

TO: Committee of the Whole-CD

FROM: Scott Buening, Community Development Director

DATE: May 4, 2020

RE: Resolution 20-074-R Accepting a Deed of Dedication for Main Street at 1033 Main Street

Summary: Resolution Accepting a Deed of Dedication for a Portion of Main Street.

Background: The City has been working with the property owners at 1033 and 1103 Main Street in relation to the obligations under the Kathryn's Kove annexation agreement. One of the obligations was to dedicate 43 feet of the property for Main Street right-of-way (ROW). This area was already dedicated in front of 1103 Main a few years ago. The attached deed of dedication does convey this land to the City for ROW purposes in accordance with the annexation agreement terms. This is being done at no cost to the City other than recording fees.

Alternatives:

- Pass the Resolution and accept the deed of dedication
- Do not pass the Resolution and do not accept the deed of dedication

a. **Budget Impact-** The dedication will only cost the City recording fees which would be less than \$100.00.

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

Timeline for actions: There is no specific timeline for action, however the deed has been prepared, signed by the property owner and can be recorded once approved.

Staff recommendation: Staff recommends the Committee approve of Resolution 20-074-R—Accepting a Deed of Dedication for Main Street at 1033 Main Street.

Attachments:

1. Resolution 20-074-R—Accepting a Deed of Dedication for Main Street at 1033 Main Street.
2. Deed of Dedication.
3. Area Map.

Cc: Mayor & City Council
File

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 20-074-R**

**RESOLUTION AUTHORIZING ACCEPTING A DEED OF DEDICATION FOR MAIN
STREET AT 1033 MAIN STREET**

WHEREAS, pursuant to an annexation agreement requirement, the Property Owners at 1033 Main Street have agreed to dedicate a portion of their property for Main Street and they have prepared a Deed of Dedication for a portion of said road, the parcel being identified as part of PIN 12-21-251-186; and

WHEREAS, the owners, Tracy C. Beckley and Owen D. Beckley as Trustees of the Owen D. Beckley Living Trust and the Tracy C. Beckley Living Trust have authorized the dedication of this parcel as public right-of-way for roadway purposes as described in the Deed of Dedication; and

WHEREAS, the City agrees to accept this land for public right-of-way purposes as described in the Deed of Dedication;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATAVIA, KANE COUNTY AND DUPAGE COUNTY, ILLINOIS, as follows:

SECTION 1: The recitals set forth above are incorporated as if fully stated herein as a material term of this Resolution.

SECTION 2: The Mayor and City Council hereby authorize acceptance of the Deed of Dedication of the right-of-way as described in the Deed of Dedication attached as Exhibit "A".

SECTION 3: The Deed of Dedication of the property in the form attached as Exhibit "A" is hereby approved and accepted.

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

CITY OF BATAVIA, ILLINOIS RESOLUTION 20-074-R

PRESENTED to the City Council of the City of Batavia, Illinois, this _____ day of _____, 2020.

PASSED by the City Council of the City of Batavia, Illinois, this _____ day of _____, 2020.

APPROVED by me as Mayor of said City of Batavia, Illinois, this _____ day of _____, 2020.

Jeffery D. Schielke, Mayor

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

ATTEST:

Ellen Posledni, City Clerk

**TRUSTEES' DEED OF
DEDICATION**

MAIL TO:

City of Batavia
100 N. Island Avenue
Batavia, IL 60510
Attn: Scott Buening

THE GRANTORS, Tracy C. Beckley and Owen D. Beckley, Trustees under the Owen D. Beckley Living Trust dated April 4, 1996, and Tracy C. Beckley and Owen D. Beckley, Trustees under the Tracy C. Beckley Living Trust dated April 4, 1996, of the City of Batavia, County of Kane, State of Illinois, for and in consideration of Ten and No/100's Dollars (\$10.00) in hand paid CONVEY AND QUIT CLAIM to Grantee, THE CITY OF BATAVIA, ILLINOIS, an Illinois municipal corporation, of 100 N. Island Avenue, Batavia, Illinois, 60510, of the City of Batavia, County of Kane, State of Illinois, all interest in the following described real estate (the "Parcel") situated in the County of Kane, in the State of Illinois, to wit:

The South 43.00 feet of the following described parcel: That part of the East Half of Section 21, Township 39 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the point of intersection of the center line of Main Street with the Westerly line of Van Nortwick Avenue extended Southerly; Thence Westerly along said center line 1299.57 feet for a Point of Beginning; Thence Easterly along said centerline 126.28 feet; Thence Northerly along a line forming an angle of 90 Degrees 19 Minutes with the last described course measured clockwise therefrom, 350.00 feet; Thence Westerly parallel with said centerline 126.28 feet to a line drawn parallel with the penultimate described course from the Point of Beginning; Thence Southerly along said parallel line 350.00 feet to the Point of Beginning, in the Township of Batavia, Kane County, Illinois. (parcel contains 5,340.04 square feet = 0.123 acres).

P.I.N.: 12-21-251-186 (portion of entire parcel)

1077 Main St. Batavia, IL 60510

SUBJECT TO: Easements of record and zoning laws and ordinances; and subject to the provisions and restrictions of record, incorporated herein by reference.

This Trustees' Deed is executed pursuant to and in the exercise of the power and authority granted to, and vested in said Co-Trustees by the terms of said deed or deeds in trust delivered to said Co-Trustees in pursuance of the trust agreements mentioned above.

THIS IS NON-HOMESTEAD PROPERTY

Dated this 9 day of April, 2020.

The Owen D. Beckley Living Trust
dated April 4, 1996

by: *Owen D. Beckley*
Owen D. Beckley, Co-Trustee

by: *Tracy C. Beckley*
Tracy C. Beckley, Co-Trustee

The Tracy C. Beckley Living Trust
dated April 4, 1996

by: *Owen D. Beckley*
Owen D. Beckley, Co-Trustee

by: *Tracy C. Beckley*
Tracy C. Beckley, Co-Trustee

STATE OF Michigan)
) SS.
COUNTY OF Emmet)

The undersigned, a notary public in and for the said County, in the State aforesaid, DOES HEREBY CERTIFY that Tracy C. Beckley and Owen D. Beckley, as respective Trustees of the Owen D. Beckley Trust dated April 4, 1994, and of the Tracy C. Beckley Trust dated April 4, 1996, personally are known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, as Co-Trustees of the respective Living Trusts set forth above, for the uses and purposes therein set forth, including the release and waiver of the right of homestead, if any.

GIVEN under my hand and notarial seal this 9 day of April, 2020.

Patricia A. Desimone
Notary Public

My commission expires: 07/05/2025

This transaction, exempt under the provisions of Paragraph b, Section 31-45 of the Real Estate Transfer Tax Act.

Dated April 9, 2020.

Owen D. Beckley
Buyer, Seller or Representative

This instrument prepared by:

Robert A. Boron
Robert A. Boron, Ltd.
33 N. LaSalle Street, Ste. 3200
Chicago, Illinois 60602

PATRICIA A. DESIMONE
Notary Public, Emmet County MI
My Commission Expires July 5, 2025



Sandy Wegman

Kane County Recorder
719 S. Batavia Ave., Bldg. C
Geneva Il, 60134
Phone: 630-232-5935
Fax: 630-232-5945

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)
COUNTY OF KANE)^{SS}

Owen Beckley

, being duly sworn on oath,

states that affiant resides at 1033 Main Street, Batavia, Illinois 60510

And further states that: (please check the appropriate box)

- A. That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land; or
- B. That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons: (please circle the appropriate number)

1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
10. This conveyance is of land described in the same manner as title was taken by grantor(s).

AFFIANT further states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kane County, Illinois, to accept the attached deed for recording.

