

**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)
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

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**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

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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.

**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**

<b>Revenues</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
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
<b>Total</b>	<b>74,357</b>	<b>138,884</b>	<b>183,282</b>	<b>244,895</b>	<b>293,092</b>	<b>328,908</b>	<b>327,722</b>
<b>Expenses</b>	<b>3,756</b>	<b>8,221</b>	<b>35,896</b>	<b>44,849</b>	<b>132,804</b>	<b>28,465</b>	<b>318,047</b>
TIF 3 Fund Balance	<b>70,601</b>	<b>201,264</b>	<b>348,651</b>	<b>548,697</b>	<b>708,985</b>	<b>1,009,429</b>	<b>1,019,104</b>

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

### TIF # 3 Expenses

#### TIF #3 - 2005

Landscape Design	303
Construction Admin Svcs	691
Parkway Press Vestibule	1,962
Architects	800
<b>Total</b>	<b>3,756</b>

#### TIF #3 - 2006

Site Study	8,221
<b>Total</b>	<b>8,221</b>

#### TIF #3 - 2007

Site Study	2,199
Sprinkler Grant Program	25,000
Construction Svcs.	3,960
Property Appraisals	3,500
Professional Svcs.	1,238
<b>Total</b>	<b>35,896</b>

#### TIF #3 - 2008

Site Study	36,926
Landscape Design	2,135
Property Appraisals	2,500
Misc. Svcs	3,288
<b>Total</b>	<b>44,849</b>

#### TIF #3 - 2009

Site Study	4,794
Landscape Design	2,425
Downtown Improvement Grant	25,000
Reimbursements	100,000
Misc. Svcs	585
<b>Total</b>	<b>132,804</b>

#### TIF #3 - 2010

Property Appraisal	2,000
Streetscape Plan	19,557
Island Deal review	6,908
<b>Total</b>	<b>28,465</b>

#### 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
<b>Total</b>	<b>318,047</b>

#### TIF #3 - 2012

Professional Services	12,611
Electrical	6,151
Repairs	5,770
River Street Reconstruction Project	1,156,644
<b>Total</b>	<b>1,181,176</b>

#### TIF #3 - 2013

Riverwalk	40,000
Wilson Street Streetscape	520,818
<b>Total</b>	<b>560,818</b>

#### TIF #3 - 2014

<b>Total</b>	<b>-</b>
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#### 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
<b>Total</b>	<b>528,900</b>

## **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.

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 <b>NO</b> projects were undertaken by the Municipality Within the Redevelopment Project Area: _____			
<b>ENTER</b> total number of projects undertaken by the Municipality Within the Redevelopment Project Area and list them in detail below*.			5
<b>TOTAL:</b>	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**

<b>Project 1:</b> River Street Streetscape Project			
Private Investment Undertaken (See Instructions)			\$ -
Public Investment Undertaken	\$ 1,193,142	\$ -	
Ratio of Private/Public Investment	0		0

**Project 2:**

<b>Project 2:</b> Wilson Street Streetscape			
Private Investment Undertaken (See Instructions)			
Public Investment Undertaken	\$ 533,429		
Ratio of Private/Public Investment	0		0

**Project 3:**

<b>Project 3:</b> Houston Street			
Private Investment Undertaken (See Instructions)			
Public Investment Undertaken	\$ 38,400		
Ratio of Private/Public Investment	0		0

**Project 4:**

<b>Project 4:</b> 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:**

<b>Project 5:</b> 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:**

<b>Project 6:</b>			
Private Investment Undertaken (See Instructions)			
Public Investment Undertaken			
Ratio of Private/Public Investment	0		0

# CITY OF BATAVIA

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**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.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-63

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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.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-64

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**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										
<b>VOTE:</b>		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  $\frac{1}{4}$  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  $\frac{1}{4}$  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  $\frac{1}{2}$  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  $\frac{1}{4}$  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  $\frac{1}{4}$  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** Amendments to the Official Zoning Map from R0 Single Family Residential to  
**HEARING:** 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, about 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 1 seeks 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



**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 10<sup>th</sup>

day of May, 2016.

