

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

**Committee of the Whole Agenda**  
Tuesday, September 22, 2020  
7:00 PM Council Chambers 1st Floor

**The meeting will be broadcast live on BATV's YouTube channel which can be accessed from their website at [myBATV.com](http://myBATV.com) or <https://www.youtube.com/user/BATV1017>. If you plan to attend in person, you must wear a mask and please note there is limited seating available for the public in the room so that social distancing can be maintained.**

**If you would like to make comment by phone during the meeting, please send a request by email to [publiccomment@cityofbatavia.net](mailto:publiccomment@cityofbatavia.net) by 5:00 pm the day of the meeting indicating your name, phone number, the date of the meeting and the topic on which you would like to make comment. You will be called at the number you provided during the meeting at the time for public comment.**

1. Roll Call
2. Reminder: Please Speak Directly Into Microphone For BATV Recording
3. Items Removed/Added/Changed
4. Matters From The Public (For Items NOT On Agenda)
5. Resolution 20-111-R: Accepting 10 Feet Sidewalk Easement From Covenant Church For The Purpose Of Construction A 5 Feet Sidewalk Along The East Side Of The Church Property (RB 9/18/2020) CS

Documents:

[RES 20-111-R PLAT ALONG MILLVIEW DRIVE.PDF](#)

6. Discussion: Update From The City Administrator And Mayor From Their Discussions With Other Taxing Bodies
7. Discussion: Strategic Plan Update And S.W.O.T. Analysis
8. Project Status
9. Other
10. Adjournment

TO: Committee of the Whole-CS

FROM: Rahat Bari, P.E.-City Engineer/Engineering Services Manager

DATE: October 17, 2020

RE: **Resolution 20-111-R - Accepting 10 feet sidewalk easement from Covenant Church for the purpose of constructing a 5 feet sidewalk along the East side of church property**

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### **Background**

Millview Drive has parking spaces designated along the west side. These parking spaces are widely used by high school students every day during school year. Sometimes, parents and visitors use these parking spots for sports and cultural events. Besides, Covenant Church located at the south-west corner of Main Street and Millview Drive allows parking in their parking lot for these events and sometimes for overflow parking for students. Moreover, Engstorm family park is located on the east side of Millview Drive. Even though Engstorm park has designated parking lot, overflow vehicles park on Millview Drive. However, after parking cars on west side of Millview Drive, people walk on Millview Drive or through the Church parking lot to get to high school or to the Engstorm Park. The Church parking lot does not have any connection to the Main street hence ultimately people have to either walk through grass or Millview drive again to get to high school or to the park. The primary reason why people walk on the street or through the Church parking lot is because currently there is no sidewalk along the west side of Millview Drive south of Main Street. Walking on Millview drive can be unsafe condition for pedestrians and vehicles. Not to mention, it is quite inconvenient for a family with stroller during rain events.

### **Discussion**

The current Right of way (ROW) along the west side of Millview drive is only 3.5 feet behind the curb. The minimum width required for ADA accessible sidewalk is 4 feet. Besides the City has streetlights in those 3.5 feet ROW. So, it is not possible to construct an ADA accessible sidewalk within that existing ROW. As a result, early this summer, staff started discussion with Covenant Church to obtain sidewalk easement on the west side of Millview Drive from Church. Staff was able to secure a 10 feet wide easement for the purpose of constructing a 5 feet wide sidewalk along the west side of Millview Drive. The easement that was granted by the Church is along the east side of Church property from Main Street to south end of the Church Property. The electronic copy of the easement plat is attached to this memo for reference. Church officials have already signed the mylar copy of the plat granting the easement. In exchange, the Church is not seeking any monetary compensation. However, the Church has requested that the City make sidewalk connection to their parking lot from the future sidewalk along Millview Drive. Staff plans to connect the future sidewalk along Millview Drive to the church parking at the northern most end and at the south side of the driveway entrance from Millview Drive. It should be noted that this year the City improved southern corners of Millview Drive and Main Street intersection to make those ADA (American Disability Act) accessible. Once this sidewalk is constructed, people should be able to park on west side

of Millview drive and walk on sidewalk along church property to get to the high school. Moreover, the sidewalk will be safe accessible route to the Engstorm Park or to the high school for people with strollers or any disability.