PATRICIA A. DESIMONE
Notary Public, Emmet County MI
My Commission Expires July 5, 2025

SUBSCRIBED AND SWORN TO BEFORE ME

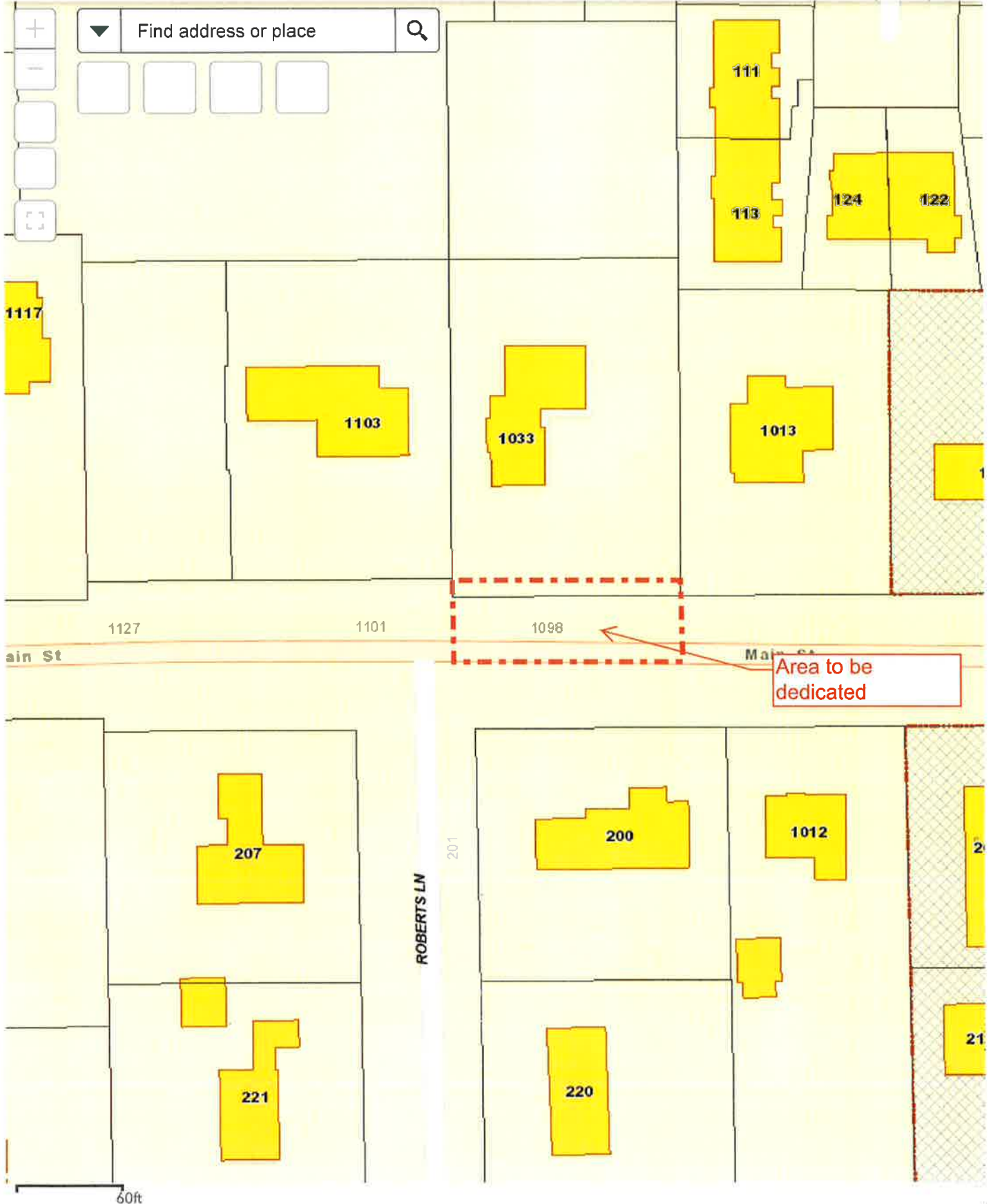
This 9 day of April, 2020

Patricia A. Desimone

Signature of Notary Public

Owen Beckley

Signature of Affiant



Area to be dedicated

33 324 41 847 04 miles