**CITY OF BATAVIA**

\_\_\_\_\_  
Mayor

**FOREST PRESERVE DISTRICT OF  
KANE COUNTY**

Michael Kenyon  
Michael J. Kenyon, President

**ATTEST:**

\_\_\_\_\_  
City Clerk

Philip Lewis  
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

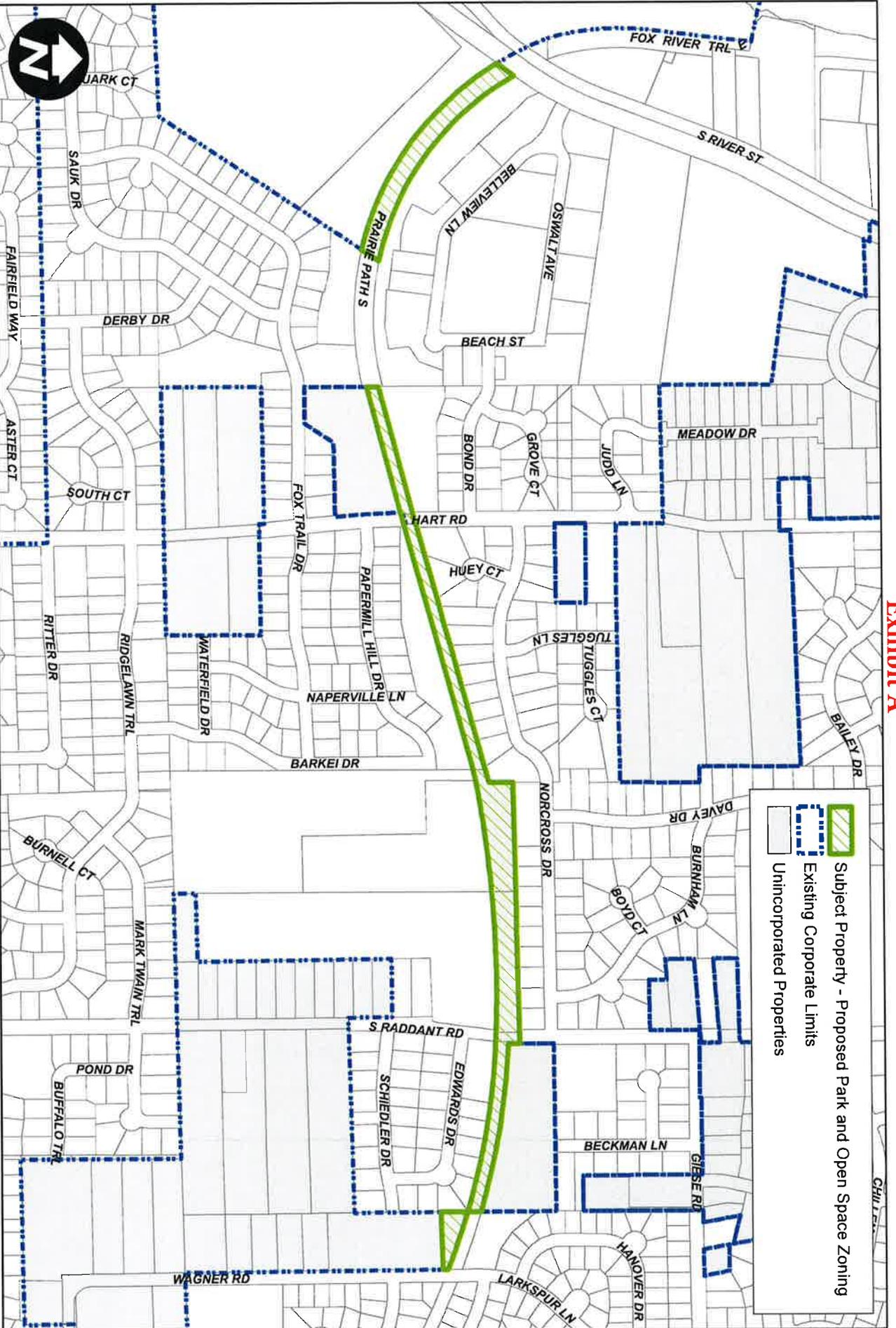
12-26-426-016

12-26-426-021

**EXHIBIT B**

Map of Territory Annexed





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.



Zoning Map Amendment for Illinois Prairie Path



SOURCE: BATIGIS, 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.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-63

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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.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-64

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**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										
<b>VOTE:</b>		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  $\frac{1}{4}$  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  $\frac{1}{4}$  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  $\frac{1}{2}$  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  $\frac{1}{4}$  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  $\frac{1}{4}$  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

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**DATE:** September 14, 2016  
**TO:** Plan Commission  
**FROM:** Joel Strassman, Planning and Zoning Officer  
**SUBJECT: PUBLIC** Amendments to the Official Zoning Map from R0 Single Family Residential to  
**HEARING:** 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, about 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 1 seeks 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



**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.

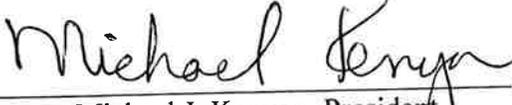
IN WITNESS WHEREOF the undersigned parties have executed this Agreement this 10<sup>th</sup>

day of May, 2016.

**CITY OF BATAVIA**

\_\_\_\_\_  
Mayor

**FOREST PRESERVE DISTRICT OF  
KANE COUNTY**

  
\_\_\_\_\_  
Michael J. Kenyon, President

**ATTEST:**

\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
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





**Zoning Map Amendment for Illinois Prairie Path**

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.



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

# CITY OF BATAVIA

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**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.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-\_\_\_\_\_

**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										
<b>VOTE:</b> ____ Ayes    ____ Nays            ____ Absent            ____ Abstentions <b>Total holding office: Mayor and 14 aldermen</b>										

ATTEST:

\_\_\_\_\_  
Christine Simkins, Deputy City Clerk

# 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 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays.

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

**February 2017**

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

March 2017

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

April 2017

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

**May 2017**

<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>May 1</b> <u><b>CITY COUNCIL</b></u>	<b>May 2</b> <u><b>COW</b></u>	<b>May 3</b> <u><b>Plan Commission</b></u>	<b>May 4</b>	<b>May 5</b>
<b>May 8</b> <u><b>Historic Pres.</b></u> <u><b>Bicycle Commission</b></u>	<b>May 9</b> <u><b>COW</b></u>	<b>May 10</b>  <u><b>Environmental Co</b></u>	<b>May 11</b>	<b>May 12</b>
<b>May 15</b> <u><b>CITY COUNCIL</b></u>	<b>May 16</b> <u><b>COW</b></u>  <u><b>Fire Pension</b></u>	<b>May 17</b> <u><b>Plan Commission</b></u>	<b>May 18</b> <u><b>Adjudication</b></u>	<b>May 19</b>
<b>May 22</b> <u><b>Historic Pres.</b></u>	<b>May 23</b> <u><b>COW</b></u>	<b>May 24</b>	<b>May 25</b>	<b>May 26</b>
<b>May 29</b> <u><b>Holiday</b></u> <b>Memorial Day</b> <b>Office closed</b>	<b>May 30</b> <u><b>COW</b></u> <b>How are we doing?</b>	<b>May 31</b>		

**June 2017**

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

**July 2017**

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

August 2017

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

**September 2017**

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

**October 2017**

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

**November 2017**

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

**December 2017**

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