**Recommended Action:**

Based on the above discussions, staff recommends for the Committee of the Whole approve the following:

Resolution 20-111-R - Accepting 10 feet sidewalk easement from Covenant Church for the purpose of constructing a 5 feet sidewalk along the East side of church property

**CITY OF BATAVIA, ILLINOIS  
RESOLUTION 20-111-R**

**ACCEPTING 10 FEET SIDEWALK EASEMENT FROM COVENANT CHURCH FOR THE PURPOSE OF  
CONSTRUCTING A 5 FEET SIDEWALK ALONG THE EAST SIDE OF CHURCH PROPERTY**

**WHEREAS**, the City of Batavia has identified the need for sidewalk along the west side of Millview Drive; and

**WHEREAS**, the City of Batavia does not have required right-of-way to construct the sidewalk; and

**WHEREAS**, Batavia Covenant Church is the property owner along the Millview Drive; and

**WHEREAS**, Batavia Covenant Church has agreed to grant 10 feet easement to the City of Batavia to construct the sidewalk; and

**WHEREAS**, Batavia Covenant Church is not requesting any monetary compensation for the sidewalk easement;

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

**SECTION 1:** That the Mayor and City Clerk are hereby authorized to accept the plat of easement from Batavia Covenant Church. The Plat is attached hereto as Exhibit "1".

**CITY OF BATAVIA, ILLINOIS RESOLUTION 20-111-R**

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**PRESENTED** to the City Council of the City of Batavia, Illinois, this 5<sup>th</sup> day of October 2020.

**PASSED** by the City Council of the City of Batavia, Illinois, this 5<sup>th</sup> day of October 2020.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 5<sup>th</sup> day of October 2020

\_\_\_\_\_  
Jeffery D. Schielke, Mayor

| Ward                  | Aldersperson | Ayes                  | Nays | Absent | Abstain | Aldersperson | Ayes | Nays        |  | Absent | Abstain |
|-----------------------|--------------|-----------------------|------|--------|---------|--------------|------|-------------|--|--------|---------|
| 1                     | O'Brien      |                       |      |        |         | Baerren      |      |             |  |        |         |
| 2                     | Callahan     |                       |      |        |         | Wolff        |      |             |  |        |         |
| 3                     | Meitzler     |                       |      |        |         | Chanzit      |      |             |  |        |         |
| 4                     | Malay        |                       |      |        |         | Knopp        |      |             |  |        |         |
| 5                     | Uher         |                       |      |        |         | Beck         |      |             |  |        |         |
| 6                     | Cerone       |                       |      |        |         | Russotto     |      |             |  |        |         |
| 7                     | McFadden     |                       |      |        |         | Miller       |      |             |  |        |         |
| Mayor Schielke        |              |                       |      |        |         |              |      |             |  |        |         |
| <b>VOTE:</b>          |              | Ayes                  |      | Nays   |         | Absent       |      | Abstentions |  |        |         |
| Total holding office: |              | Mayor and 14 aldermen |      |        |         |              |      |             |  |        |         |

**ATTEST:**

\_\_\_\_\_  
Ellen Posledni, City Clerk

# **Exhibit 1**

# PLAT OF EASEMENT GRANT

P.I.N. 12-21-300-005

## DESCRIPTION OF 10 FOOT SIDEWALK EASEMENT:

THE EAST 10 FEET (EXCEPT THE NORTH 40 FEET) OF THE FOLLOWING DESCRIBED PROPERTY: THAT PART OF THE SOUTH HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 21; THENCE EAST, ALONG THE QUARTER SECTION LINE, 617.10 FEET; THENCE SOUTH 0°27'30" EAST, 113.52 FEET TO THE CENTER LINE OF MAIN STREET; THENCE NORTH 89°52' WEST, ALONG SAID CENTER LINE, 523.56 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 0°41' EAST, 499.74 FEET; THENCE NORTH 89°52' WEST, PARALLEL WITH SAID CENTER LINE, 466.69 FEET; THENCE NORTH 0°41' WEST, 499.74 FEET TO SAID CENTER LINE; THENCE SOUTH 89°52' EAST, ALONG SAID CENTER LINE, 466.69 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF BATAVIA, KANE COUNTY, ILLINOIS.

