **Plan Commission**	**September 7**	**September 8**
September 11 **Historic Pres** **Bicycle Commission**	**September 12** **COW**	**September 13** **Environmental Co**	**September 14**	**September 15**
September 18 **CITY COUNCIL**	**September 19** **COW**	**September 20** **Plan Commission**	**September 21** **Adjudication**	**September 22**
September 25 **Historic Pres.**	**September 26** **COW**	**September 27**	**September 28**	**September 29**

October 2017

Monday	Tuesday	Wednesday	Thursday	Friday
October 2 CITY COUNCIL	October 3 COW Fire and Police Com	October 4 Plan Commission	October 5	October 6
October 9 Historic Pres. Bicycle Commission	October 10 COW	October 11 Environmental Co	October 12	October 13
October 16 CITY COUNCIL	October 17 COW	October 18 Plan Commission	October 19 Adjudication	October 20
October 23 Historic Preservation	October 24 COW	October 25	October 26	October 27
October 30	October 31 COW			

November 2017

Monday	Tuesday	Wednesday	Thursday	Friday
		November 1 Plan Commission	November 2	November 3
November 6 CITY COUNCIL	November 7 COW Fire and Police Com	November 8 Environmental Co	November 9 COW Budget	November 10 CITY HOLIDAY Veteran's Day Office closed
November 13 Historic Pres. Bicycle Commission	November 14 COW	November 15 Plan Commission Bat Police Pension	November 16 COW Budget Adjudication	November 17
November 20 CITY COUNCIL	November 21 COW	November 22	November 23 CITY HOLIDAY Office closed	November 24 CITY HOLIDAY Office closed
November 27 Historic Pres.	November 28 COW How are we doing?	November 29	November 30	

December 2017				
Monday	**Tuesday**	**Wednesday**	**Thursday**	**Friday**
				December 1
December 4 CITY COUNCIL	December 5 COW Fire and Police Com	December 6 Plan Commission	December 7	December 8
December 11 Historic Preservation Bicycle Commission	December 12 COW	December 13 Environmental Co	December 14	December 15
December 18 CITY COUNCIL	December 19 COW	December 20 Plan Commission	December 21 Adjudication	December 22 CITY HOLIDAY?? Office closed
December 25 CITY HOLIDAY Office closed	December 26 COW	December 27	December 28	December 29
2018 Jan 1 CITY HOLIDAY Office closed	January 2 CITY COUNCIL	January 3 Plan Commission	January 4	January 5