## SIDEWALK EASEMENT PROVISIONS:

A PERPETUAL EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF BATAVIA, AN ILLINOIS MUNICIPAL CORPORATION (AND ITS SUCCESSORS AND ASSIGNS) (GRANTEE) AND EVANGELICAL COVENANT CHURCH OF BATAVIA (GRANTOR) WITH A LEGAL ADDRESS OF 1314 W. MAIN STREET, BATAVIA, ILLINOIS DESCRIBED HEREIN AND HEREON IDENTIFIED AS "SIDEWALK EASEMENT". THE GRANTOR IS THE OWNER OF THE GRANTED PROPERTY WHICH IS DESCRIBED IN THE ATTACHED LEGAL DESCRIPTION AND INCORPORATED HEREIN BY THIS REFERENCE (THE PROPERTY). THE PROPERTY CONTAINS OR WILL CONTAIN A SIDEWALK FOR PEDESTRIAN USAGE AS DEPICTED ON THE ATTACHED SURVEY AND INCORPORATED HEREIN BY THIS REFERENCE (THE SIDEWALK). GRANTEE IS RESPONSIBLE FOR MAINTAINING THE SIDEWALK IN WORKING CONDITION AND IN GOOD REPAIR IN ACCORDANCE WITH APPLICABLE CITY STANDARDS.

THE GRANTOR HEREBY GRANTS TO THE GRANTEE A PERPETUAL EASEMENT TO ENTER, RE-ENTER, AND USE THE PROPERTY TO USE, OCCUPY AND ACCESS THE PROPERTY FOR PUBLIC USAGE; AND TO PERFORM ANY OTHER ACTS NECESSARY TO PROTECT THE PROPERTY FROM DAMAGE.

THE GRANTEE SHALL HAVE AND EXERCISE THE RIGHT TO INGRESS AND EGRESS IN, TO, OVER AND ACROSS THE PROPERTY FOR ANY LAWFUL PURPOSE NEEDED FOR THE FULL ENJOYMENT OF THE RIGHTS GRANTED BY GRANTOR TO THE GRANTEE HEREUNDER. THE GRANTOR RETAINS THE RIGHT TO THE UNDISTURBED USE AND OCCUPANCY OF THE PROPERTY INsofar AS SUCH USE AND OCCUPANCY IS CONSISTENT WITH AND DOES NOT IMPAIR ANY GRANT HEREIN CONTAINED.

IN THE EVENT THE GRANTEE DEEMS IT NECESSARY TO ENTER THE PROPERTY FOR INSPECTION OR TO PERFORM MAINTENANCE OR REPAIR ACTIVITIES, THE GRANTEE SHALL USE ITS BEST EFFORTS TO NOTIFY GRANTOR AND COORDINATE ITS ACTIVITIES WITH GRANTOR. HOWEVER, THE GRANTEE RESERVES THE RIGHT TO ENTER THE PROPERTY WITH NOTICE TO GRANTOR IN THE EVENT OF AN EMERGENCY. THE GRANTOR SHALL NOT INSTALL OR PERMIT THE INSTALLATION OF ANY FENCE, WALL, STRUCTURE (ABOVE OR BELOW GROUND) OR LANDSCAPING THAT WOULD HINDER THE OPERATION OF THE EASEMENT OR IN ANY WAY IMPAIR THE GRANTEE'S RIGHT OF ACCESS PURSUANT TO THIS EASEMENT.

GRANTOR WARRANTS THAT IS HAS THE FULL RIGHT AND LEGAL AUTHORITY TO MAKE THE GRANT OF THIS EASEMENT, EXCEPT AS OTHERWISE EXPRESSLY PROVIDED HEREIN. ALL PROVISIONS IN THIS EASEMENT, INCLUDING THE BENEFITS, BURDENS AND COVENANTS, ARE INTENDED TO RUN WITH THE LAND AND SHALL BE BINDING UPON AND INSURE TO THE BENEFIT OF THE RESPECTIVE SUCCESSORS AND ASSIGNS OF THE PARTIES HERETO. THE GRANTEE SHALL RECORD THIS EASEMENT IN TIMELY FASHION IN THE OFFICIAL RECORDS OF KANE COUNTY, AND MAY RE-RECORD IT AT ANY TIME AS MAY BE REQUIRED TO PRESERVE ITS RIGHTS IN THIS EASEMENT.

THIS EASEMENT SHALL BE GOVERNED BY THE LAWS OF THE STATE OF ILLINOIS, AND ANY LEGAL ACTION CONCERNING THE PROVISIONS HEREOF SHALL BE BROUGHT IN THE COUNTY OF KANE, STATE OF ILLINOIS. THIS EASEMENT MAY ONLY BE MODIFIED UPON WRITTEN AGREEMENT BY THE PARTIES, EXCEPT AS MAY BE EXPRESSLY PROVIDED HEREIN. THERE ARE NO INTENDED THIRD PARTY BENEFICIARIES TO THIS SIDEWALK EASEMENT.

## OWNERS CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF KANE )SS

THIS IS TO CERTIFY THAT EVANGELICAL COVENANT CHURCH OF BATAVIA IS THE OWNER OF THE PROPERTY DESCRIBED HEREON AND BY THE DULY ELECTED OFFICERS, HAS CAUSED THE SAME TO BE AND GRANTED AS SHOWN HEREON FOR THE USES AND PURPOSES THEREIN SET FORTH AND DOES HEREBY APPROVE AND GRANT SAID SIDEWALK EASEMENT.

DATED AT BATAVIA, ILLINOIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2020.

BY: \_\_\_\_\_ ATTEST: \_\_\_\_\_

EVANGELICAL COVENANT CHURCH OF BATAVIA  
1314 W. MAIN STREET  
BATAVIA, ILLINOIS, 60510

STATE OF ILLINOIS )  
COUNTY OF KANE )SS

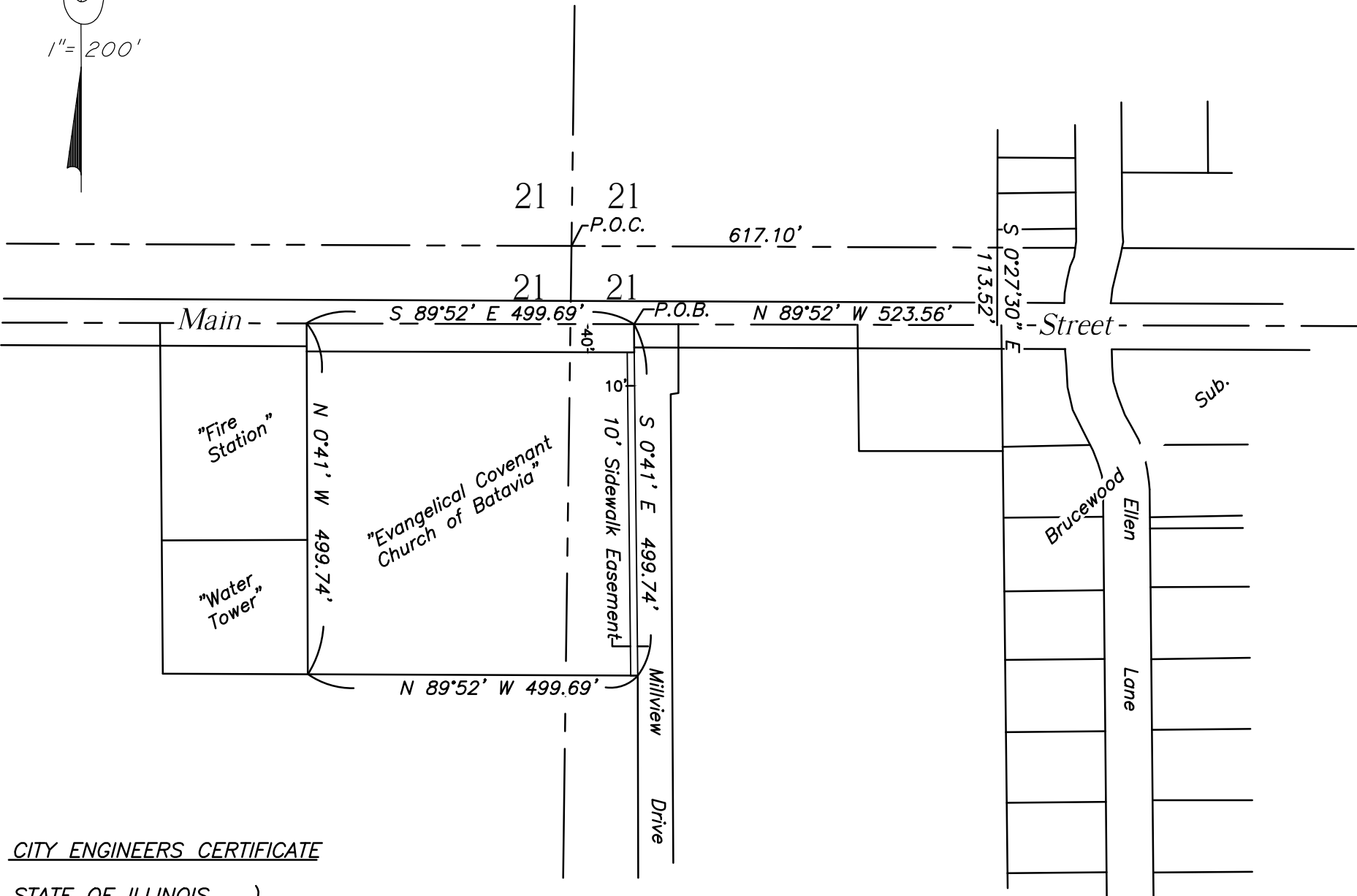
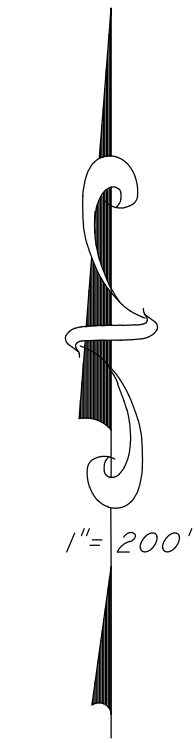
I, A NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_ AND \_\_\_\_\_, OFFICERS OF THE EVANGELICAL COVENANT CHURCH OF BATAVIA, WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE, APPEARED BEFORE ME THIS DAY, IN PERSON, AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE ANNEXED PLAT FOR THE USES AND PURPOSES THEREIN SET FORTH AS THE FREE AND VOLUNTARY ACT OF SAID CHURCH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2020.

NOTARY PUBLIC



License Renewal/Date of Expiration = 11/30/2020



## CITY ENGINEERS CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF KANE )SS

I, RAHAT BARI, AS CITY ENGINEER OF THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THIS DOCUMENT IS APPROVED UNDER MY OFFICE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2020.

CITY ENGINEER

## CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF KANE )SS

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2020.

BY: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
MAYOR CITY CLERK

## RECORDERS CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF KANE )SS

THIS INSTRUMENT NO. \_\_\_\_\_ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2020, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.

BY: \_\_\_\_\_  
COUNTY RECORDER

## COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF KANE )SS

I, JOHN A. CUNNINGHAM, COUNTY CLERK IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX AGAINST ANY OF THE LAND INCLUDED IN THE PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE PLAT. GIVEN UNDER MY HAND AND SEAL OF THE COUNTY AT GENEVA, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_\_.

BY: \_\_\_\_\_  
COUNTY CLERK

State of Illinois )  
County of Kane )ss

This is to certify that the plat hereon drawn is a correct representation of a sidewalk easement prepared in part of the South half of Section 21, Township 39 North, Range 8 East of the Third Principal Meridian, Batavia Township, Kane County, Illinois. All distances are given in feet and decimal parts thereof.

Dated at Batavia, Illinois, July 30th, 2020

Shawn R. VanKampen  
Illinois Professional Land Surveyor No. 035-2710

Advanced Surveying & Mapping  
(Illinois Professional Design Firm No. 6014)  
16 E. Wilson Street Batavia, Illinois 60510  
(630) 879-0200

